

APPENDIX 2

DPEA EXAMINATION REPORT WITH ADDENDUM

The purpose of this Addendum to the Examination Report is to identify where, after clarification, the Reporter's recommendations or conclusions in the following Examination Report have been amended or withdrawn.

Page	Issue	Clarification sought	Reporter's response	Impact on Modification
214	15b Minerals and Other Extractive Activities	Clarification was sought from the Reporter as to whether it would be better to have the same wording in respect of the 'financial bonds' elements of Policies ER4B Minerals and Other Extractive Activities and EP9B Waste Management Infrastructure, particularly given restoration of a minerals site might be its use as a landfill	The Reporter had no objection to the Council's suggestion	Consequential modification to Policy EP9B for consistency with Policy ER4B
271	18 Environmental Protection and Public Safety	Clarification was sought as to the precise wording recommended in respect of Policy EP9B (I), to ensure that surplus/waste heat is utilised, rather than just demonstrating its use would be viable	The Reporter recognised the Council's intention and agreed this would be desirable	Consequential modification to Policy EP9B (I) to meet the policy's objective of ensuring that surplus/waste heat is used and not wasted
291	20b Employment Land Strategy	Clarification was sought in respect of minor consequential amendments proposing the addition of a title and explanatory note to the table at paragraph 4.3.4 of the Proposed LDP	The Reporter agreed and welcomed the Council's suggestion in the interests of clarity	Technical modification to table 4.3.4 to add a title and an explanatory note to identify long term and specialist sites such as Oudenarde and James Hutton Institute
339	20f Greenfield Land and Housing Density	Clarification was sought in respect of an alternative method of adding additional information to the plan to indicate density	The Reporter suggests the Council should follow the original recommendation (as agreed) or simply to delete paragraph 4.3.13 and the associated table	Following clarification, the Reporter has indicated that the Council may proceed with this modification without the inclusion of an additional density range column for each housing allocation

Page	Issue	Clarification sought	Reporter's response	Impact on Modification
364	21 Perth Strategic Development Area	In respect of site E38 Ruthvenfield Road, clarification was sought that the recommendation should read 'Masterplan and phasing to incorporate a suitable road access through the site into site H73 (not H72 as stated) (Almond Valley Village) and thence into site H7'	The Reporter agreed that the reference to site H72 in connection with the access to site E38 should indeed be to H73	Technical modification made
365	21 Perth Strategic Development Area	The Council suggested additional text would provide clarity when describing the development potential of the area of white land to the south of H70. The text suggested was "The area of white land to the south of H70 is excluded from the Green Belt and included within the settlement boundary so as to preserve its development potential, which could come forward through a planning application during the plan period."	The Reporter agreed that the proposed additional wording would be in accordance with his recommendation	Consequential modification to insert an additional note within H70
475	25b Perth Area (within Core) – East Settlements	Clarification was sought in respect of the location of the open space designation recommended in response to Woolcombe Square representations	The Reporter clarified that it pertains to land east of Stormont Road	Modification to Proposals Map to identify the site as open space
527	26b Perth Area (out with Core) East Settlements and Landward Sites	Clarification was sought in respect of the Reporter's conclusions, particularly in the preliminary matters where he considers whether the release of large residential land allocations would be consistent with TAYplan Policy 4	No change to the Reporter's recommendations, however a modification is proposed to his conclusions	The first bullet point at paragraph 3 of the conclusions on this Issue should be modified to read: "All of the areas of land referred to lie in the Carse of Gowrie. A release on only one of them –in the vicinity of Errol Airfield/Grange - would prejudice the delivery of a Strategic Development Area as identified in Table 1: Strategic Development Areas which is incorporated within Policy 4 of TAYplan."

Page	Issue	Clarification sought	Reporter's response	Impact on Modification
551	26c Perth Area (out with Core) South Settlements and Landward Sites	Clarification was sought as to whether, following a modification to the settlement boundary, the land west of Midfield, Abernethy referred to would lie within or outside the settlement boundary	The Reporter clarified, for the avoidance of doubt, that the land west of Midfield is outwith the settlement boundary	Settlement boundary modified on Proposals Map
617	29a Highland Perthshire Area – East Settlements with Proposals	Clarification was sought that the mitigation measures recommended by the HRA, and referred to in his conclusions, should be included in the site specific developer requirements for Site H40 at Ballinluig	The Reporter agreed with the Council's suggestion	Modify the site specific developer requirements in respect of Site H40
709	33a Kinross-shire Area – Kinross/Milnathort Large Housing Sites	Clarification was sought that the recommendation should read H75 instead of H73 in respect of Site Op12 Former High School	The Reporter agreed with the Council's suggestion to identify the site as H75	Technical modification made
742	35a Kinross-shire Area – North and East Settlements with Proposals	Clarification was sought that the recommendation should read H54 instead of H52 in respect of the site at Scotlandwell	The Reporter agreed with the Council's suggestion to identify the site as H54	Technical modification made
759	35b Kinross-shire Area – West Settlements with Proposals	Clarification was sought that the recommendations in respect of Blairingone new site should include site specific developer requirements regarding onsite affordable housing provision; and road and access improvements	The Reporter agreed with the Council's suggestion	Add site specific developer requirements in respect of Site H74
840	40 Strathearn Area – Small Settlements and Landward Sites	Clarification was sought that neither the field that is accessed from Commander's Grove, Braco, nor the settlement boundary in that area were unresolved issues	The Reporter agreed with the Council that no modification is required in respect of the Braco settlement boundary	No modification required

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Mrs Brenda Murray
Planning and Regeneration
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Our ref: LDP-340-1

11 October 2013

Dear Mrs Murray

**PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the authority's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 25 March 2013. We have completed the examination, and now submit our report, enclosing one bound and one unbound copy.

In our examination we considered all 69 issues arising from unresolved representations which were identified by the authority. In each case we have taken account of the summaries of the representations and the responses, as prepared by the authority, and the original representations, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the authority and other parties. We did require to hold one hearing on 25 July 2013.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the authority is now required to make the modifications to the plan as set out in our recommendations.

The authority should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the authority will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.



A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the authority. It will advise them that the report is now available to view at the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA341253>

and at the authority's office at Pullar House, 35 Kinnoull Street, Perth, PH1 5GD and that it will also be posted on the authority's website.

The documents relating to the examination should be retained on the authority's website for a period of six weeks following the adoption of the plan by the authority.

It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.

Yours sincerely

Hugh M Begg
Reporter

Timothy P W Brian
Reporter

David Buylia
Reporter

Douglas Hope
Reporter

REPORT TO PERTH AND KINROSS COUNCIL

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN EXAMINATION

Reporters: Hugh M Begg MA(Hons) MA PhD DipTP FRTPI
Timothy P W Brian BA(Hons) DipURP MRTPI
David Buylla BA(Hons) MRTPI
Douglas Hope BSc(Hons) MA DipTP FRGS MRTPI

Date of Report: 11 October 2013

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Issue 1		Vision and Objectives	
Development plan reference:	2.2 - Vision Statement, page 17 2.3 - Key Objectives, page 18	Reporter: David Buylla	
Body or person(s) submitting a representation raising the issue (including reference number):			
Heather Brand (00275) Portmoak Community Council (00638) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) Universities Superannuation Scheme Ltd (00844) Manse LLP (00850) Scottish Environment Protection Agency (03194)		The Gleneagles Hotel (09004) Jim Pritchard (09104) J W Farquharson & G D Strawson (09117) TACTRAN (09203) Helen & Xander McDade (09502) Arklay Guthrie (09692) Auchtergaven Community Council (10045) Stewart Milne Homes (10080) Homes for Scotland (10214)	
Provision of the development plan to which the issue relates:	LDP Vision and Objectives		
Planning authority's summary of the representation(s):			
<u>Vision</u> Homes for Scotland (10214/1/007): The vision has no timetable unlike TAYplan (Core_Doc_099). Stewart Milne Homes (10080/15/002): The LDP is a forward looking document and needs to consider needs and demands as well as the requirements of SPP (Core_Doc_048) and TAYplan (Core_Doc_099). J W Farquharson/G D Strawson (09117/5/001): The vision statement does not adequately explain why such a large proportion of growth to 2024 is focused on peripheral expansion of Perth with no discussion of reasonable alternatives. This puts all of the eggs in one basket and does not adequately consider the environmental and sustainability benefits of creating a new growth point to complement this peripheral growth of the city which is necessary given the population and household growth forecasts over the plan period. It would be prudent to identify strategic growth around 'The Horn' in the Carse of Gowrie (refers Vision Document for the Horn Grange (Core_Doc_098)). Scottish Environment Protection Agency (03194/19/001): Scotland's Zero Waste Plan (Core_Doc_042) contains aims and objectives for local authorities to work towards. The inclusion of text within the vision statement which promotes the Zero Waste message would demonstrate the Council's positive approach towards planning for sustainable resource use. Helen & Xander McDade (09502/1/002): Reference is made throughout the SEA (Core_Doc_087) to the importance of sustainable development. It must be remembered that environmental quality is an essential part of that, not something which is traded			

against perceived economic benefit. Since Perth and Kinross relies heavily on tourism, this link is particularly explicit. The quality of the environment itself is the key driver for a lot of the economic activity; therefore the environment within the area must be one of the most important considerations within any development planning.

TACTRAN (09203/1/001); Carse of Gowrie Sustainability Group (00788/1/002); Fiona Ross (00786/1/001); Jim Pritchard (09104/1/001); Portmoak Community Council (00638/1/003): Support the Plan as written.

Objectives

Arklay Guthrie (09692/8/001); Heather Brand (00275/1/003); The Gleneagles Hotel (09004/7/001); Auchtergaven Community Council (10045/1/001); Universities Superannuation Scheme Ltd (00844/1/001); Manse LLP (00850/1/001): Support the Plan as written.

Modifications sought by those submitting representations:

Vision

Homes for Scotland (10214/1/007): A timescale should be included within the vision in line with TAYplan (Core_Doc_099).

Stewart Milne Homes (10080/15/002): The vision should detail how Perth and Kinross will actually deliver sites in the Plan period and ensure a 5 year housing land supply is also available at the end of the Plan period.

J W Farquharson/G D Strawson (09117/5/001): The Vision Statement should include reference to identifying a strategic growth point in the Carse of Gowrie in the vicinity of Grange to meet needs towards the latter stage of the LDP i.e. 2019 onwards.

Scottish Environment Protection Agency (03194/19/001): Add the following sentence to section 2.2: *'We want to put a Plan in place that will enable us to live a Zero Waste lifestyle, maximising the value from waste resources'*.

Helen & Xander McDade (09502/1/002): No specific change sought but it is implied that the vision should more strongly emphasise the importance of environmental quality as an element of sustainable development.

Summary of responses (including reasons) by planning authority:

Vision

Homes for Scotland (10214/1/007): The LDP vision is continuous rather than an end target. As recognised in LDP paragraph 2.2.7 achieving the Plan's vision will transcend the period of this Plan. There is a strategic target of 2032 for the achieving of the overall SDP vision and it is not therefore considered necessary or appropriate for the LDP to set a separate timescale.

No modification is proposed to the Plan.

Stewart Milne Homes (10080/15/002): The Council cannot deliver sites on the ground; this is down to the development industry. The Council can only allocate sites through the LDP process and put in place mechanisms such as developer contributions to help facilitate the bringing forward of these sites. The maintenance of a 5 year effective housing land supply will be monitored through the annual Housing Land Audit as per

PAN 2/2010 paragraph 45 (S4_Doc_594) and the bi-annual Action Programme.

No modification is proposed to the Plan.

J W Farquharson/G D Strawson (09117/5/001): TAYplan defines the spatial strategy with the bulk of growth directed to principal settlements. TAYplan Policy 5c (S4_Doc_062) presumes *'against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas'*. This approach was endorsed by the Reporter at the TAYplan examination (TAYplan examination report page 251 paragraphs 4 & 6 (S4_Doc_595)). The LDP has to be consistent with the Strategic Development Plan.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/19/001): The Plan already makes reference to Scotland's Zero Waste Plan (Core_Doc_042) in paragraph 4.3.20. Furthermore the LDP paragraph 2.2.5 refers to the wish to *'reduce our impact on our local and global environment'* and paragraph 2.2.6 advises that the area should be developed in a way which does not place an unsustainable burden on future generations. It is not therefore considered necessary to make further specific reference to the Zero Waste Plan in the vision statement.

No modification is proposed to the Plan. However if the Reporter is so minded the local authority would be comfortable with this additional wording being inserted as it would not have any implications for any other aspect of the Plan.

Helen & Xander McDade (09502/1/002): The importance of environmental quality is recognised in the vision statement (paragraph 2.2.6), the LDP Key Objectives *'A well cared for rural environment is a social and economic asset vital to the wellbeing of the area's citizens and to future prosperity'* (paragraph 2.3), and in the Sustainable Economic Development diagram at paragraph 2.4.2 under the need to provide places for people to live that are considerate to the environment. It is therefore considered that the Plan already makes a strong link between the importance of environmental quality as an element of sustainable development.

No modification is proposed to the Plan.

Reporter's conclusions:

Vision

1. The plan's vision is a statement that sets the context for the policies and proposals which follow and for the way in which the authority will approach its development planning and development management functions in the future. Paragraph 2.1.1 confirms that the plan's vision is intended to provide a local context to that set out in TAYplan. It can therefore be assumed to follow the TAYplan vision's 2032 end date and there is no benefit in specifying a date within the plan itself. A commitment to ensuring a continuous seven year supply of developable housing land is one of the plan's key objectives and there would be no benefit in adding this detailed objective to the more broadly worded vision statement. The issue of housing land supply is considered in more detail under Issues 20c to 20e.

2. Policy 5B of TAYplan sets out an explicit requirement for the proposed plan to presume against land releases in the Carse of Gowrie. The Proposed Plan is required by law to be consistent with the strategic development plan. Allocating a strategic growth point in this location would be inconsistent with TAYplan and is simply not an option that can be considered at this stage.

3. It would be appropriate for the vision statement to confirm a commitment to Scotland's Zero Waste Plan and the additional wording suggested by the Scottish Environment Protection Agency would be an appropriate addition.

4. There is no need for the vision to contain any further reference to the importance of environmental protection, as the authority's commitment to this is already made clear in a number of places within the vision statement.

Reporter's recommendations:

1. Add the following sentence to section 2.2: *'We want to put a Plan in place that will enable us to live a Zero Waste lifestyle, maximising the value from waste resources'.*

Issue 2	Strategy	
Development plan reference:	2.4 – Strategy, page 19-21 4.3.17 – Reducing the Need to Travel, page 65	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Alison Bowman (00194) Alan Crombie (00288) Scottish Power (00455) Portmoak Community Council (00638) ABO Wind UK Ltd (00812) Councillor Michael Barnacle (02633) Friends of Rural Kinross-shire (05105) Persimmon Homes East Scotland (09004/15) Taylor Wimpey UK Ltd (09004/27) Jim Pritchard (09104)		J W Farquharson/G D Strawson (09117) SSE plc (09311) Steve Sayers (09520) A & J Stephen Limited (09727) G S Brown Construction Ltd (09817) Alistair Godfrey (09941) Stewart Milne Homes (10080) George Pease (10115) Homes for Scotland (10214) David Wilson Homes (10227) John Munro (10277)
Provision of the development plan to which the issue relates:	LDP Strategy	
Planning authority's summary of the representation(s):		
<p><u>Overall Strategy</u></p> <p>Alison Bowman (00194/1/001): Need to think beyond economics when considering where development land of any description should be. The quality of land in terms of food production, forestry or use to nature needs to be taken into account. There needs to be a balance between all uses, and looking at development in isolation will lead to squandering natural resources.</p> <p>George Pease (10115/1/001); Friends of Rural Kinross-shire (05105/1/004): Arable land is a precious resource for food production and there is insufficient recognition in the LDP of the need to protect it.</p> <p>Councillor Michael Barnacle (02633/1/001): The MIR (Core_Doc_095) should have stated as a significant core value the need to protect prime agricultural land and our scenic landscape against inappropriate development but the LDP does not adequately respond to this.</p> <p>John Munro (10277/1/013): Given that sustainable development is partly based on the natural environment of the area it is surprising the draft strategy pays limited regard to this. There is little reference to landscape/ecology/biodiversity/local climate etc which should be key factors in determining land uses and development densities. The proposed urban form does little to relate to these. The right approach would be to 'design with nature'.</p> <p>Portmoak Community Council (00638/1/004): Support the Plan as written.</p>		

Sustainable Economic Growth

Alan Crombie (00288/1/001): Migration to/from Perth & Kinross (and thus demand for housing) is affected by the level of employment and pay on offer in the area. Pay in Highland Perthshire is well below the Scottish and UK averages due to the seasonal nature of many jobs and the relatively high level of unemployment both registered and 'hidden'. LDP needs to address the generation of full-time permanent year round employment.

John Munro (10277/1/003): The proposed strategy for the Perth Area lacks clear rationale. It is unclear how it will further sustainable development in its environmental, social and economic aspects given that the 2006 Planning Act (Core_Doc_148) states that such involves the environmental, economic and social aspects so extends to key issues of climate change, energy scarcity and an ageing population.

Homes for Scotland (10214/1/008): Support the Plan as written.

Demographic Change

David Wilson Homes (10227/1/001); G S Brown Construction Ltd (09817/3/006); Taylor Wimpey UK Ltd (09004/27/001); A & J Stephen Ltd (09727/5/001); Persimmon Homes East Scotland (09004/15/001); Homes for Scotland (10214/1/009): Object to the use of the 2006 General Register Office for Scotland (GROS) projections (Core_Doc_013). The LDP should instead be based on the 2008 GROS projections (Core_Doc_134) for some or all of the following reasons: to ensure a lack of effective housing land does not become a constraint should the market improve; the 2006 figures are out of date, this is a weakness of the strategic requirement proposed in TAYplan identified by the Reporter examining that Plan – DPEA have requested TAYplan to consider implications of using 2008 GROS projections (DPEA request re policy 5 and TAYplan response (S4_Doc_070)); planning for growth does not automatically mean it will happen but a message can be sent to the house building industry that Perth and Kinross is open for business; the population is naturally growing and there is scope to increase the strategic housing requirements to encourage development and growth particularly in established settlements; TAYplans's use of the 2006 GROS projections seeks to impose on the ability of LDPs to properly plan for their areas; proper use of the 2008 GROS projections would not result in sites coming forward which undermine the delivery of the TAYplan strategy rather it would set a suitably ambitious target and allow for a generous and effective land supply in line with Scottish Government's aims including those in Scottish Governments Firm Foundations Report (Core_Doc_101) and National Planning Framework 2 (Core_Doc_020); increasing housing numbers could have environmental impacts but the LDP is required to consider such impacts; the housing land requirement should be based on the most up to date projections available; 2008 GROS projections should have been considered as an alternative growth scenario in the MIR (Core_Doc_095) in line with Circular 1/09 (Core_Doc_001); and the Council assume immigration will be curtailed due to lack of mortgage funding but acknowledge that one of the largest groups of incomers are older people looking to retire who generally have more equity.

Councillor Michael Barnacle (02633/1/002); Jim Pritchard (09104/1/002); Steve Sayers (09520/1/002); Alistair Godfrey (09941/1/001): Object to the use of the 2006 GROS projections (Core_Doc_013). The LDP should instead be based on lower growth projections for some or all of the following reasons: the growth rate poses serious demographic challenges and is neither desirable nor sustainable from an environmental perspective; the Single Outcome Agreement (Core_Doc_100) is predicated on being proactive within the growth agenda in order to achieve the concept of a Greater Perth and

City status but this is now confirmed so such a growth level no longer needed; bad planning to base assumptions about future growth on outdated figures; figures are inappropriate because they are underpinned by high economic growth and in-migration assumptions which no longer apply; growth assumptions are not properly supported by evidence – population growth in Kinross-shire does not follow normal statistical growth due to the lack of significant local employment meaning young people move away but growth can come from additional housing being made available to people moving into the areas for amenity and value concerns; and TAYplan and the growth figures contained within it have not been approved by Scottish Ministers – TAYplan's adoption of Scottish Government growth projection is admitted to be constrained by current economic difficulties and SPP paragraph 15 (S4_Doc_314) requires development plans to be aspirational but realistic.

Alistair Godfrey (09941/1/001): LDP should identify the realistic needs to be met within the Plan period taking into account wider economic trends, ability of the local economy to sustain development and using the housing strategy (it is assumed this refers to the Council's Local Housing Strategy) to identify need and demand as per SPP paragraph 69 (S4_Doc_315) and the Housing (Scotland) Act 2001 (it is assumed this refers to Part 5 Section 89 of the Act (S4_Doc_603)). There is little in the LDP to show how economic growth will be achieved and no detail to show how the planned economic land will be used, without which there is limited justification for the scale of development proposed. SPP paragraph 5 (S4_Doc_316) requires plans to provide guidance to investors but there is no explicit recognition of this in the LDP.

Jim Pritchard (09104/1/003): There is no evidence for the reference in LDP paragraph 2.4.7 that *'the inherent demand for housing both in terms of need and aspirations remains largely intact'*.

John Munro (10277/1/011): The rapidly aging population will pose huge problems for the Council yet its implications seem not be fully recognised in the LDP. Contributing to housing shortages is a lack of small homes with easy reach of facilities which would suit elderly people. This leads to under-occupation of family homes. By providing attractive alternatives locally these households may be willing to move to places where they can easily access facilities without having to use a car.

Economic Downturn

Homes for Scotland (10214/1/010): Paragraph 2.4.8 should be replaced by the Main Issues Report paragraph 3.2.12 (S4_Doc_222) as it underpins the whole argument for planning effectively for growth. Using up to date projections is crucial. Planning for growth does not mean it will happen but message can be sent that Perth and Kinross Council is open for business and initiatives aimed at stimulating the housing sector can be targeted with LDP support.

Stewart Milne Homes (10080/15/001): The perceived impact on the market of the lack of mortgage finance and the inability of the housing building industry to access development finance are not planning issues that should be materially taken account of in plan preparation and are not supported by fact.

Climate Change

SSE plc (09311/1/010): LDP should recognise the benefits and contribution that renewable energy generation can make to tackling the onset of climate change.

Scottish Power (00455/1/001): LDP should make a specific link between the role of renewable energy generation in mitigating climate change and renewable energy generation targets.

ABO Wind UK Ltd (00812/2/001): Concerned that the focus on tackling climate change does not address the economic and social benefits which renewable energy developments or low carbon technologies can contribute to the economy. Renewable energy developments can encourage investment and business opportunities in the region, make positive environmental enhancements, and contribute to the key challenge of achieving sustainable economic growth.

Jim Pritchard (09104/1/004): Supports the Plan as written.

Transport

J W Farquharson/G D Strawson (09117/1/001 & 09117/3/001): The Plan should focus development next to existing and potential new public transport routes/nodes such as railway stations. There is no reference to this in the strategy section (2.4.10 - 2.4.14) or to reducing the use of private cars and encouraging the use of public transport/maximising accessibility to public transport routes.

Modifications sought by those submitting representations:

Overall Strategy

Alison Bowman (00194/1/001): There needs to be a balance between all land uses rather than looking at development land in isolation. No specific modification is suggested.

George Pease (10115/1/001): Protection of arable land should have a much more prominent place in the overall Plan strategy.

Friends of Rural Kinross-shire (05105/1/004): There should be an absolute embargo on development on arable ground.

Councillor Michael Barnacle (02633/1/001): Protection of prime agricultural land and scenic landscape against inappropriate development should be a core value of the LDP.

John Munro (10277/1/013): Draft strategy should pay more regard to the natural environment but no specific modification is suggested.

Sustainable Economic Growth

Alan Crombie (00288/1/001): LDP needs to address the generation of full-time permanent year round employment but no specific modification is suggested.

John Munro (10277/1/003): No specific modification sought but is implied that there is a need for greater clarity on or explanation of the approach to sustainable development and how this will incorporate the key issues of climate change, energy scarcity and an ageing population and factors relating to these issues.

Demographic Change

David Wilson Homes (10227/1/001); G S Brown Construction Ltd (09817/3/006); Homes for Scotland (10214/1/009): LDP should use 2008 GROS projections (Core_Doc_134).

Taylor Wimpey UK Ltd (09004/27/001); Persimmon Homes East Scotland (09004/15/001): LDP Demographic Change paragraphs 2.4.4 and 2.4.5 should be

amended to reflect at least the 2008-based population and household projection (2008 GROS) (Core_Doc_134).

A & J Stephen Ltd (09727/5/001): No specific modification sought other than LDP should be encouraged to meeting identified land requirements. Implied that 2008-base GROS projections (Core_Doc_134) should be used.

Councillor Michael Barnacle (02633/1/002); Steve Sayers (09520/1/002): No specific modification sought other than LDP should be based on lower growth rates.

Jim Pritchard (09104/1/002): No specific modification sought other than population projections on which LDP is based should be revised downwards.

Alistair Godfrey (09941/1/001): No specific modifications sought but implied that LDP should adopt lower growth projections based on the housing needs identified in the housing strategy (it is assumed this refers to the Council's Local Housing Strategy) and taking account of wider economic trends and the ability of the local economy to sustain development.

Jim Pritchard (09104/1/003): No specific modification sought other than the LDP's assumption of housing need and aspiration should be justified.

John Munro (10277/1/011): No specific modification sought other than the LDP needs to fully recognise the implications of the rapidly aging population and needs to encourage the provision of more small houses.

Economic Downturn

Homes for Scotland (10214/1/010): Paragraph 2.4.8 should be replaced by the Main Issues Report paragraph 3.2.12 (S4_Doc_222): *'The land use planning system has to be prepared to respond to any economic upturn and ensure that the lack of effective housing land does not become a constraint on general economic recovery. Should the planning system be unable to respond to economic recovery through a lack of identified effective housing land supply, there would be pressure to release housing land through ad-hoc decisions. This presents the possibility that the decision making process would respond primarily to the housing land shortage at the expense of longer term sustainability issues. This would also defeat one of the primary aims of the new planning system to be planned'*.

Stewart Milne Homes (10080/15/001): References to the economic downturn should be removed from the LDP.

Climate Change

SSE plc (09311/1/010): LDP should specifically recognise the benefits and contribution that renewable energy generation can make to tackling the onset of climate change within the introductory chapters to the Plan.

Scottish Power (00455/1/001): LDP should make a specific link between the role of renewable energy generation in mitigating climate change and renewable energy targets.

ABO Wind UK Ltd (00812/2/001): No specific modification sought but is implied that LDP paragraphs 2.4.9 and 2.4.10 should better emphasise the role that renewable energy development plays in not just tackling climate change but also its social and economic benefits.

Transport

J W Farquharson/G D Strawson (09117/1/001 & 09117/3/001): Reference should be added to LDP paragraph 4.3.17 to encouraging growth at public transport nodes. References should be added to paragraphs 2.4.10 and 2.4.12-2.4.14 to public transport.

Summary of responses (including reasons) by planning authority:Overall Strategy

Alison Bowman (00194/1/001): The LDP was informed by the SEA (Core_Doc_087 and Core_Doc_089). The purpose of SEA is to give prominence to environmental considerations in land allocation decisions. In this respect it is not considered that the LDP does look at development land in isolation as suggested.

No modification is proposed to the Plan.

George Pease (10115/1/001); Councillor Michael Barnacle (02633/1/001): It is considered that the protection of prime agricultural land and the scenic landscape are already core values of the LDP reflected in the key objectives under Place and also implicit in the vision statement which requires the area to be developed in such a way so as not to place an unsustainable burden on future generations. Both soil and landscape are topics considered through the SEA page 9 (S4_Doc_604) and have therefore been taken into account in the preparation of the LDP. Furthermore LDP Policy ER5 (S4_Doc_506) protects prime agricultural land and Policy ER6 (S4_Doc_397) requires development proposals to conserve and enhance the landscape qualities of Perth and Kinross. It is not therefore considered necessary to further emphasise these issues in the LDP strategy section.

No modification is proposed to the Plan.

Friends of Rural Kinross-shire (05105/1/004): LDP Policy ER5 (S4_Doc_506) protects prime agricultural land and presumes against development on such land except in specific limited circumstances. There is a limited supply of vacant brownfield land within Perth and Kinross, as demonstrated in the Scottish Vacant and Derelict Land Survey return 2011 (S4_Doc_606), therefore it is not considered practical to place an absolute embargo on the development of arable land but instead to strictly control and limit the instances where prime agricultural land can be developed as described in policy ER5.

No modification is proposed to the Plan.

John Munro (10277/1/013): The factors mentioned: landscape, ecology, biodiversity and local climate all feature in the LDP key objectives (S4_Doc_422) and have been taken into account in the preparation of the LDP through the SEA process (pages 31-35) (S4_Doc_605).

No modification is proposed to the Plan.

Sustainable Economic Growth

Alan Crombie (00288/1/001): LDP is a land use plan so can only allocate sites for employment uses, seek to ensure the maintenance of a continuous supply of developable economic development land, and adopt policies which encourage the development of such uses. In the view of the Council the LDP strategy, policies and site allocations provide a framework to facilitate sustainable economic growth. Whilst the Council may have a role in stimulating growth this is not a land use issue and is better

covered in other policy documents.

No modification is proposed to the Plan.

John Munro (10277/1/003): Refer to diagram at LDP paragraph 2.4.2 - this diagrammatic approach is considered a good way of illustrating the LDP's approach to sustainable economic development. Furthermore the factors mentioned have also been taken account in the preparation of the LDP through the SEA process (Core_Doc_087 and Core_Doc_089).

No modification is proposed to the Plan.

Demographic Change

David Wilson Homes (10227/1/001); G S Brown Construction Ltd (09817/3/006); Taylor Wimpey UK Ltd (09004/27/001); A & J Stephen Ltd (09727/5/001); Persimmon Homes East Scotland (09004/15/001); Homes for Scotland (10214/1/009): The housing land requirement is set out in the Strategic Development Plan in line with SPP paragraph 72 (S4_Doc_317). The TAYplan MIR pages 15-18 (S4_Doc_607) considered the appropriate alternative projections in advance of preparing the proposed TAYplan. The increase of the housing land requirement to reflect the 2008-based GROS projections was considered at the TAYplan examination. The inquiry report concluded that there was no clear evidence which could reasonably lead the Reporter to conclude that the regional build rate provided for in the proposed Strategic Development Plan was either inappropriate or insufficient. To the contrary the Reporter found that the parameters set in TAYplan ought to enable LDPs to allocate a generous supply of housing land. The Reporter further recognised that should growth rates exceed projections there is a commitment to review TAYplan by 2017. No change was therefore made to TAYplan policy 5 (S4_Doc_062) to amend the housing land requirement (TAYplan examination report page 220 paragraph 15) (S4_Doc_597). The LDP must be consistent with the Strategic Development Plan therefore it is not appropriate to amend the LDP housing land requirement to reflect the 2008-based GROS projections.

No modification is proposed to the Plan.

Councillor Michael Barnacle (02633/1/002); Jim Pritchard (09104/1/002); Steve Sayers (09520/1/002); Alistair Godfrey (09941/1/001): The housing land requirement for all housing market areas is set out in the Strategic Development Plan in line with SPP paragraph 72 (S4_Doc_317). A decrease in the housing land requirement was considered at the TAYplan examination. As discussed above the Reporter found the proposed regional build rate to be sufficient and appropriate. The Reporter further considered that a reduction in build rates would not provide for a generous supply of land for housing which would in turn be inconsistent with SPP (TAYplan examination report page 221 paragraph 17) (S4_Doc_598). No change was therefore made to TAYplan policy 5 (S4_Doc_062) to amend the housing land requirement (TAYplan examination report page 220 paragraph 15) (S4_Doc_597). The LDP must be consistent with the Strategic Development Plan therefore it is not appropriate to base the LDP housing land requirement on lower growth rates.

No modification is proposed to the Plan.

Jim Pritchard (09104/1/003); Alistair Godfrey (09941/1/001): The housing land requirement is set out in the Strategic Development Plan. This was informed by the TAYplan Housing Needs and Demand Assessment (Core_Doc_190) which was carried

out in accordance with the Scottish Government's HNDA Guidance and confirmed as robust and credible by the Scottish Government Housing and Regeneration Directorate (Scottish Government Housing Needs & Demand Assessment letter) (Core_Doc_608). The HNDA findings confirm a continuing demand for housing in Perth and Kinross. It is not therefore considered necessary or appropriate to include further details in the LDP.

No modification is proposed to the Plan.

John Munro (10277/1/011): LDP paragraph 2.4.4 recognises that meeting the needs of a growing and changing population is one of the many challenges to be faced. Household size is an issue which is continuing to be researched and quantified in conjunction with the Council's Housing Service through both the TAYplan and Perth & Kinross Council's own Housing Needs and Demand Assessments. However whilst the LDP can, through suggested density ranges, encourage the provision of more small houses it is ultimately a land use plan and cannot therefore dictate the size of houses to be built on a site. Furthermore good placemaking principles dictate that mixed communities catering for all needs are appropriate on larger sites and this is further addressed through the masterplanning process taking account of local needs.

No modification is proposed to the Plan.

Economic Downturn

Homes for Scotland (10214/1/010): The issue raised is considered to be adequately summarised in LDP paragraph 2.4.8.

No modification is proposed to the Plan. However if the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification as it would not have any implications for any other aspect of the Plan.

Stewart Milne Homes (10080/15/001): This is background information which it is felt relevant to include to help set the context in terms of explaining why it is still necessary to plan for growth in light of the current economic downturn.

No modification is proposed to the Plan.

Climate Change

SSE plc (09311/1/010); Scottish Power (00455/1/001); ABO Wind UK Ltd (00812/2/001): Whilst the economic, and in some cases social, benefits of renewable energy development are acknowledged it is not the role of the LDP to promote certain types of development but rather to support and enable appropriate development in the right locations. Support for renewable and low carbon sources of energy is considered to be covered by LDP policy ER1 (S4_Doc_392).

No modification is proposed to the Plan. However if the Reporter is so minded to recommend that the proposed modifications are adopted, the local authority would be comfortable with this as it would not have any implications for any other aspect of the Plan.

Transport

J W Farquharson/G D Strawson (09117/1/001 and 09117/3/001): The aim of the LDP is to produce a settlement pattern which reduces the need to travel. This is highlighted in

the key objectives under place (S4_Doc_422) which include the need to produce a more efficient settlement pattern by ensuring the location of new development contributes to reducing the need to travel. Also in the spatial strategy section at paragraphs 4.3.16 - 4.3.17 (S4_Doc_505) which identify the need to reduce travel by private car, to ensure most growth takes place in or close to existing settlements, and to locate major expansion areas where improvements to public transport can be delivered. Given that the focus is on ultimately reducing the need to travel overall it is considered that the issue of locating new development near to existing public transport routes and nodes is most appropriately addressed in LDP policy e.g. Policy TA1B (S4_Doc_387) which requires new development proposals to be well served by and easily accessible to all modes of transport in particular more sustainable modes including public transport. It is not therefore considered necessary to amend the strategy paragraphs of the LDP.

No modification is proposed to the Plan.

Reporter's conclusions:

Overall Strategy

1. The Proposed Plan's Vision Statement recognises at paragraph 2.2.4 that rural spaces are the source of food and other raw materials, and it is proposed to protect prime quality agricultural land under Policy ER5. However, the absence of any reference in the plan's strategy to the resource production importance of agricultural land is an omission that should be addressed in order to provide context and justification for Policy ER5.
2. The Strategic Environmental Assessment (SEA) process has ensured that environmental considerations such as landscape, ecology, biodiversity and climate change have been taken into account in developing the Proposed Plan's strategy. The need to balance economic growth with environmental protection is set out in paragraph 2.4.3 as one of the challenges for the plan's strategy and there would be no benefit to the clarity of this statement in listing specific environmental considerations.

Sustainable Economic Growth

3. In seeking to achieve sustainable economic growth, the proposed strategy identifies the need to balance a number of economic, social and environmental issues. Job creation is one important economic and social objective, which is adequately dealt with in the proposed strategy. While it might be desirable if there were increased opportunities for permanent, year-round employment as opposed to lower-paid, seasonal jobs, there is no convincing evidence before this examination that this is a particular issue that requires to be addressed or that the planning system, through the proposed local development plan, is the appropriate vehicle for its achievement.

Demographic Change

4. The proposed plan must be consistent with TAYplan, which sets out housing targets that are informed by the 2006 General Register Office for Scotland (GROS) projections. Even if there were convincing evidence that the 2006 projections are unrealistic, which there is not, it would be inappropriate for the proposed plan to seek to revisit this issue, either by adopting the higher growth projections that were forecast in the 2008 GROS projections or by adopting lower growth aspirations than have been set at strategic development plan level. This matter is discussed in more detail under Issue 20c Housing Land Strategy.

5. The strategy does not explicitly highlight the effects of an ageing population as an issue for the plan to address. As this is a significant matter, which the planning system has a role in addressing, it would be beneficial for the strategy to refer briefly to it.

Economic Downturn

6. It is accepted that, for the sake of clarity, paragraph 2.4.8 should be replaced with paragraph 3.2.12 in the Main Issues Report, which far more clearly explains why the Proposed Plan should allocate sites that are capable of responding to any upturn in development activity.

Climate Change

7. The plan's strategy highlights the importance of mitigating climate change and of other environmental, economic and social issues, with which renewable energy proposals are likely to assist. However, the proposed strategy does not focus on individual development types. Rather, it identifies issues, which are likely to be important over the plan period and which require to be addressed in the plan's policies and proposals. It would be inappropriate to single-out within the strategy, the role of renewable energy generation and it is more appropriate to deal with this in Policy ER1, which is the policy that deals specifically with this development type.

10. The potential for energy scarcity has implications for the planning system. Scottish Planning Policy identifies the importance of energy efficiency and of developing more secure and diverse energy supplies. It would therefore be appropriate for the Proposed Plan's strategy to refer to this issue.

Transport

10. The Proposed Plan's spatial strategy sets out at paragraph 4.3.17 a series of objectives that aim to reduce the need to travel including a requirement to ensure that most growth is encouraged to take place in or close to existing settlements. There is no need for reference to be made in the earlier strategy section of the plan, as the reference within the spatial strategy adequately addresses the point and is the more appropriate location for what is a spatial consideration.

Reporter's recommendations:

1. Add a new paragraph 2.4.15 under the subheading "Use of resources" to read as follows:

"Use of resources

2.4.15 Agricultural land provides an important role in food and other resource production. The quality of such land is graded according to its value, and that which is recognised to be of the highest quality requires to be protected from redevelopment unless there is no alternative."

2. Add a new paragraph 2.4.16 under the new "Use of resources" subheading to read as follows:

"2.4.16 In order to address potential energy scarcity issues in the future, development needs to be located and designed in a way that maximises energy efficiency. The benefit

of development which delivers more secure and diverse energy supplies will also need to be recognised.”

3. Add to the end of paragraph 2.4.6 the following sentence:

“The projected increase in the average age of our population will require new homes and services to be appropriately located and will have implications for the design of new development.”

4. Replace paragraph 2.4.8 with paragraph 3.2.12 from the Main Issues Report, which reads as follows:

“The land use planning system has to be prepared to respond to any economic upturn and ensure that the lack of effective housing land does not become a constraint on general economic recovery. Should the planning system be unable to respond to economic recovery through a lack of identified effective housing land supply, there would be pressure to release housing land through ad-hoc decisions. This presents the possibility that the decision making process would respond primarily to the housing land shortage at the expense of longer term sustainability issues. This would also defeat one of the primary aims of the new planning system to be plan-led.”

Issue 3	Placemaking	
Development plan reference:	PM1 – Placemaking, page 23 PM2 - Design Statements, page 24 RD1 - Residential Areas, page 31	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (00239) Portmoak Community Council (00638) Douglas Davidson (00743) Liz Hodgson (00853) Scottish Natural Heritage (05211) Theatres Trust (08819) John Beales (09092)		John Dewar Lamberkin Trust (09166) TACTRAN (09203) Archibald McHardy (09232) Arklay Guthrie (09692) G S Brown Construction Ltd (09817) Frank Moisey (09950) Homes for Scotland (10214)
Provision of the development plan to which the issue relates:	Placemaking policy group section with associated reference to Residential Development policy section.	
Planning authority's summary of the representation(s):		
<p><u>PM1 Placemaking</u> G S Brown Construction Ltd (09817/3/001): Policy PM1A – Off-site improvements are not the responsibility of developers to implement.</p> <p>Policy PM1C - Recycling centres are bad neighbours and should not be located within developments.</p> <p>Douglas Davidson (00743/3/001): The policy should more clearly state recognition of the impacts and effects that development may have sequentially on existing neighbouring property and place character.</p> <p>Theatres Trust (08819/1/002): Policy PM1B should be more specific in respect of exactly what existing infrastructure should be retained.</p> <p>Scottish Natural Heritage (05211/1/001): Welcome Perth & Kinross Council's commitment to delivering mixed, walkable environments and appropriate consideration for mitigation and adaption of climate change when assessing development proposals.</p> <p>An integrated approach should be adopted between associated placemaking supplementary guidance and the green infrastructure supplementary guidance referred to in Policy NE4 (S4_Doc_415).</p> <p>Policy PM1 B –</p> <ul style="list-style-type: none">• criteria (b) is amended to state: 'Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area'.• criteria (c) does not address landscape character specifically.		

Additional criterion recommended including specific reference to green space, such as; *'ensuring the incorporation of green infrastructure into new developments with connections where possible to green networks'*.

Frank Moisey (09950/2/001): Policy PM1C – Recommended reduction in the threshold currently suggested to 100 units from 200 units either in a single site or over several sites, which would allow for the aims Policy PM3 (S4_Doc_496) to be broadened.

Homes for Scotland (10214/1/014): PM1C – Consider that the Placemaking Guide has been superseded by Scottish Government Policy; Designing Streets (Core_Doc_014). Perth & Kinross Council must ensure no contradiction of Scottish Government policy within their own guidance.

Arklay Guthrie (09692/7/001); TACTRAN (09203/2/001); John Dewar Lamberkin Trust (09166/10/001); John Beales (09092/1/003); Portmoak Community Council (00638/1/006): Support for Policy PM1

Homes for Scotland (10214/1/013): Conditional support for ethos of placemaking policy, with caveat concerns regarding deliverability through associated complex land ownership issues. Statement continues to say, *'the costs of incorporating new landscape and planting must be commensurate with the scale of development to ensure viability is not threatened'*.

PM2 Design Statements

John Dewar Lamberkin Trust (09166/8/001): In relation to strategic development sites such as Proposal H70 (Perth West) (S4_Doc_798), design statements should form an integral element of Masterplans.

RD1 Residential Areas

Lynne Palmer (00239/9/001) Need for better land efficiency in urban situations; for example 3+ storey buildings rather than single storey. Specific reference made to *'Perth City "small sites"'*, which could be developed for flats for optimum use of space.

TACTRAN (09203/8/001); Archibald McHardy (09232/1/002); Portmoak Community Council (00638/1/010): Support for Policy RD1.

New Policy

Liz Hodgson (00853/1/001): Request for additional planning policy on democracy within the LDP to enable greater protection and participation opportunities for the local community on planning related development issues with planning currently favouring the developer and private sector while other nations have planning laws, which give local communities more say and choice.

Modifications sought by those submitting representations:

PM1 Placemaking

G S Brown Construction Ltd (09817/3/001): PM1A delete *'beyond the site'*; PM1C delete *'recycling'*.

Douglas Davidson (00743/3/001): Amend to take account of sequential impact and effect on existing property and features.

Theatres Trust (08819/1/002): Amend criteria (g) to be more specific about what should be retained.

Scottish Natural Heritage (05211/1/001): Amend Policy PM1B (g) to include specific reference to green infrastructure and green networks; and additional wording to Policy PM1B (b and c) in terms of reference to wider landscape character of the area.

Frank Moisey (09950/2/001): Amend Policy PM1C to apply to a lower threshold of 100 units in a community, whether on one or many sites.

Homes for Scotland (10214/1/014): Delete reference to Placemaking Guide.

PM2 Design Statements

John Dewar Lamberkin Trust (09166/8/001): For strategic development projects, Design Statements should form an integral part of Masterplans.

RD1 Residential Areas

Lynne Palmer (00239/9/001): No specific modification sought but considers a need for efficiency and best use to be made of available space in small and infill developments.

New Policy

Liz Hodgson (00853/1/001): New planning policy providing local communities a greater say on planning and development issues.

Summary of responses (including reasons) by planning authority:

PM1 Placemaking

G S Brown Construction Ltd (09817/3/001): The overarching intention of this policy is to highlight, reinforce and respect the importance of established place and wider site context. It is a national objective as referred to in Scottish Planning Policy 2010 paragraphs 34 - 40 Sustainable Development (S4_Doc_329), paragraphs 77 – 85 Location and Design of New Development (S4_Doc_330) in association with Designing Places (Core_Doc_138) and Designing Streets (Core_Doc_014). This is identified as a regional objective through Policy 2 of TAYplan (S4_Doc_066). Development should relate and integrate with its surroundings, addressed on a site by site basis. This has been occasionally a failing of the past, with some settlement expansion plans taking place where the development has turned its back on an existing place and has failed to successfully recognise or deliver opportunities to link, integrate and effectively knit the proposed development into the existing surrounding urban and natural environment. Wherever links are sought beyond a development site, there is general cognisance for the associated financial implications of the developer requirements being commensurate with the scale of the development being proposed. If linkages are required off-site then it is legitimate for a developer to carry out the works (or to require a financial contribution to allow the works to proceed) provided it is in line with the policy tests and other requirements of Circular 1/10 Planning Agreements (S4_Doc_521).

Recycling is an integral consideration and requirement for all development, which should correspondingly relate in scale, nature, type and form to that which the development relates with careful consideration to place and use. This reflects national policy through Scottish Planning Policy (2010) (Core_Doc_048), including Sustainable Development paragraphs 37, 39 (S4_Doc_329) and Waste Management paragraph 213 (S4_Doc_799). This is also reflected regionally through Policy 2 (criteria d) (S4_Doc_066) and Policy 6 (S4_Doc_069) of TAYPlan 2012.

In a large development site such as referred to in Policy PM1C, requiring a wide range of infrastructure and facility requirements; recycling facilities can be effectively accommodated harmoniously in the wider development site through good site planning, resulting in no associated adverse impacts on neighbouring residential amenity. The Council do not therefore consider that recycling facilities within a development would necessarily cause bad neighbour issues which cannot be managed or planned for.

In both matters, no modification is proposed to the Plan.

Douglas Davidson (00743/3/001): The planning assessment process by its very nature, and in respecting and following both the associated development plan and supplementary guidance, assesses all development proposals in a sequential manner, including the development itself and surrounding existing or proposed property and features. This includes a range of considerations including air and noise quality assessments, flood risk assessments and other non-technical site specific assessments of landscape and visual character etc. The Council therefore considers that appropriate account relating to impact and effect on existing property and features is both integral and embedded within the development management assessment process without requiring a specific policy reference to sequential effects.

No modification is proposed to the Plan.

Theatres Trust (08819/1/002): The practicality of being more specific to the scale or nature as to what should be retained or integrated is considered by the Council to make this an unfeasible and unworkable criterion of the policy and would conversely contrast with the aims and objectives of placemaking.

This criterion seeks to highlight and establish from the outset, consideration of existing natural and built features which have the potential to support and augment an individual townscape. The preference is for the retention and integration of such features as part of a development proposal. In seeking to achieve site specific solutions and in respecting individual site characteristics, a one size or standard fits all approach to specifying what should or should not be retained and integrated into a development proposal would therefore be both inappropriate and unworkable. These elements need to be considered at the outset, as part of an initial site analysis; with this the most appropriate stage to specify what should or could be retained.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/1/001): The points made are noted, with no specific reference made to green infrastructure and green networks. The policy criteria of Policy PM1B is considered to tackle these points, albeit in a more generic fashion with reference to spaces and natural features. The specifics of the comments made are considered to be more appropriately dealt within The Natural Environment Section 3.9, which includes policy NE4: Green Infrastructure (S4_Doc_415). The Placemaking Guide supplementary guidance also includes dedicated sections on green infrastructure, networks and reference to landscape character.

If the Reporter was so minded to recommend that the proposed modifications are adopted, the Council would be comfortable with these modifications as they would have no consequential implications for any other aspects of the Plan.

Frank Moisey (09950/2/001): The overall intention of this requirement is understood and noted; however the proposal would conversely conflict with the intended outcome of Policy PM1C. Policy PM3 (S4_Doc_496) is considered to be worded in such a way to afford suitable flexibility in its application and could apply the intended outcome of the proposed lower threshold in this regard. Policy PM1C addresses a different approach to that of existing small settlements and communities, which already benefit from some degree of facilities and infrastructure. Policy PM1C is designed and intended for development scales that identifiably stand alone as an entity, meeting the key needs of its future residents with opportunities and facilities which address work, live and play requirements. Policy PM3 and associated supplementary guidance is therefore considered to already appropriately address the desired outcome of the proposed lowering of the 200 unit threshold as proposed in Policy PM1C and in this regard, the Council does not propose to amend this element of the Plan.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/014): The Placemaking Guide is a dynamic set of guidance documents, which are ever evolving with the intention of regular review. The overarching aims of the guide are considered to remain consistent with 2010 Designing Streets: A Policy Statement for Scotland (Core_Doc_014) and not necessarily superseded by this national policy statement. As the guide evolves, its relevance should remain an up to date reflection of both national and local policy and guidance. The Council considers that references to the Placemaking Guide is consistent with national policy and guidance and therefore does not propose to omit this reference from the Plan.

No modification is proposed to the Plan.

PM2 Design Statements

John Dewar Lamberkin Trust (09166/8/001): Design statements and masterplans are two integral planning tools which the Council aim to employ in seeking to achieve the key aims and objectives of placemaking; particularly at the strategic site level, as highlighted and filtered down through the aims of Policy 2 (S4_Doc_066) and Policy 4 (S4_Doc_633) of TAYPlan. It is fully anticipated and understood that design statements will either be separately documented to supplement a strategic site masterplan or constitute the background material to a masterplan submission, effectively covering the key topic areas within a competent design statement. In addition, design statements are appropriately addressed through Policy PM2, whereby any site exceeding or meeting the threshold criteria, would require a design statement to be submitted. All masterplan submissions are therefore fully anticipated to include a design statement in an agreed format as a matter of course, complying with the suggestion.

No modification is proposed to the Plan

RD1 Residential Areas

Lynne Palmer (00239/9/001): Policy RD1 and the associated placemaking policy criteria broadly accords with the suggestion for effective land use, particularly in town and city centres. The specific nature and application of this is considered to be most effectively applied on an individual sites basis or as part of a strategic development proposal. Additional emphasis or specific reference to this matter is therefore not deemed necessary within this section of the Plan, but more appropriately tackled through design briefs, statements, masterplans and associated supplementary guidance.

No modification is proposed to the Plan

New Policy

Liz Hodgson (00853/1/001): Whilst no specific reference is made to community engagement within the Placemaking policy section, the Council are fully signed up to community engagement and democratic decision making within all levels of the planning process including the development of the Plan itself, through to the determination of individual planning applications. The Planning etc (Scotland) Act 2006 contains a strong emphasis on community engagement, to which the Council must adhere. Paragraph 24 Determining Planning Applications (S4_Doc_800) and Paragraphs 31 and 32 of Scottish Planning Policy 2010 (S4_Doc_801) directly addresses effective community engagement,. This also includes specific reference to PAN 81 Community Engagement (Core_Doc_212), which contains national standards for community engagement. As community engagement is therefore an integral element of the planning process already, it is considered this obviates the need for specific policy reference at this stage of the Plan.

No modification is proposed to the Plan.

Reporter's conclusions:**Policy PM1A**

1. The policy is very clear that development must contribute positively to the quality of the surrounding built and natural environment. It would not add anything to its effectiveness if it stated that greatest effects are likely to be experienced in close proximity to the site. The creation and/or improvement of links beyond site boundaries has potentially great significance for placemaking and is not, in principle, an unreasonable expectation of a new development scheme. It is quite common for off-site works to be developer-funded and, although the appropriateness of this is a matter to be assessed on a case by case basis, it is appropriate to highlight that this will be expected where practical.

Policy PM1B

2. It would be appropriate for this policy to make reference to the wider landscape as this is part of the context within which a development site would be experienced and is an important consideration even if there are no views, landmarks or skylines of particular importance. This would best be dealt with by an addition to criterion (b). Although green infrastructure and networks are dealt with in some detail in Policy NE4, such considerations are important to placemaking and should therefore also be referred to within the this policy. An additional criterion (h) would be the most logical point at which to refer to these.

3. It is not necessary for the policy to be more specific in respect of the existing buildings and other features that should be retained, as this will depend entirely upon the specific circumstances of the site in question. For similar reasons, it would also be inappropriate for the policy to incorporate a caveat specifying that the achievability of the stated objectives might be constrained by development viability issues. Such matters would best be dealt with on a site by site basis.

Policy PM1C

4. The threshold of 200 houses in this policy represents a development of sufficient scale to justify the expectation that a distinct and to some degree self-contained neighbourhood

would be created. Reducing the threshold to 100 units would be inappropriate, as it would be unrealistic to expect a development of that size to have the same degree of self-containment. And for a development of that size it is unlikely that the creation of a neighbourhood with its own sense of identity would be more appropriate than an approach that sought instead to integrate the development sympathetically with its surroundings. The threshold in this policy has no implications for the operation of Policy PM3, which deals with infrastructure contributions, as subject to any stipulations in supplementary guidance, that policy applies to development schemes of any scale.

5. Recycling centres are not inherently unsuitable features within a residential development of the scale to which this policy applies. Siting would of course be an important consideration but that is matter for resolution in a site's masterplan.

6. The authority's Placemaking Guide is intended to be an evolving document that will regularly be updated to reflect best practice. It is appropriate therefore for the policy to refer to this document as well as to Designing Streets, despite the latter being more recent than the most recent iteration of the former.

PM2 Design Statements

7. This policy is intended to apply to smaller scale development where a site masterplan would not be appropriate or necessary, as well as to the strategic development sites. As it is important to identify the design justification behind development proposals of all scales it is necessary to have a policy of this nature and there would be no benefit in it specifying that for the strategic sites, the design statement should form an integral element of the site's masterplan.

RD1 Residential Areas

8. The purpose of Policy RD1 is to ensure that development maintains the amenity of established residential areas. While it is important to have regard to the density of development in the surrounding area, it is not necessarily essential for the development density of infill residential schemes to be similar to its environs. It is important that land within established residential areas is used efficiently and the policy would benefit from setting out the need to make the most efficient use of development land while protecting the amenity of the area.

New Policy

9. The planning authority is obliged by legislation to engage with residents and other stakeholders throughout the planning process. The addition of a policy which confirmed this would not alter the statutory position and could only offer any greater opportunity for public engagement if the policy committed the authority to a greater level of engagement than is required by law. SPP sets out the government's clear commitment to community engagement but also requires the planning system to operate efficiently and avoid delays. There is no evidence that existing statutory requirements fail to strike an appropriate balance between these objectives and there are therefore no grounds to introduce a policy which prioritised public engagement over the speed and efficiency of the planning system.

Reporter's recommendations:Policy PM1B

1. Modify criterion (b) to read as follows:

"Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area."

2. Add an additional criterion (h) to read as follows:

"Incorporate green infrastructure into new developments and make connections where possible to green networks."

RD1 Residential Areas

3. Modify category (a) to read as follows:

"Infill residential development at a density which represents the most efficient use of the site while respecting its environs."

Issue 4	Infrastructure Contributions	
Development plan reference:	PM3 - Infrastructure Contributions, page 24 5.1 – Perth Area Education Infrastructure, page 71 6.1–Highland Perthshire Area Infrastructure Developer Contributions, page 151-153 7.1–Kinross-shire Area Infrastructure Developer Contributions, page 197-199 8.1–Strathearn Area Infrastructure Developer Contributions, page 239-241 9.1–Strathmore and the Glens Area Infrastructure Developer Contributions, page 273-275	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Diana Corrieri (00296) Portmoak Community Council (00638) Jane Smallwood (00702) Fossoway & District Community Council (00830) Manse LLP (00850) Scottish Environment Protection Agency (03194) A Ritchie & Son/M & S M Bullough(08651)		Taylor Wimpey UK Ltd (09004) Jim Pritchard (09104) John Dewar Lamberkin Trust (09166) TACTRAN (09203) A & J Stephen Ltd (09727) Kevin Borthwick(09777) Stewart Milne Homes (10080) Homes for Scotland (10214) David Wilson Homes (10227)
Provision of the development plan to which the issue relates:	All areas of the Plan which relate to developer contributions and infrastructure provision.	
Planning authority's summary of the representation(s):		
<p><u>Policy PM3 Infrastructure Contributions</u> TACTRAN (09203/3/001): It is requested that bullet point (b) specifically allows for potential contribution towards strategic infrastructure, including infrastructure which serves cross-boundary travel demands and needs as identified within the Regional Transport Strategy. For example Park & Ride facilities serving both Perth and Dundee on the A90 corridor.</p> <p>John Dewar Lamberkin Trust (09166/7/001): Support. Recognise that strategic developments will require the delivery of infrastructure improvements but the provision of offsite facilities needs to be evaluated within the context of wider project deliverability. Policy PM3 should be qualified to expressly support the principal of strategic projects and recognise that in the interests of deliverability the scale of developer contributions needs to be assessed on a project by project basis. This should reflect guidance in Circular 1/2012 Planning Agreements (Core_Doc_097).</p> <p>Stewart Milne Homes (10080/16/001): Policy PM3 needs to set out specific requirements of developer contributions linking to the supplementary guidance. Bullet points a) and b) of the policy are non specific and could be applied to any contribution the Council may consider appropriate at a later date. Level of emerging developer contributions are unreasonable making many sites unviable even when identified at an early stage.</p>		

Contributions need to be reasonable and proportionate and partnership working required to bring forward essential funding, this needs to be set out in the policy to enable it to be appropriately tested.

Developers should not fund large scale infrastructure projects to enable development to come forward and make up shortfalls in the local authority budget. A fair mechanism of delivery considered on a site by site basis is needed to ensure that development viability is not at risk as a result. This should be assessed and demonstrated through the Local Development Plan and not left for Supplementary Guidance or until an application is made for planning permission.

Taylor Wimpey UK Ltd (09004/28/001): Clarify the policy in terms of how it links to Circular 1/2010 (Core_Doc_097) as the policy tests in the Circular are more detailed compared with criteria a) and b).

Homes for Scotland (10214/1/003): The two instances listed a) and b) are not clearly worded to reflect the policy tests set out in Circular 1/2010: Planning Agreements (Core_Doc_097). The contributions must only be asked for when they are required to mitigate a detriment created by the development, and an evidence base will be required.

David Wilson Homes (10227/1/002 & 10227/1/014): Policy not in line with Circular 1/2010: Planning Agreements (Core_Doc_097) which identifies that there should be a link between the development and any mitigation offered as part of the developer's contribution. Planning agreements should not be used to extract advantages, benefits or payments from landowners or developers which are not directly related to the proposed development. The second sentence should be amended to reflect the Circular by deleting '*...the Council will look at the cumulative long-term effect of new development...*'.

A & J Stephen Limited (09727/6/001): Recognise that the development industry has an obligation to provide enabling infrastructure in terms of Circular 01/2010 (Core_Doc_097). Recognised that there will be a need to provide strategic infrastructure to deliver development proposals in the Local Development Plan. Representation cautions against any attempt to widen such contributions to fund a wider range of requirements that are tenuous in terms of the proposed developments and fail the tests of scale and kind in Circular 1/2010 (Core_Doc_097). The policy should meet the tests of the Circular.

Manse LLP (00850/1/002): The reference to the tests within Circular 1/2010 (Core_Doc_097) are welcomed as they relate to infrastructure contributions. The first paragraph would benefit from ensuring that all of the tests within that Circular are referenced, or alternatively, the Circular itself is referenced within the Policy to ensure that there is clarity in terms of expectations in relation to infrastructure contributions.

Taylor Wimpey UK Ltd (09004/28/002): Change the reference to the need for a planning agreement explaining how planning conditions must firstly be examined for their appropriateness in line with Circular 1/2010 paragraph 13 (S4_Doc_073).

Homes for Scotland (10214/1/039): The policy wording is not currently in line with Circular 1/2010 paragraph 13 (S4_Doc_073). '*Planning authorities should firstly consider whether the restriction or regulation can be achieved by the use of a planning condition. Planning conditions are preferable to a planning or other legal agreement, as they are simpler and can potentially save time and money.*' The viabilities of sites are under extreme pressure in the current market and any attempts to reduce costs to developers

would be welcomed. The costs of preparing Section 75 agreements can be significant and can cause delays to the receipt of planning consent.

Taylor Wimpey UK Ltd (09004/28/003): Add references to the appropriate topic specific Supplementary Guidance, either published or in preparation, to be read in conjunction with this Policy allowing the linkage to be made clear.

Scottish Government (00092/5/001): Transport Scotland supports Policy PM3 as it proposes to take into account the cumulative impact of new developments, and where contributions are sought they will be reasonable and relate to the scale and nature of the proposed development.

Scottish Environment Protection Agency (03194/18/001): Support the commitment to develop Supplementary Guidance on developer contributions relating to green infrastructure during the plan period as this will help deliver the River Basin Management Plan (Core_Doc_038) protect and improvement objectives which is in keeping with Perth & Kinross Council's duties under the Water Environment and Water Services (Scotland) Act 2003 (Core_Doc_102).

Portmoak Community Council (00638/1/005): Portmoak Community Council strongly supports this key policy.

Transport

Homes for Scotland (10214/1/016): With reference to Paragraph 3.6.3 (S4_Doc_430) of the Plan any developer contributions relating to transport must mitigate any detriment created by the development, not to resolve existing problems created by others. The absence of Supplementary Guidance at the time of Period of Representation on the Proposed Plan frustrates this process and does not allow the industry to respond to this issue in the round. Circular 1/10, paragraph 19 (S4_Doc_074) explains '*Planning agreements should not be used to resolve existing deficiencies in infrastructure provision*'. The Plan should make it clear that developers are not being asked to resolve these existing deficiencies.

TACTRAN (09203/18/001): To allow and stimulate potential developer contributions towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Aberfeldy, Birnam and Dunkeld and Pitlochry: '*developer contributions may be required towards transport infrastructure and facilities*'.

TACTRAN (09203/19/001): In order to allow for and stimulate potential developer contribution towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Kinross/Milnathort '*developer contributions may be required towards transport infrastructure and facilities*'.

TACTRAN (09203/20/001): In order to allow for and stimulate potential developer contribution towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Crieff and Auchterarder, and also the major development at Gleneagles '*developer contributions may be required towards transport infrastructure and facilities*'.

TACTRAN (09203/21/001): In order to allow for and stimulate potential developer contribution towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Alyth, Blairgowrie/Rattray and Coupar Angus *'developer contributions may be required towards transport infrastructure and facilities'*.

Primary Education

Diana Corrieri (00296/4/001): Agree that the level of development proposed will require a new primary school. No information provided to require the ring fencing of Education Contributions from new housing development in Kinross for a new Kinross Primary School. Kinross Primary School is reaching its capacity and a new primary school is not currently identified for funding in the Education and Children's Services Estates Plan or any budget available to provide this. The secondary school has current spare capacity of 100 places and if all development goes ahead in Kinross-shire it will take the roll close to its maximum. I would argue that until such funding for a new primary school is available for Kinross no further development should be allowed.

Homes for Scotland (10214/1/038): Paragraph 5.1.18 provides no detail of the evidence base for the statement *'Perth in general has limited capacity to immediately support further growth'*. In order to assess these assertions regarding capacity evidence should be produced. Only once this information is available will Homes for Scotland be satisfied that contributions are required. This paragraph should also clarify the reasoning why the contribution trigger for requesting contributions is set at 80% capacity.

A Ritchie & Son/M & S M Bullough (08651/9/001): Acknowledge that the School Estate serving Perth has limited capacity to immediately support further growth. Seek clarification on the current situation, which schools are likely to be increased, by how much and when to inform the timing of development proposals.

Fossoway & District Community Council (00830/1/003); Kevin Borthwick (09777/1/007): There is no coherent plan for provision of primary education in the Fossoway area given the number of new houses proposed. Both the schools in the area are constrained by site and the housing allocation should be accompanied by detailed school provision planning.

Jane Smallwood (00702/1/007): Continuing local primary schools in both Milnathort and Kinross are of utmost importance to preserve identities of Milnathort village and town of Kinross. I would be very disappointed if numbers necessitated a third primary school as feel surrounding area would then lose current attractions particularly in relation to tourism.

Jim Pritchard (09104/1/012): Disagree with the proposal to extend Fossoway Primary School on grounds of road safety and increased traffic.

Modifications sought by those submitting representations:

Policy PM3 Infrastructure Contributions

TACTRAN (09203/3/001): Modify bullet point (b) to include a reference to strategic cross boundary infrastructure.

John Dewar Lamberkin Trust (09166/7/001): Modify policy to support the principle of strategic developments and that any contributions will be assessed on an individual basis.

Stewart Milne Homes (10080/16/001): Modify policy to set out specific requirements of developer contributions linking to the supplementary guidance.

Taylor Wimpey UK Ltd (09004/28/001): Modify policy to clarify how it links to Planning Circular 1/2010.

Homes for Scotland (10214/1/003); David Wilson Homes (10227/1/002); A & J Stephen Ltd (09727/6/001); Manse LLP (00850/1/002): Modify policy to reflect the tests in Circular 1/2010.

Taylor Wimpey UK Ltd (09004/28/002); Homes for Scotland (10214/1/039): Modify the third paragraph to *'The requirements of this policy will preferably be secured through planning conditions, and in certain circumstances through legal agreements.'*

Taylor Wimpey UK Ltd (09004/28/003): Modify policy to include references to appropriate topic specific Supplementary Guidance, either published or in preparation.

David Wilson Homes (10227/1/014): Delete *'...the Council will look at the cumulative long-term effect of new development...'*

Transport

Homes for Scotland (10214/1/016): Modify paragraph 3.6.3 to clarify that new development will not resolve existing deficiencies in infrastructure provision.

TACTRAN (09203/18/001): Modify paragraphs 6.2.3 (Aberfeldy), 6.3.3 (Birnam and Dunkeld) and 6.4.3 (Pitlochry) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

TACTRAN (09203/19/001): Modify paragraph 7.2.3 (Kinross/Milnathort) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

TACTRAN (09203/20/001): Modify paragraphs 8.2.3 (Auchterarder), 8.3.3 (Crieff) and 8.9.2 (gWest) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

TACTRAN (09203/21/001): Modify paragraphs 9.2.3 (Alyth), 9.3.3 (Blairgowrie/Rattray) and 9.4.3 (Coupar Angus) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

Primary Education

Diana Corrieri (00296/4/001): Modify the Plan to restrict further development in Kinross funding for a new primary school is available.

Homes for Scotland (10214/1/038): Modify the Plan to include details on total capacity across the schools estate, current rolls, previous 5 years rolls (to show upwards or downward trends), and projected future rolls for the timescale of the Local Development Plan (taking into account Local Development Plan sites and programming as set out in the Housing Land Audits).

Modify the Plan to include a justification for the trigger for requesting an education contribution is set at 80% capacity.

A Ritchie & Son/M & S M Bullough (08651/9/001): Modify the Plan to include an overview

of the current school estate and identify the programming for school expansions and upgrades.

Fossoway & District Community Council (00830/1/003); Kevin Borthwick (09777/1/007): Modify the Plan to include a detailed school provision plan for Fossoway.

Jane Smallwood (00702/1/007): Modify the Plan to identify the retention of the existing primary schools in Milnathort and Kinross.

Jim Pritchard (09104/1/012): Modify paragraph 7.1.16 to remove proposal to extend Fossoway Primary School.

Summary of responses (including reasons) by planning authority:

Policy PM3 Infrastructure Contributions

TACTRAN (09203/3/001): A contribution towards infrastructure delivered through a planning agreement can only be sought where it meets all the Policy Tests of Circular 1/2010 (S4_Doc_521), the wider the requirement for a contribution is spread the further it falls from meeting these Tests. The proposed modification would raise issues in relation to the transfer of funding to neighbouring Local Authorities and accountability. In addition there is no evidence that it would be politically acceptable to require funding from new development within Perth and Kinross in order to fund projects in neighbouring Local Authority areas. No other Councils under TACTRAN have sought modifications under this issue.

No modification is proposed to the Plan.

John Dewar Lamberkin Trust (09166/7/001): Policy PM3 defines the principle of developer contributions but does not detail how they are applied to new development. It is recognised that strategic development sites require a level of onsite infrastructure delivery and the requirement for offsite infrastructure contributions may impact on the viability of some projects. Supplementary Guidance defines the criteria for the application of contributions to new development. Paragraph 4.7 of the Developer Contributions Supplementary Guidance November 2012 (S4_Doc_522) identifies *‘for large scale developments, (i.e. 250+ new homes) the Council may enter into separate negotiations to determine the required contribution’*. Paragraph 3.16 (S4_Doc_523) identifies that where other requirements or abnormal development costs would render a development unviable the submission of a *‘Development Viability Statement’* which will allow the Council to determine whether to reduce or give exemption from the requirement to developer contributions. Strategic development sites are supported through the individual site reference in the Plan. These sites are required to be developed through a Masterplan which will allow for a negotiation to take place if required on which contributions are applied making sure new developments are viable while appropriately mitigating their impact on infrastructure. It is not considered essential to modify the Plan as the current Supplementary Guidance already allows for a degree of flexibility in its application.

No modification is proposed to the Plan.

Stewart Milne Homes (10080/16/001): Circular 1/2009: Development Planning paragraph 39 (S4_Doc_524) identifies that *‘detailed policies may be removed to Supplementary Guidance...provided an appropriate context remains in the Plan itself.’* Policy PM3 defines the principle and context for infrastructure contributions with the detail defined through Supplementary Guidance in line with the Circular. It is acknowledged that it

would not be appropriate to produce other Supplementary Guidance than that identified under Policy PM3.

No modification is proposed to the Plan.

Taylor Wimpey UK Ltd (09004/28/001); Homes for Scotland (10214/1/003); David Wilson Homes (10227/1/002); A & J Stephen Ltd (09727/6/001); Manse LLP (00850/1/002): The Local Development Plan is developed in line with Government policy including Circular 1/2010 (Core_Doc_097) which provides the framework for requiring contributions to mitigate the impact of new development. Policy PM3 defines the principle of developer contributions and sets out the basis for Supplementary Guidance. Paragraphs 2.1 – 2.5 of the Developer Contributions Supplementary Guidance November 2012 (S4_Doc_525) defines how contributions will be required in line with Circular 1/2010 and outlines the Policy Tests (S4_Doc_521). It is not considered appropriate for the Plan to replicate government policy.

No modification is proposed to the Plan.

Taylor Wimpey UK Ltd (09004/28/002); Homes for Scotland (10214/1/039): The Council would welcome the opportunity to reduce the number of Section 75 Agreements but it is not convinced that the use of planning conditions is legally robust when used to secure development funding. A review of Circular 4/98 (Core_Doc_186) will be required to take place to ensure that the use of conditions is robust. Until this review is undertaken the use of Section 75 agreements will continue to be the main way of collecting contributions. The policy states *'The requirements of this policy may be secured through legal agreements'* which gives scope for other mechanisms such as planning conditions to be used where appropriate.

No modification is proposed to the Plan.

Taylor Wimpey UK Ltd (09004/28/003): The Note at the foot of Policy PM3 defines which Supplementary Guidance has been developed and the future Supplementary Guidance which will be developed at a future date relating to this policy. It is considered that this already reflects the proposed modification.

No modification is proposed to the Plan.

David Wilson Homes (10227/1/014): Circular 1/2010 paragraph 18 (S4_Doc_526) states that *'In assessing any contributions planning authorities may take into account the cumulative impact of development over time.'* This is reflected in the policy and forms the basis of the calculation of the developer contribution levels.

No modification is proposed to the Plan.

Transport

Homes for Scotland (10214/1/016): Paragraph 3.6.3 (S4_Doc_430) is outlining that existing transport constraints exist in and around Perth; it does not define how the transport network improvements will be funded but references what these improvements are. Supplementary Guidance on Transport Infrastructure Developer Contributions (S4_Doc_446), which has been through public consultation, defines how the network improvements will be funded. The Plan and associated documents should be read as a whole and it is not considered appropriate to replicate the content of the Supplementary Guidance in this paragraph.

No modification is proposed to the Plan.

TACTRAN (09203/18/001, 09203/19/001, 09203/20/001 & 09203/21/001): No specific transport infrastructure projects or proposals have been identified in these areas which would require contributions from new development. The Developer Contributions Transport Infrastructure Supplementary Guidance (S4_Doc_446) applies only within the Perth and Dundee Housing Market Areas, within Perth and Kinross, but the Council will keep this position under review. Circular 1/2010 (Core_Doc_097) and Policy PM3 allows for appropriate contributions to be sought where a deficit would be exacerbated by new development. While the proposed modification seeks to provide clarity without specific projects being identified the proposed wording could cause ambiguity as the majority of new developments would not require to make any such contribution.

No modification is proposed to the Plan.

Primary Education

Diana Corrieri (00296/4/001): Funding for a new primary school in Kinross/Milnathort has not been secured as a new primary school is not immediately required. Site Op15 Lethangie (Reference to the schedule 4 no 33a Kinross/Milnathort Large Housing Sites is highlighted for further information on this issue) has been identified through the Plan to support its delivery if and when required. Kinross and Milnathort primary schools each are currently projected at around 80% capacity but the school roll fluctuates year on year due to a wide range of factors including house completions. 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. Once the requirement for a new school is identified suitable funding sources will be identified and the project identified in the Councils Capital Plan. Until this takes place new development will make a financial contribution to improved education provision where appropriate. In line with Developer Contributions Supplementary Guidance (S4_Doc_528) all contributions received are ring fenced for use within the primary school catchment from which it was required or within the same secondary school catchment where increased capacity can be achieved to meet future needs.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/038): The Developer Contributions Supplementary Guidance (Core_Doc_069) details where new development is required to contribute towards primary education. In line with Circular 1/2009: Development Planning paragraph 39 (S4_Doc_524) identifies that '*detailed policies may be removed to Supplementary Guidance*' and it would not be appropriate to repeat this in the Plan. The information which is requested be included is subject to constant change and it is more appropriate to be considered through Supplementary Guidance than through the Plan. In order to plan and manage the school estate so that capacity is available when needed adequate notice is required of growing pressures. At 80%, some but not all of the primary streams are full or approaching it, and our ability to accommodate primary pupils of any age to classes, may be compromised. 80% capacity allows sufficient space to reorder classes if the age profile of the school roll changes and tries to ensure that primary pupils moving into the catchment area during an academic year can be accommodated.

The response to Enterprise and Infrastructure Committee on Representations received on Supplementary Guidance has responded to the additional points raised. (pages 119, 120 and 123) (S4_Doc_527)

No modification is proposed to the Plan.

A Ritchie & Son/M & S M Bullough (08651/9/001); Fossoway & District Community Council (00830/1/003); Kevin Borthwick (09777/1/007): Information on the current school estate and the future programming for school expansions and upgrades are produced through the Service Asset Management Plan (Core_Doc_185) which is reported to Life Long Learning Committee annually. The Management Plan is publically available and it would not be appropriate to replicate it through the Local Development Plan. The Draft Action Programme submitted with this Plan identifies the current school infrastructure projects and this document is the most suitable place to cover this detail.

No modification is proposed to the Plan.

Jane Smallwood (00702/1/007): Paragraph 7.1.16 of the Plan does not define that the requirement for a new primary school at Kinross and Milnathort will replace one or more of the existing primary schools. It is proposed that the new primary school will be in addition to existing schools providing flexibility when determining how to support future development needs.

No modification is proposed to the Plan.

Jim Pritchard (09104/1/012): The statement in paragraph 7.1.16 is seeking to provide additional clarity and transparency by identifying that to meet future development in Powmill and existing planning permissions the Fossoway primary school will require to be extended. Any extension to the school will be defined through the Service Asset Management Plan (Core_Doc_185) and detailed designs will take account of issues such as traffic generation.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy PM3 Infrastructure Contributions

1. The fact that a piece of infrastructure for which developer contributions are to be sought, would benefit residents in another locality, even in another planning authority area should not in itself necessarily rule out seeking a developer contribution. If the requirement from the developer is to fund infrastructure to the extent that is reasonably related to the development in question, the fact that the same piece of infrastructure would also benefit others is not in itself a barrier, provided that the contribution request satisfies the expectations of circular 3/2012 (which has superseded circular 1/2010). If the infrastructure in question happened to be located in another planning authority area there would be some additional complication to the drafting of an obligation, but this should not be insurmountable. Ultimately however, as there is no reason why this kind of scenario would fall outwith the existing wording that is proposed for Policy PM3, there is no need for any modification to the policy.

2. There is no need for Policy PM3 expressly to support the principle of strategic projects as, when the plan is read as a whole, the support that is offered to such schemes through the proposed site allocations is immediately clear. The authority has confirmed its commitment to considering the deliverability issue on a project by project basis, when assessing the scale of developer contributions. However, it would more clearly reflect the requirements of circular 3/2012 if the policy confirmed this commitment.

3. Circular 3/2012 requires authorities to consider the requirement for a planning obligation using a sequential approach that favours the use of a planning condition wherever possible and requires that an alternative legal agreement is employed, for example, an agreement made under a different statute, in preference to a planning obligation. The policy requires to be modified to reflect this expectation.
4. Circular 3/2012 also sets out a series of five policy tests that must all be met before a planning obligation can be used. These are long established requirements that were also set out in circular 1/2010. As this policy is concerned with developer contributions, which could potentially be secured by some other means, rather than planning obligations specifically, it is not necessary for the policy to repeat the five tests. And, in the event that a planning obligation were requested for a particular development, the requirements of the circular would apply in any event.
5. The policy sets out two instances where there may be a requirement for an infrastructure contribution: where development would generate a future need for additional infrastructure or community facilities; and where it would exacerbate a current need. Whether a particular contribution request is reasonable will depend on the facts of each case, but there is no conflict in principle between either instance that is referred to in this policy and the tests in the circular. A requirement that arose due to an existing infrastructure deficiency (the second instance referred to in the policy) would potentially comply with the circular's tests if the developer were expected merely to address the additional impact of their development rather than to address the deficiency in its entirety. The circular is clear that it is inappropriate to grant planning permission for a development which would demonstrably exacerbate a situation which was clearly already unsatisfactory. Therefore, if, as a consequence of a particular development proposal an existing problem would be worsened, it would be reasonable to require the prospective developer to address that existing problem to the extent that the additional development proposed would not make it any worse. There is no reason to assume that the intention of the policy in regard to this second instance is other than to operate in accordance with the circular.
6. There is no justification for deleting the policy's reference to cumulative long-term effects, as the circular specifically permits planning authorities to take into account the cumulative impact of a number of proposed developments, and use obligations to share costs proportionately.
7. The note within the policy identifies examples of particular types of infrastructure that might require a developer contribution and which will be the subject of supplementary guidance. The chosen wording confirms that this list should not be considered exhaustive and it would not be appropriate for the policy to attempt to indicate every instance where a contribution might be sought, as this could change over time.

Transport

8. Supplementary guidance is not subject to the same examination process as other aspects of the plan. The fact that some of the proposed guidance has yet to be produced does not impair interested parties' ability to respond to the Proposed Plan itself, which is the subject of this examination.
9. As there is no evidence of specific infrastructure issues to be addressed in the principal settlements of Aberfeldy, Birnam and Dunkeld, Pitlochry, Kinross/Milnathort, Crieff and Auchterarder, or in the major development at Gleneagles, it would be

inappropriate for the plan to set out that developer contributions may be required towards transport infrastructure and facilities in those areas. Policy PM3 would remain effective with or without specific reference to these locations in the event that such issues were identified.

Primary Education

10. Policy PM3 seeks to secure justified developer contributions towards infrastructure and community facilities. The justification for such contributions would be undermined if they were invested in infrastructure that was remote from the development site or did not in some other way have a clear link with the proposed development. However, this is a matter of procedural detail for the authority at the development management stage and, in the case of contributions that are secured by an obligation, is typically a requirement of the authority, which is written into the obligation. There is therefore no need to specify in the text that contributions that are intended to address a particular issue (for example to fund the extension of a particular school) will be ring-fenced for that purpose.

11. The plan's reference to school capacity in Perth being limited does not appear to be supported by evidence. But there is also no evidence before this examination to disprove that statement. Ultimately, the issue will be addressed at the development management stage, when the capacity that is available at that time to accommodate the likely pupil generation from the development under consideration will be assessed in accordance with Policy PM3 and the supplementary guidance. The adequacy of the evidence base will be one of the issues for the parties to consider at that time. Other issues would include the suitability of schools to be extended even if funding were available due to factors such as traffic levels, effects on the locality and the availability of land on which to expand.

12. There is no reference in the plan to a school capacity of 80% being the trigger for requesting contributions so there is no need for this to be explained in the text. Matters of such detail are for supplementary guidance.

Reporter's recommendations:

Policy PM3 Infrastructure Contributions

1. Modify the policy by the insertion of an additional paragraph immediately before the Note, to read as follows:

"In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments."

2. Modify the policy by replacing the paragraph that follows points (a) and (b) with the following:

"Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required."

Issue 5	Economic Development	
Development plan reference:	3.3 Economic Development Policies, page 25 ED1 - Employment and Mixed Use Areas, page 25 ED3 - Rural Business Diversification, page 26	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Hansteen Property Investments Ltd (00370) Portmoak Community Council (00638) Sainsbury's Supermarkets Ltd (00754) Universities Superannuation Scheme Ltd (00844) Manse LLP (00850) Alexander Harley Seeds Ltd (00885) Councillor Michael Barnacle (02633) Perthshire Chamber of Commerce (03005) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211)		Crieff Hydro Ltd (07710) Jim Pritchard (09104) Scone Palace & Estate (09163) TACTRAN (09203) CKD Galbraith (09289/9) Culfargie Estates Ltd (09289/20) Kinross Estate Company (09313) Dall Estate (09313) Andrew Donaldson (09389) G S Brown (09817) Homes for Scotland (10214) Scottish Natural Heritage (05211)
Provision of the development plan to which the issue relates:	Economic Development Policies and supporting text pages 25-28	
Planning authority's summary of the representation(s):		
<p><u>Economic Development Policy Group</u> Perthshire Chamber of Commerce (03005/1/001): Query over the term of what is '<i>tourism related</i>' (paragraph 3.3.6) as out of centre tourism related retail is having an adverse impact on town centres. Clearer definition of what is '<i>tourism related</i>' retail recommended at paragraph 3.3.6.</p> <p>Alexander Harley Seeds Ltd (00885/1/001): No mention within supporting text of Economic Development section of the role high tech businesses/industry can play in the Perth and Kinross economy.</p> <p>Portmoak Community Council (00638/1/007); Jim Pritchard (09104/1/005): Both representations support the supporting text as written for the Economic Development section.</p> <p><u>Policy ED1 Employment and Mixed Use Areas</u> TACTRAN (09203/4/001): Significant employment development will generate additional travel and recommends that Supplementary Guidance produced in relation to Policy ED1B includes the need for effective Travel Plans.</p> <p>Hansteen Property Investments Ltd (00370/2/002): Object to the wording used within Policy ED1B which states that mixed use sites with one main use will not be considered acceptable and a range of uses is encouraged. Policy wording is not considered flexible and suggest a change in wording of the Policy ED1B that includes the removal of the</p>		

sentence *'Proposals for mixed use opportunity sites that comprise predominantly one use will not be acceptable'*.

G S Brown (09817/3/009): Issues can arise with the amenity of residential uses conflicting with commercial uses. Different owners and companies have different business models and the delivery of mixed use sites is administer and difficult to find a suitable commercial operator for mixed use developments.

Sainsbury's Supermarkets Ltd (00754/4/005): Objects to employment uses mentioned within Policy ED1A because it does not include retail. Retail is a significant employment generator and attracts investment. Retail is one of the few industries that continues to do well in current economic conditions.

Perthshire Chamber of Commerce (03005/1/002): Policy ED1B should allow for the possibility of small scale development close to housing where a number of small businesses from the same sector would operate from one complex. Policy should not be restrictive of dominant uses within mixed use sites.

Scone Palace & Estate (09163/4/001): It is not clear whether Policy ED1A is purely related to employment areas as allocated in the plan, or to any existing and proposed employment areas. There may also be a good reason to have a retail outlet which is contributing to e.g. the tourism offer within an employment area such as a craft workshop cluster. These should not be unreasonably restrained.

Scone Palace & Estate (09163/4/002): Sufficient retail outlets should be located close to where people live to help reduce the need to travel. This can be managed carefully without having an impact on existing centres.

Scottish Environment Protection Agency (03194/1/001): No reference made within Policy ED1A for waste management being an appropriate land use on employment sites. Zero Waste Plan Annex B paragraph 4.6 (S4_Doc_386) states that *'Subject to detailed site specific considerations, waste management facilities can be considered appropriate for sites allocated in development plans for employment and industrial use...'*.

Considers it not appropriate for land uses to be detailed in supplementary guidance as these should be identified in the text of the policy.

Manse LLP (00850/1/003): Objects to Policy ED1A in particular as it makes reference to retail uses within employment areas at paragraph (d). The Proposed LDP successfully addresses the retail hierarchy for Perth City and should therefore be capable of predicting the extent of, in particular, convenience retail provision across the Plan period and should seek to focus this within existing defined centres within the retail hierarchy. There is no need to make specific reference to circumstances whereby retail development within employment designated areas would be acceptable.

Scottish Natural Heritage (05211/25/001): Policy ED1 should reflect the outcome of Table 8.1 of the Habitats Regulations Appraisal (S4_Doc_131).

Homes for Scotland (10214/1/015); Universities Superannuation Scheme Ltd (00844/1/002); Manse LLP (00850/1/004): All are supportive of Policy ED1 as written.

Policy ED3 Rural Business and Diversification

Andrew Donaldson (09389/1/001): Policy ED3 sets a preference for development within

or adjacent to settlement boundaries. Although the policy also allows for development outwith settlements the wording of the policy is such that such businesses must contribute to the local economy through the provision of permanent employment, visitor accommodation, additional tourism or recreational facilities or involves the reuse of existing buildings. This in effect limits any new rural business and diversification which is not related to tourism, and tourism accommodation to development which will reuse existing buildings.

The policy should be changed to read '*permanent employment or visitor accommodation or additional tourism or recreational facilities or etc*'.

Crieff Hydro Ltd (07710/1/001): Supports the Council's recognition that rural businesses are equally important drivers of sustainable economic growth in the region and that Policy ED3 recognises that some rural locations are appropriate for tourism and rural based businesses.

However, they seek the strengthening of Policy ED3 in terms of its support not only for '*new tourism related development*', but also to existing tourism related developments, particularly where it can be demonstrated that diversification of the business will improve the quality of visitor facilities and allows a new market to be exploited or the tourism season extended.

Culfargie Estates Ltd (09289/20/001): In principle supports rural business and diversification within Policy ED3. However policy does not go far enough in providing a positive climate for the rural economy.

If Policy ED3 was expanded to promote any rural site which could be demonstrated to provide a positive contribution to the rural economy, whilst containing sufficient mitigation to prevent significant adverse effect on the locality, this would also allow for small regional business and light industry centre.

Perthshire is a predominantly rural county with a heavy reliance on primary industries and tourism, each of which support a range of secondary small industries requiring premises - suitable rural brownfield and former agricultural sites provide an opportunity to fulfil this demand and is in line with SPP (Core_Doc_048).

Scone Palace & Estate (09163/4/003): Policy ED3 should provide support for destination, niche retailing that supports the tourism offer. Such retailing is often intrinsic or complimentary to many visitor attractions. Such retail does not affect existing centres retail offer as it is a different type of retail. The policy should be in line with the SPP paragraph 45 (S4_Doc_084). The modification proposed will help remove any unnecessary planning barriers as specified by paragraph 45 of SPP.

Paragraph 3 of Policy ED3 is not very clear what is meant by it and what housing policies are being referred to. As a result the policy position is unclear. The policy should be more supportive of on site housing.

Alexander Harley Seeds Ltd (00885/1/002): Policy ED3 and the supporting text does not contain any reference to renewable energy development. This is considered a backwards step from the current local plan. Renewable energy development is the economic opportunity of a generation for rural Scotland. Locally owned small to medium scale development can be developed by local agribusinesses and landowners. Existing and potential rural businesses could be strengthened significantly by diversifying into

renewable energy. Policy ED3 should communicate a clear understanding that these developments are very important for the rural economy.

PKC has a statutory duty to advance these goals in their Local Development Plan and the role that locally owned renewables can play in this ought to be reflected in Policy ED3.

Kinross Estate Company (09311/1/001): The objectives of the policy are generally supported. However, it is considered that the policy is missing a vital element, which if included could broaden the policy support for development that would generate economic benefit to the rural economy.

It is recommended that the following text is added to the 1st paragraph of the policy *'involves the reuse of existing buildings, or increases gross value added to the local economy.'*

The recognition of added value would allow policy support for developments that would result in employment opportunities.

TACTRAN (09203/6/001); Dall Estate (09313/1/001); Councillor Michael Barnacle (02633/1/003); CKD Galbraith (09289/9/001); Portmoak Community Council (00638/1/009): All Support Policy ED3 as written.

Modifications sought by those submitting representations:

Economic Development Policy Group

Perthshire Chamber of Commerce (03005/1/001): Definition of what is *'tourism related'* retail to be included at paragraph 3.3.6.

Alexander Harley Seeds Ltd (00885/1/001): Add into introductory text to the Economic Development section of the important role that high tech business/industry will have on the economy of Perth and Kinross.

Policy ED1 Employment and Mixed Use Areas

TACTRAN (09203/4/001): Supplementary Guidance that is to be produced in relation to Policy ED1B should include the need for effective Travel Plans.

Hansteen Property Investments Ltd (00370/2/002); G S Brown (09817/3/009): Change in wording of the Policy ED1B that involves removal of the sentence *'Proposals for mixed use opportunity sites that comprise predominantly one use will not be acceptable'*.
Sainsbury's Supermarkets Ltd (00754/4/005); Manse LLP (00850/1/003): Deletion of criteria (d) within Policy ED1A.

Perthshire Chamber of Commerce (03005/1/002): Recommends addition of following wording to Policy ED1B (unless the proposal is supported by evidence which demonstrates the benefits of the proposal in line with this policy) to end of sentence beginning *'Proposals for mixed use opportunity site that comprises...'*

Scone Palace & Estate (09163/4/001): *'Areas identified for employment uses'* within Policy ED1A should be more carefully defined and Criteria (d) should be altered to allow flexibility in relation to appropriate retail opportunities.

Scone Palace & Estate (09163/4/002): The list of uses allowed within mixed use areas should include an element of retail.

Scottish Environment Protection Agency (03194/1/001): Waste management be specified as an appropriate land use under Policy ED1A

Scottish Natural Heritage (05211/25/001): Policy ED1 in general does not contain any measures to ensure the protection of the qualifying interests of Natura 2000 sites for future proposals arising under this policy. As such it is recommended that the following additional criteria is added to the list in Policy ED1A:

'(e) Proposals should not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s).'

Policy ED3 Rural Business and Diversification

Andrew Donaldson (09389/1/001): Policy ED3 should be changed to read *'permanent employment or visitor accommodation or additional tourism or recreational facilities or etc'*.

Crieff Hydro Ltd (07710/1/001): Modify the Policy ED3 as follows: *'New [ADD and existing] tourism related development will be supported where it can be demonstrated that it improves the quality of new or existing visitor facilities, allows a market to be exploited or extends the tourism season.'*

Culfargie Estates Ltd (09289/20/001): Modify Policy ED3 to allow greater latitude and support for rural economic activity, as opposed to economic activity within settlements, where such activity is already broadly supported.

Scone Palace & Estate (09163/4/003): Criteria (f) should be modified to state *'Outwith settlement centres, retailing will only be acceptable if it can be demonstrated that it is either, ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retailing centres in adjacent settlements, or is providing a niche, destination, retailing experience which supports the tourism/visitor offer of Perth and Kinross.'*

Paragraph 3 of Policy ED3 requires clarification and an explicit expression of support for rural housing associated with businesses and enabling housing should be provided.

Alexander Harley Seeds Ltd (00885/1/002): Policy ED3 and the supporting text should contain reference to renewable energy development.

Kinross Estate Company (09311/1/001): It is recommended that the following text is added to the first paragraph of the policy *'involves the reuse of existing buildings, or increases gross value added to the local economy'*.

Summary of responses (including reasons) by planning authority:

Economic Development Policy Group

Perthshire Chamber of Commerce (03005/1/001): It is recognised that shopping has become increasingly common to be a primary reason for people to undertake travel. It is now an influential motive for day trips, holidays and business trips. However, there is no industry standard definition for the term *'tourism related retail'*. The Use Classes Order (Scotland) 1997 (Core_Doc_018) does not distinguish such a form of retailing within Use Class 1 (Shops) and it is considered that the creation of a definition for the purposes of

the LDP may end being unduly restrictive and ultimately challengeable.

No modification is proposed to the Plan.

Alexander Harley Seeds Ltd (00885/1/001): High technology industries account for a very low percentage (less than 4%) within the Perth and Kinross economy which is predominantly tourism, finance and service related. Paragraph 3.3.4 of the Proposed Plan does however provide support for new industries to establish in Perth and Kinross and this does not preclude the high-technology sector.

No modification is proposed to the Plan.

Policy ED1 Employment and Mixed Use Areas

TACTRAN (09203/4/001): Supplementary Guidance on Travel Plans is scheduled to be produced as part of the Transport and Accessibility Policy TA1 (S4_Doc_387) of the LDP. Therefore it is considered there is no need to repeat the task already scheduled in the LDP's Draft Action Programme 2012-2024 (Core_Doc_172) to be produced in 2013 and adopted in parallel with the Plan.

No modification is proposed to the Plan.

Hansteen Property Investments Ltd (00370/2/002); G S Brown (09817/3/009); Perthshire Chamber of Commerce (03005/1/002): The policy is quite clear that sites allocated for mixed use should not become a dominant or single use site, in particular residential. This is to promote and ensure there is greater integration of various employment generating uses with residential and thereby reduce the need for extensive travel. A dominant or single use site will not achieve this and is not considered sustainable. Single use sites will not meet the aspirations of SPP Paragraph 79 (S4_Doc_294) and Policy 2(F) of TAYplan (S4_Doc_066) promotes a mix of land uses on development sites with good links to sustainable modes of transport.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/4/005); Manse LLP (00850/1/003); Scone Palace & Estate (09163/4/001 & 09163/4/002): Whilst it is acknowledged that retail does provide employment it is excluded from the term employment category because the Use Classes Order Scotland 1997 (Core_Doc_018) gives retail a use class (1) of its own. Retail developments have a very different impact on an area in comparison to general employment development. Traffic levels and customer numbers are much higher with retail and this has a greater impact than most other employment generators. In addition both SPP (paragraphs 52-65) (S4_Doc_295) and TAYplan (Policy 7) (S4_Doc_068) supports and promotes retail development in city centres, town centres and commercial centres. The effect of allowing this proposed modification would encourage retail use in out of centre locations and have an adverse impact on town centres. It would also be contrary to both the SPP and the retail policies within the Proposed LDP. Most employment development and most employment sites contained within the LDP are out of centre and therefore any retail development, unless ancillary is not compatible with current retail planning policy. Policy ED1 does not restrict retail use within a mixed use development provided it is ancillary to the main use.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/1/001): Scottish Governments Zero Waste Plan (Annex B, paragraph 2.2) (S4_Doc_431) supports waste on employment and

industrial sites. *'LDP's should identify a plentiful supply of employment and industrial land as a network of sites suitable for waste management uses, consistent with SPP, to ensure private sector competition, as not all industrial sites will be developed for waste management uses.'*

Paragraph 4.6 of the Zero Waste Plan (S4_Doc_386) also states that *'Modern waste management infrastructure is designed and regulated to high standards and is similar to other industrial processes. Subject to detailed site specific considerations, waste management facilities can be considered appropriate for sites allocated in development plans for employment and industrial use.'*

SEPA recommended that Policy EP9 (S4_Doc_388) was changed to reflect that waste management facilities were appropriate on employment/industrial land, as a consequence, Policy ED1 should be amended to reflect that waste is an appropriate land use on those sites. This is in line with Annex B of the Zero Waste Plan. (S4_Doc_432).

Policy ED1A does not restrict waste management as an appropriate land use. Numerous mixed use sites within the LDP may be suitable for certain types of waste management such as recycling centres, waste transfer and closed loop recycling. The issue raised is noted and accepted.

If the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification provided it is made clear that whilst waste management facilities can be considered appropriate for employment and industrial land this will be subject to detailed site specific considerations.

Scottish Natural Heritage (05211/25/001): It is considered that amending Policy ED1 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (S4_Doc_131) of the Proposed Plan, and detailed in the previous section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply for proposals arising under these policies. It would also set out what will be expected of them in making a planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy ED1 as detailed in the 'Modifications Sought' section.

Policy ED3 Rural Business and Diversification

Andrew Donaldson (09389/1/001): It is considered that the wording of Policy ED3 does not preclude non tourism related business opportunities within the rural areas of Perth and Kinross. The policy suggests that a business proposal in rural area will be supported if it contributes to the local economy, either through employment, provision of visitor accommodation, additional tourism/recreation facilities or the re-use of existing buildings. It is considered that the policy is not overly focussed on rural tourism and does not exclude the potential support for other business proposals.

No modification is proposed to the Plan.

Crieff Hydro Ltd (07710/1/001): There is no clear benefit to Policy ED3 by adding the words *'and existing'* to the beginning of the second paragraph. The policy and the second paragraph already specifically mentions improving existing visitor facilities. The extension of existing tourism facilities is a new tourism venture and is already supported by the first

sentence in Policy ED3 and within Policies ED4 and ED5 (S4_Doc_390) and (S4_Doc_391).

No modification is proposed to the Plan.

Culfargie Estates Ltd (09289/20/001): It is considered that Policy ED3 provides sufficient support to rural business development outwith settlements. The third sentence of the first paragraph says '*sites outwith settlements may be acceptable if they allow an existing business to diversify or is related to a site specific resource or opportunity*'. It is considered that this policy provides enough flexibility for business developments outwith a settlement but enough control to ensure that any inappropriate developments are not supported.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/003): Paragraph 45 of SPP (S4_Doc_084) makes no specific mention of retailing within rural areas. It is considered that retail development unless ancillary to an attraction or business would be inappropriate outwith settlements as out of centre retail is not supported by SPP paragraph 61 (S4_Doc_296) nor TAYplan Approved Plan (Policy 7) (S4_Doc_068). It is therefore considered that it would be inappropriate to support its inclusion within Policy ED3.

The issue regarding rural housing with business developments needs to be reading line with residential development policies and housing in the countryside policies, which allows some scope for such developments in certain situations or locations.

No modification is proposed to the Plan.

Alexander Harley Seeds Ltd (00885/1/002): Policy ED3 does not highlight support for specific developments within rural areas. It is considered that renewable energy development is covered by '*site specific resource*' within the third sentence of the policy. In addition it is considered that Policy ER1 Renewable and Low Carbon Energy Generation (S4_Doc_392) provides acceptable support for renewable energy development in Perth and Kinross.

No modification is proposed to the Plan.

Kinross Estate Company (09311/1/001): It is considered that the beginning of the second sentence of the first paragraph already mentions contribution to the local economy and therefore there is no need to repeat this at the end of the same sentence.

No modification is proposed to the Plan.

Reporter's conclusions:

Economic Development Policy Group

1. Read as a whole Section 3.3 gives general support for all forms of economic development which meets the policies of the Scottish Government Economic Strategy, Scottish Planning Policy (SPP) and TAYplan.
2. There is no industry standard definition for tourism-related development and it is understandable that Perthshire Chamber of Commerce should wish to understand what

the Council has in mind in using this term. In response to a request for further information the Council stated that that tourism-related development can be described as: *“Development in hospitality, leisure and retail facilities and infrastructure where the primary purpose is to attract tourism visits (overnight and/or leisure day visits) thereby generating revenues and employment within the local economy.”* This is a helpful clarification which can usefully be incorporated within the Glossary of the Proposed Plan.

3. In support of its statement in paragraph 3.3.6 that 13% of all job opportunities are generated by *tourism-related development* the Council has referred to the Office of National Statistics and in particular to NOMIS - the labour market statistics web site. Although the data relied upon refers to the position in 2008 there is no evidence to support a view that the figure should be revised either up or down. It is not immediately understandable why tourist related developments and facilities should be accorded special mention rather than other forms of economic activity, including finance and services, which generate income and employment in Perth and Kinross.

4. While there can be no dispute that *high-tech business and high-tech industry* play a part in growing the economy of Perth and Kinross, these forms of economic development, like *tourism-related developments*, are difficult to define with precision. The insertion of text drawing particular attention to the potential contribution of these activities to the exclusion of other activities would be to clutter the text and be an unnecessary addition to the Council's commitment to support all forms of sustainable economic growth in Perth and Kinross.

Policy ED1 Employment and Mixed Use Areas

5. Depending on the particular circumstances, development of employment and mixed use areas may well generate significant volumes of additional traffic. As a note to Policy TA1: Transport Standards and Accessibility Requirements the Council is committed to the issue of supplementary guidance which will explain when a travel plan and transport assessment is required. While there is no need to repeat that exercise with respect to Policy ED1, it would be helpful to users of the plan if there was a cross reference to the terms of Policy TA1: Transport Standards and Accessibility Standards by way of a note below Policy ED1A which states the Council's commitment to the issue of relevant supplementary guidance.

6. The specification of waste management as an appropriate land use in Policy ED1A would be in tune with the Scottish Environment Protection Agency's (SEPA's) Zero Waste Plan to which the Council is committed and, in particular, to the terms of its Annex B. The policy should be amended accordingly.

7. It would be appropriate for the wording of the policy to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal of the Proposed Plan by presuming against any proposal which would harm a European Protected Site.

8. None of the respondents has sought the deletion of the whole of Policy ED1B. The intent of Policy ED1B is clear and the removal of the sentence: *“Proposals for mixed use opportunity sites that comprise predominantly one use will not be acceptable”* would strike at its heart. No persuasive justification has been provided for an amendment to this policy.

9. The Council's policies towards retail and commercial development are treated separately from economic development in section 3.4 of the Proposed Plan. Policy

ED1B deals with areas allocated in the Proposed Plan for employment and mixed use areas. It is perfectly understandable that the Council should seek to apply criteria which will ensure that developments in such areas are compatible one with another. The policy does not place an embargo on retail development in these areas. Moreover, the requirement that it be ancillary to other acceptable uses can ensure that sites intended for mixed use are not dominated by retail developments which have particular characteristics including traffic generation which are not necessarily seen as compatible by other potential investors on these sites. No persuasive justification has been provided for the deletion of item (d) or any amendment to the wording.

Policy ED3 Rural Business and Diversification

10. A fair reading of Policy ED3 confirms that it does not have the effect of limiting any new rural business and diversification which is not related to tourism and tourism accommodation to development which will reuse existing buildings. Nor are there any persuasive arguments to make specific reference to wind energy, or to include a reference to gross value added to the local economy from that source even if there were a recognised methodology readily to hand whereby that increment could be satisfactorily defined and thereafter calculated.

11. Sentence 4 within the first paragraph includes a set of criteria against which proposals for rural businesses and diversification will be assessed. It is essential that the introductory text be clear and specific. For clarity the sentence should be amended.

12. The following paragraph refers to “*new tourism development*” and later to “*existing visitor facilities*”. Given the difficulty in defining tourism development which the Council has acknowledged elsewhere in its responses, and the distinction which can be made between visits by residents, by day visitors, and tourists the addition of the word *existing* to the initial phrase would clarify matters.

13. There is no policy support at either national or strategic level making a special case for retailing developments outwith settlement centres which are not ancillary to the main use of a the site whatever that use may be. Accordingly, there is no need to alter the text of criterion (f) in that respect.

Reporter’s recommendations:

Glossary

1. Add a definition for “tourism-related development to the Proposed Plan’s glossary to read as follows: “*Development in hospitality, leisure and retail facilities and infrastructure where the primary purpose is to attract tourism visits (overnight and/or leisure day visits) thereby generating revenues and employment within the local economy.*”

Policy ED1A

2. Add the following text as a Note: “*Supplementary guidance prepared in relation to Policy TA1: Transport Standards and Accessibility Requirements will explain when a travel and transport assessment is required.*”

3. Add the following text to the policy as item (e): “*Proposals for waste management facilities can be considered to be acceptable subject to detailed site specific considerations.*”

4. Add the following text to the policy as item (f): *“Proposals should not result in adverse impacts, either individually or in combination, on the integrity of any European designated site.”*

Policy ED3

5. Delete sentence 4 of the introduction to the policy and insert the following: *“This is provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.”*

6. Amend the first clause of paragraph 2 of the introduction to the policy to read as follows: *“New and existing tourism-related development will be supported....”*

Issue 6	Tourism	
Development plan reference:	ED4 - Caravan Sites, Chalets and Timeshare Developments, page 27 ED5 - Major Tourism Resorts, page 28 8.1.17 – Strathearn Area Tourism, page 241 8.3.2 – Crieff Tourism, page 249 8.11.2 – Gleneagles Tourism, page 267	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Graham Travers (00102) Councillor Michael Barnacle (02633) Scottish Natural Heritage (05211) Crieff Hydro Estate (07710) The Gleneagles Hotel (09004) Scone Palace & Estate (09163) Methven & District Community Council (09221)		SSE plc (09311) Dall Estate (09313) Andrew Donaldson (09389) Alistair Godfrey (09941) Blairgowrie & Rattray Community Council (10002)
Provision of the development plan to which the issue relates:	Tourism related policies and supporting text	
Planning authority's summary of the representation(s):		
<p><u>Policy ED4:Caravan Sites, Chalets and Timeshare Developments</u> Andrew Donaldson (09389/1/002): Policy ED4 fails to allow for any expansion of types of visitor accommodation not listed within caravan sites, camping sites, chalets, timeshare etc. The policy needs to be reworded so that opportunities exist to develop tourism with a range of accommodation types at any existing tourism accommodation facility.</p> <p>Crieff Hydro Estate (07710/3/001): Supports the principle of a specific policy for tourist accommodation but does not see the need or benefit of having a tourist accommodation policy for explicit forms of tourist accommodation, that is, caravan sites, chalets and timeshare developments. Policy ED4 is considered overly complex, restrictive and not user-friendly. It should be sufficiently flexible and responsive to the various forms of tourist accommodation that may emerge during the Plan period.</p> <p>Scottish Natural Heritage (05211/25/002): Policy ED4 should reflect the outcomes of the Habitats Regulations Appraisal, Table 8.1 (S4_Doc_132).</p> <p>Blairgowrie & Rattray Community Council (10002/1/005): Says that the LDP shows no provision of welcoming visitors. Concerned that the importance of tourism is mentioned but not sure how the development of housing on prime recreational countryside will be a benefit to tourism.</p> <p>Alistair Godfrey (09941/1/005); Councillor Michael Barnacle (02633/1/004): Support Policy ED4 as written.</p> <p><u>Policy ED5: Major Tourism Resorts</u> Graham Travers (00102/1/002): Perth City should be classified as a major tourist</p>		

attraction and added to list within Policy ED5. Facilities are needed to become the best in the country so Perth doesn't become a blighted road junction. Second best just means people spend their money somewhere else.

Dall Estate (09313/1/002): Supports the inclusion of Policy ED5 but object to the failure to recognise the potential of the Dall Estate as a future major tourism resort which could offer the range and quality of accommodation available at Crieff, Dunkeld and Gleneagles, and the new facilities planned at gWest and Taymouth Castle.

Alistair Godfrey (09941/1/006): Policy ED5 should refer to more than the five resorts that are mentioned. A wider recognition of tourist development across Perth and Kinross is also required. Policy ED5 refers to *'the improvement or expansion of these facilities'* including gWest, which has not been built. This statement needs to be corrected. This particular development appears in more detail in Chapter 8.9, p264 (S4_Doc_393). It does not have planning consent and should be an allocated site in line with other sites within the plan. The plan should recognise SPP paragraph 95 (S4_Doc_105) in relation to rural development: *'The aim is not to see small settlements lose their identity nor suburbanise the.....'*

Crieff Hydro Estate (07710/2/001): Welcomes Policy ED5 as it supports specific tourist resorts and that tourism is a key economic driver. The policy framework does however need to make sure that the vision and aspirations of such resorts becomes a reality. The landscape setting for the tourist resorts are integral to the offer. In the case of Crieff Hydro, its landscape does vary across the estate and this should allow for continued expansion.

A minor modification to Policy ED5 is proposed so that it acknowledges and responds to the variation of landscape quality and the ability for the landscape to absorb development in appropriate locations.

Scone Palace & Estate (09163/4/004): Policy ED5 does not define Major Tourism Resorts. It lists a small number of tourist resorts and singles them out for special attention. The resorts listed all provide bed spaces but this is not clear in the text. The list excludes one of Perthshire's premier tourist attraction; Scone Palace and Gardens which provides a significant input to the local economy.

Methven & District Community Council (09221/1/001): In advance of Supplementary Guidance on windfarms, they ask that the landscape setting of Gleneagles, gWest and Crieff Hydro be protected by a windfarm free zone, including Strathearn and its flanking hill slopes.

SSE plc (09311/1/002): SSE broadly supports the objective of Policy ED5 as the importance of the tourism receptors listed within the policy is widely understood. However, it is considered that the policy is overly restrictive and may present a policy presumption against development which may be found broadly environmentally acceptable. The policy presumes against development that would have the *'potential to adversely impact'* the landscape setting of the tourism receptors listed in this policy. Many development types could have a minor adverse impact upon the landscape setting of the receptors listed but could well be broadly acceptable.

Scottish Natural Heritage (05211/25/003): Policy ED5 should reflect the outcome of Table 8.1 of the Habitats Regulations Appraisal (S4_Doc_133).

The Gleneagles Hotel (09004/2/001): Policy ED5 is supported for its emphasis about protecting the resort facilities' landscape setting, which is integral to their tourism offer, will be protected from developments with the potential to adversely impact upon it. Policy ED5 sends out a very positive message about the value placed by the Council and the community at large, about the resorts as visitor attractions and economic development assets for Perth and Kinross and the wider economy.

Strathearn Area Spatial Strategy - Tourism

Crieff Hydro Estate (07710/8/001): Welcomes the recognition of tourism as a key economic driver and the explicit identification of Crieff Hydro as one of three important tourism developments within the Strathearn area. However the wording in paragraph 8.1.17 should be strengthened to demonstrate the Council's support and commitment to facilitating and enabling the continued growth and expansion of such important tourism developments.

Crieff Hydro Estate (07710/4/001): Crieff Hydro Ltd supports the identification of tourism as a spatial strategy consideration in Crieff and specifically that Crieff Hydro, is identified as a key driver to shaping the spatial strategy considerations within Crieff.

However, Crieff Hydro's contribution to the tourism economy is not only providing visitor accommodation as inferred by the wording within the Proposed Plan Chapter 8 Section 8.3 paragraph.8.3.2 (S4_Doc_401):

'...The Crieff Hydro Hotel, and the caravan site to the west of the town, are specifically identified for their contribution to the provision of visitor accommodation and should be retained for their current uses'

The Plan should recognise the importance of the tourism development at Crieff Hydro, and seek to both protect its status and provide a sufficiently flexible framework to enable it to be responsive to the changing needs and trends within the tourism and leisure market. Recommend modifying the Proposed Plan Chapter 8 p.249 para.8.3.2 by amending the third paragraph to read as follows:

'Tourism provides employment and brings visitors to the town. This improves the vitality and viability of Crieff and ensures the services and facilities can continue to be provided in the area. The Plan therefore seeks to promote and enhance existing and future tourist development in the area. The Crieff Hydro Hotel, and the caravan site to the west of the town, are specifically identified for their contribution to the provision of visitor accommodation,' Add 'with the Crieff Hydro Hotel additionally providing a wider and more extensive range of holiday accommodation, tourism and leisure facilities; they should therefore be' Delete 'retained' Add 'protected and enhanced'. Delete 'for their current uses'.

The Gleneagles Hotel (09004/9/001): Whilst there is support for the Plan's statement at the paragraph 8.11.2 about the village being included in the Garden and Designed Landscape relating to the Gleneagles Hotel, the hotel is of the view that there is a need to ensure that the hotel, its grounds and most importantly, its setting, is protected from development that may be to the future detriment of the overall quality of the hotel and its image as a location of high environmental quality. The last sentence of the paragraph 8.11.2 should be amended to reflect an important protection requirement, to read: *'The Plan also seeks to protect the immediate village setting around Gleneagles Hotel, including an area of open space to maintain the character and amenity of the settlement...'*

The Gleneagles Hotel (09004/6/001): Supports Strathearn Area Spatial Strategy, on tourism – particularly the emphasis of seeking to protect and enhance tourism developments at Crieff Hydro, Gleneagles Hotel, Taymouth and gWest.

Modifications sought by those submitting representations:

Policy ED4: Caravan Sites, Chalets and Timeshare Developments

Andrew Donaldson (09389/1/002): Policy needs to be reworded so that opportunities exist to develop tourism with a range of accommodation types at any existing tourism accommodation facility.

Crieff Hydro Estate (07710/3/001): Modify Policy ED4 as follows:

Delete title of '*Caravan Sites, Chalets and Timeshare Developments*' and replace with the title of '*Tourist Accommodation*'.

Delete text within Policy ED4A: '*Encouragement will be given to the retention and improvement of existing [Delete caravan and camping sites and add tourist accommodation] provided the improvements are compatible with adjoining land uses and the site makes a positive contribution to the local economy.*'

Delete text within Policy ED4B: '*Proposals for new or expanded [Delete transit and touring caravan and camping sites and tourist accommodation]*'.

Scottish Natural Heritage (05211/25/002): Insert the following text at the end of the '*In All Cases*' section of Policy ED4:

'Development proposals will only be approved where they will not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation.

Where proposals are located close to a watercourse, which is part of or connects to the Special Area of Conservation, a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment, so as to ensure no adverse effects on the qualifying interests of the Special Area of Conservation. Other studies including an otter survey, drainage impact assessment and species protection plan, where appropriate, may be required.'

Blairgowrie & Rattray Community Council (10002/1/005): The LDP should plan for the provision of facilities for fishing, cycling, sightseeing and social heritage. The Plan should also support the establishment of tourism business without the loss of natural landscape and heritage.

Policy ED5: Major Tourism Resorts

Graham Travers (00102/1/002): Perth City should be identified as a major tourist resort in Policy ED5.

Dall Estate (09313/1/002): Dall Estate site should be identified as a brownfield opportunity site within the LDP with potential for it to be redeveloped as a key tourist destination resort with a range of mixed uses. The site should be included under Policy ED5 and the Proposals Map should be amended accordingly.

Alistair Godfrey (09941/1/006): More tourist attractions within Perth and Kinross should

be referred to within Policy ED; gWest should not be on the list as it is not yet built yet nor has planning permission and as a result the second sentence of Policy ED5 *'The improvement or expansion of these facilities will be encouraged'* should be corrected.

Crieff Hydro Estate (07710/2/001): Replace Policy ED5 to read as follows:

'The Plan area includes a number of significant resort complexes which play a significant role in the local, national and international tourism economy. The improvement or expansion of these facilities will be encouraged, and the landscape setting which is integral to their tourism offer will be protected from developments where there is the potential to adversely impact upon it. Specifically these major resorts are:

- a) Crieff Hydro*
- b) Dunkeld House*
- c) Gleneagles Hotel*
- d) gWest*
- e) Taymouth Castle Estate'*

Scone Palace & Estate (09163/4/004): The term *'Major Tourism Resorts'* should be defined. Scone Palace and Gardens should be added to the list of tourist resorts with Policy ED5 because of its significant role in the local, national and international tourism economy.

Methven & District Community Council (09221/1/001): The landscape setting of Gleneagles, gWest and Crieff Hydro including Strathearn and its flanking hill slopes should be protected by a windfarm free zone.

SSE plc (09311/1/002): Policy ED5 should be reworded to add *'potential to have an unacceptable adverse impact upon it'* within the second last sentence of the policy.

Scottish Natural Heritage (05211/25/003): It is recommended that the following text is added to the end of the Policy ED5 to safeguard the qualifying interests of the Natura 2000 sites:

'Development proposals will only be approved where they will not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and South Tayside Goose Roosts Special Protection Area.'

Strathearn Area Spatial Strategy - Tourism

Crieff Hydro Estate (07710/8/001): Modify the Proposed Plan Chapter 8 p.241 para.8.1.17 by amending the paragraph to read as follows:

'Crieff and Gleneagles are important tourism centres, attracting visitors to the area, providing accommodation and offering employment opportunities. The Plan recognises the importance of three tourism developments at Crieff Hydro, Gleneagles Hotel and gWest, and' Delete 'seeks to protect and enhance them' Add 'will protect and support the enhancement of these important tourism developments.'

Crieff Hydro Estate (07710/4/001): Modify the Proposed Plan Chapter 8 p.249 para.8.3.2 by amending the third paragraph to read as follows:

'Tourism provides employment and brings visitors to the town. This improves the vitality and viability of Crieff and ensures the services and facilities can continue to be provided in the area. The Plan therefore seeks to promote and enhance existing and future tourist

development in the area. The Crieff Hydro Hotel, and the caravan site to the west of the town, are specifically identified for their contribution to the provision of visitor accommodation,' Add 'with the Crieff Hydro Hotel additionally providing a wider and more extensive range of holiday accommodation, tourism and leisure facilities; they should therefore be' Delete 'retained' Add 'protected and enhanced'. Delete ' for their current uses.'

The Gleneagles Hotel (09004/9/001): Amend spatial strategy on tourism to protect the Gleneagles Hotel, its grounds and setting from development that would adversely affect the quality of the hotel and its image.

Summary of responses (including reasons) by planning authority:

Policy ED4:Caravan Sites, Chalets and Timeshare Developments

Andrew Donaldson (09389/1/002): Policy does not need to be reworded because it is considered that Policy ED4A adequately supports the improvement of existing caravanning and camping sites. This does not preclude possible expansion. Policy ED4C (a) also states that it supports the expansion of existing hotels, guest houses, chalet parks, caravan park and timeshares.

No modification is proposed to the Plan.

Crieff Hydro Estate (07710/3/001): Policy ED4 relates to the specific uses of Caravan Sites, Chalets and Timeshare Developments as they offer different characteristics to mainstream tourism. Changing the title to 'Tourist Accommodation' would involve including other uses such as B&B's; guest houses, public houses with rooms, self catering and serviced apartments, all of which are covered by Policies RD1 and RD2 (S4_Doc_394) of the LDP.

In addition Policy ED3 (Rural Business and Diversification) provides support for the expansion of rural tourist businesses.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/002): It is considered that amending Policy ED4 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (S4_Doc_132) of the Proposed Plan, and detailed in the previous section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply for proposals arising under these policies. It would also set out what will be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy ED4 as detailed in the 'Modifications Sought' section.

Blairgowrie & Rattray Community Council (10002/1/005): It is considered that the Plan adequately supports the establishment of tourism business and facilities without the loss of natural landscape and heritage through Policy ED3 Rural Business and Diversification (S4_Doc_395) and Policy PM1 (Placemaking) (S4_Doc_396). Policy ED3 supports the creation of new business in rural areas including visitor accommodation and additional tourism and recreational facilities. New tourism related development is supported where it improves the quality of new and existing facilities and allows a new market to be

exploited or extends the tourism season. Policy PM1 (S4_Doc_396) aims to ensure that all development including tourism development will contribute positively to the quality of the surrounding built and natural environment.

The above mentioned policies should be read as whole in conjunction with Policy ED4. It would also be inappropriate to identify specific tourist opportunities because the market could alter over time. It is considered that the policy is flexible enough to respond to the market.

No modification is proposed to the Plan.

Major Tourism Resorts (Policy ED5)

Graham Travers (00102/1/002): Perth City is not a major tourist resort unlike Gleneagles, Crieff Hydro etc. Perth is vitally important to supporting tourism as it provides accommodation, certain attractions as well as retail and commercial uses. Most of the venues and attractions within Perth are stand alone destinations with a predominantly single use and therefore do not form a resort.

No modification is proposed to the Plan.

Dall Estate (09313/1/002): Dall Estate is not classed as a major tourist resort because it does not offer the same level of accommodation and on-site leisure activities that the resorts on the list within Policy ED5 do, or will do on completion. Dall Estate is a tourist destination with its country house on Loch Rannoch and there are just three holiday homes within the estate. There are no on-site leisure based activities apart from fishing and shooting. There is a planning refusal (09/01273/IPM) (S4_Doc_433) for a major redevelopment of the estate to form a hotel with leisure and retail facilities including two golf courses etc. but until such a scheme is approved and under construction than it cannot be regarded as a major tourist resort. It cannot be allocated within the LDP as a brownfield opportunity site as the majority of the estate is greenfield.

No modification is proposed to the Plan.

Alistair Godfrey (09941/1/006): It is considered that there is a wider recognition of tourist development across Perth and Kinross within Policy ED4 rather than Policy ED5 which focuses on what are considered the 5 major tourism resorts within Perth and Kinross. There are numerous tourism destinations within Perth and Kinross but they are not of the same scale or offer the same range of facilities as those on the list of Policy ED5.

gWest in particular does benefit from planning permission (02/01500/OUT; 07/00625/REM (S4_Doc_434) and 09/01088/AML (S4_Doc_435) for a golf course, club house, hotel and housing) and development of certain elements of the proposal has already commenced. On the basis that development has commenced and the type and scale of the proposed development it is classified as a major tourist resort.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/004): Scone Palace and Gardens has a significant role in the local, national and international tourism economy but it is not classed as a major tourist resort because it does not offer accommodation or the same level of service or leisure facilities as the resorts contained on the list within Policy ED5.

No modification is proposed to the Plan.

Crieff Hydro Estate (07710/2/001); Methven & District Community Council (09221/1/001): Policy ED5 (second sentence) already states that *'landscape setting will be protected from developments with the potential to adversely impact on it.'* Wind farm proposals are dealt with via the development management process and will be assessed against such LDP policies as ER1 (Renewable and Low Energy Generation) (S4_Doc_392) and ER6 (Managing Future Landscape to Conserve and enhance the Diversity and Quality of the area's landscape) (S4_Doc_397). It is these policies along with TAYplan Policy 6 (Energy and Waste/Resource Management Infrastructure) (S4_Doc_069) and SPP (Core_Doc_048) that will determine any planning proposals for windfarms at/near Gleneagles, gWest or Crieff Hydro. It is considered there is no requirement for a specific policy to prevent wind farm proposals at Gleneagles, gWest or Crieff Hydro, with adequate policies already in place and within the Proposed Plan.

No modification is proposed to the Plan.

SSE plc (09311/1/002): It is considered that the proposed additional word to Policy ED5 does not add any additional strength to Policy ED5.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/003): It is considered that amending Policy ED5 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (S4_Doc_133) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply for proposals arising under these policies. It would also set out what will be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to policy ED5 as detailed in the 'Modifications Sought' section.

Strathearn Area Spatial Strategy - Tourism

Crieff Hydro Estate (07710/8/001): It is considered that the additional wording proposed at paragraph 8.1.17 will not add any extra strength to the supporting text.

No modification is proposed to the Plan.

The Gleneagles Hotel (09004/9/001); Crieff Hydro Estate (07710/4/001): There is no requirement for a specific policy or supporting text to protect Gleneagles Hotel or Crieff Hydro Estate against inappropriate development. Adequate and robust policies ED3 (S4_Doc_395) and ED5 are already in place within the LDP to protect such resorts and support their improvement or expansion.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy ED4: Caravan Sites, Chalets and Timeshare Developments

1. The primary focus of the respondents is on what amounts to tourism-related developments and the details of how support for such development will be provided by way of the Proposed Plan. It has been recommended under Issue 5 that the Proposed

Plan's glossary contain a definition of this term.

2. The starting point must be that land use policies of a local development plan cannot directly encourage and incentivise the establishment of quality tourism businesses which will offer employment to local people. However, Scottish Planning Policy (SPP) at paragraph 45 confirms that removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. In that context, as the Council has pointed out, Policy ED3: Rural Businesses and Diversification supports the creation of new business in rural areas and Policy PM1: Placemaking is drafted with the aim of ensuring that all development, including tourism-related development, will make a positive contribution to the quality of the surrounding built and natural environments.

3. Contrary to the Council's summary, Mr Donaldson's concern is that: "*Policy ED3 is restrictive and the wording needs to be clearer. Policy ED4 does not reflect the level of flexibility necessary to enable ED3 to be implemented for the range of potential business opportunities*". With the text of paragraph 3.3.6 in mind, the terms of Policy ED3 and Policy ED4 require to be read together. Policy ED3 and, in particular, its second paragraph is sufficiently widely drawn to cover tourism-related developments in rural areas. Accordingly, there is no need for the consequential amendments sought to Policy ED4.

4. Contrary to the reading of the plan by Crieff Hydro Estate, Policy ED4 is not a "*tourist accommodation policy*". As noted above, the policy should be read alongside Policy ED3 and, in particular, its second paragraph. Policy ED4 is concerned with the particular challenges posed by planning applications for caravan sites, chalets and timeshare developments. Seen in that light, the policy cannot be judged as "*overly complex, restrictive and not-user friendly*".

5. It would be helpful to amend Policy ED4 to incorporate the mitigation measures set out in the Habitats Regulations Appraisal because that would provide greater clarity and transparency for readers of the plan when they come to consider the application of Policy NE1: International Nature Conservation Sites.

Policy ED5: Major Tourism Resorts

6. The principal focus of concern from respondents is that some businesses and locations have not been included in the listing of what the Council has identified as "major tourism resorts". In response to a request for further information the council has stated that major tourism resorts as set out in Policy ED5 are locations or attractions considered to be of national and/or international importance, which are prominent within a particular landscape setting and have/will have a significant impact on the economy for Perth and Kinross and Scotland. The Council goes on to point out that the identified resorts rely heavily on their landscape setting as a key feature and as a result the policy seeks to protect them from potential developments that could have an adverse impact on their offer. The council has confirmed that the list of resorts in Policy ED5 does not mean they have been placed in a hierarchy above other tourist/visitor destinations within Perth and Kinross.

7. The first sentence of the policy is by way of preamble. That the Council should feel the need to include the second sentence suggests that it is unsure that the other policies of the plan, notably Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscape are sufficient to provide

general support for all tourism-related development including the 5 listed businesses. That is not the conclusion of this report. Indeed, the Council appears to agree with that conclusion at least as far as two of the resorts on the list are concerned since its evidence is that there is no requirement for a specific policy or supporting text to protect Gleneagles Hotel or Crieff Hydro Estate against inappropriate development and that Policies ED3 and ED5 would offer adequate protection and support their improvement or expansion.

8. Turning to the third sentence of Policy ED5, the commitment by the Council in the introductory text to Chapter 3 at paragraph 3.3.6 is to give general support for tourism-related developments. However, Policy ED5 gives particular support to 5 named large business ventures. It says that it has not created a hierarchy: but that is exactly what is identified with no clear reasoning identifying where the cut off is between major resorts and others. In these circumstances, it is perfectly understandable that concern has been expressed not only at the exclusion from the list of five of some other businesses and the vicinities within which they are sited but also to the inclusion of others including the resort known as gWest. It is inappropriate to give particular support to the commercial viability of one business venture rather than another. Indeed, the text at 3.3.6 confirms that is not the intention of the Council; and, as noted above, the Council has drawn attention to the terms of Policy ED3 which it regards as sufficient to support the improvement or expansion of at least two of the named businesses. All this leads to the conclusion that the third sentence of the policy runs contrary not only to relevant terms in SPP but also to the thrust of the Council's own evidence.

9. Drawing these matters together, Policy ED5 adds nothing to the achievement of the stated aims of the plan which cannot be achieved by way of its other policies when read as a whole. It has caused unnecessary concern to those who advocate the addition of other tourist attractions. Although a number of respondents have drawn attention to what they regard as fundamental deficiencies in the wording of Policy ED5 none of them has sought the removal of the policy from the Proposed Plan. Accordingly, the recommendation must be limited to sentence 3 of the policy.

Reporter's recommendations:

Policy ED4: Caravan Sites, Chalets and Timeshare Developments

1. In the section of the policy headed "In all cases" add the following text: *"Development proposals will only be approved where they will not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation. Where proposals are located close to a watercourse, which is part of or connects to the Special Area of Conservation, a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment, so as to ensure no adverse effects on the qualifying interests of the Special Area of Conservation. Other studies including an otter survey, drainage impact assessment and species protection plan, where appropriate, may be required."*

Policy ED5: Major Tourism Resorts

1. Delete sentence 3 of Policy ED5 including the five listed tourism resorts (a) to (e).

Issue 7		Retail and Commercial Centres	
Development plan reference:	3.4 - Retail and Commercial Development Policies Group, pages 29-30 Policy RC1 - Town and Neighbourhood Centres, page 29 Policy RC2 - Perth City Centre Secondary Uses Area, page 30 Policy RC3 - Commercial Centres, page 30 Policy RC4 - Retail and Commercial Leisure Facilities, page 30 5.2.4 – Perth Spatial Strategy - Retail, page 75	Reporter: David Buylla	
	Body or person(s) submitting a representation raising the issue (including reference number):		
Sainsbury's Supermarkets Ltd (00754) St Catherine's Perth Ltd (00758) ABP Ltd (00761) Universities Superannuation Scheme Ltd (00844) Manse LLP (00850) McEwans of Perth (05155) Scottish Natural Heritage (05211) Kinnoull Properties Ltd (08669)		Theatres Trust (08819) Episo Boxes LP (09035) Joan McEwen (09098) Scone Palace & Estate (09163) TACTRAN (09203) Methven & District Community Council (09221) King Group (09313) Susan Morrison (09557)	
Provision of the development plan to which the issue relates:	Sets out the retail strategy for Perth & Kinross's towns and commercial centres.		
Planning authority's summary of the representation(s):			
<p><u>New Retail Policy</u> Universities Superannuation Scheme Ltd (00844/1/016): Recent modification of planning obligation at St Catherine's Retail Park, Perth to allow additional convenience food retailing will significantly alter the role and function of the commercial centre. No requirement for the public to be notified or any third party comments to be taken into consideration. An additional retail policy will give transparency to the process and the full impact of such modifications will be properly considered.</p> <p>McEwans of Perth (05155/1/001): The LDP should set clear policy to ensure all retail development is within Perth city centre. If reasons are given that shows this is not possible, then prospective retailers should utilise any empty units in the retail parks. Moving to the out of town parks should only be considered the last option.</p> <p><u>Town and Neighbourhood Centres (Policies RC1- RC2)</u> Universities Superannuation Scheme Ltd (00844/1/003 and 00844/1/005): Failure to protect and enhance the retail offer in Perth city centre will turn retailers and shoppers to alternative destinations in Perth. This will result in less investment in the city centre and start a downward spiral where shoppers look to Dundee, Stirling and Dunfermline as alternative destinations. An additional sentence should be added to Paragraph 3.4.2 to highlight the opportunity that the St John's Shopping Centre presents to remedy any retail</p>			

gaps and deficiencies within Perth city centre.

Universities Superannuation Scheme Ltd (00844/1/018): Proposals Map of Perth does not clearly define the town centre boundary. A clearly defined town centre is considered necessary for Policy RC4 to be properly applied. The boundary should include the A989 inner ring road and forms a logical town centre.

Theatres Trust (08819/1/003): Policy RC1 does not refer to the importance of other uses apart from retailing and its effect on the vitality of Perth city centre. Policy RC4 should be merged with Policy RC1 as they are very similar.

Sainsbury's Supermarkets Ltd (00754/1/001): It is not clear what type of retail development is acceptable within a designated retail site and what degree of protection is afforded to it. It is also not clear where such designated retail sites sit within the network of centres.

Manse LLP (00850/1/005): Not sure why neighbourhood centres are within Policy RC1 which mainly relates to town centres. Reference to larger retail does not sit well with the role and function of a neighbourhood centre.

Manse LLP (00850/1/006): Policy RC2 is not consistent with SPP (Core_Doc_048) because it seeks to distinguish between uses in the city centre. There is a role for the primary retail core but there is no separate policy for this area.

Joan McEwen (09098/2/001 & 09098/2/002); Universities Superannuation Scheme Ltd (00844/1/006 & 00844/1/007): Both support Policies RC1 and RC2 as written.

Scottish Natural Heritage (05211/25/004 & 05211/25/005): Amend policies RC1 and RC2 of the Plan to reflect the outcome of the Habitats Regulations and Appropriate Assessment processes (Core_Doc_096).

Commercial Centres (Policy RC3)

King Group (09313/6/001): The Highland Gateway Retail Park is a recent addition located just off the A9 at Inveralmond roundabout. Based on paragraphs 55 and 56 of SPP (S4_Doc_089), and references to existing commercial centres at paragraphs 3.4.3 and 5.2.4 of the Proposed Plan, specific reference should be made within the LDP of the existence of Highland Gateway as a commercial centre.

St Catherine's Perth Ltd (00758/1/001): St Catherine's Retail park should be able to sell Class 1 retail goods and act as an extension to Perth city centre.

St Catherine's Perth Ltd (00758/1/003); Universities Superannuation Scheme Ltd (00844/1/004 & 00844/1/008); Manse LLP (00850/1/007): Policy RC3 is not compliant with SPP paragraphs 53, 54 (S4_Doc_093) and 55 (S4_Doc_096) in that it fails to set out an explanation of the role and function of each of the commercial centres. The proposed LDP would benefit from a paragraph in relation to each of the commercial centres. Manse LLP (00850/1/007) further comments that the commercial centre at Crieff Road has no potential to extend its offer. SPP (Core_Doc_048) encourages that the demand and need for new, in particular retail floor space is capable of being accommodated within such centres. In doing so the pressure to locate retail development in out of centre locations would be reduced.

ABP Ltd (00761/1/001): The allocated '*Commercial Centres*' should all be renamed '*Town and Neighbourhood Centres*' as it would be more appropriate and sustainable.

Methven & District Community Council (09221/1/002): Any supermarket proposals adjacent to the Crieff Road commercial centre, should only be approved where a clear need is demonstrated, and where impacts on residential and other land uses are compatible with other Plan policies such as Policy TA1 (S4_Doc_387).

Retail Proposals (Policy RC4)

Kinnoull Properties Ltd (08669/1/002): Policy RC4 does not include the potential for developing mixed use commercial centres as part of masterplan proposals. Added clarification to Policy RC4 would cover facilities proposed as an integrated part of a mixed use development that would serve the proposed development site and the surrounding area. This clarification would also be consistent with Policy PM1C (S4_Doc_396) as it supports sustainable new neighbourhoods and local shopping facilities.

Sainsbury's Supermarkets Ltd (00754/3/002): Not clear where allocated 'retail sites' sit within the network of centres and which planning policy applies.

St Catherine's Perth Ltd (00758/1/004): Object to wording of Policy RC4. Request for a retail assessment for proposals over 1,500sqm is contrary to SPP paragraph 53, 55 and 56 (S4_Doc_095), (S4_Doc_096) and (S4_Doc_097), which outlines a higher threshold of 2,500sqm. No explanation for the departure from SPP has been provided.

Universities Superannuation Scheme Ltd (00844/1/009): Reference should be made to the sequential approach in Policy RC4 as stated in SPP paragraph 62 (S4_Doc_094). Without this, applicants could argue that there is no requirement to adopt a sequential approach when selecting a location for retail development. Dundee, Stirling and Dunfermline have strong retail policies that promote retail and leisure development in their town centres and have robustly controlled retail development outwith these locations with the result that there has been an increase in retail development in the centre of these destinations.

Universities Superannuation Scheme Ltd (00844/1/019): Policy RC4 does not highlight any restrictions that should be imposed on the amount of comparison floorspace that should be allowed within a convenience retail development. This approach is commonplace in other authorities and helps protect the vitality and viability of town centres. Policy RC4 should also impose restrictions on mezzanine floor developments within retail unit's outwith the city centre.

Universities Superannuation Scheme Ltd (00844/1/020): LDP should identify appropriate locations for new retail development and the Opportunity sites in Chapter 5 should be in place as appropriate locations. The current list does not link the opportunities and any deficiencies.

Manse LLP (00850/1/008): Policy RC4 should refer to the sequential approach as set out in SPP paragraphs 63 and 64 (S4_Doc_090). The second paragraph of Policy RC4 should be amended, at the first sentence, to reflect the sequential approach as set out at paragraph 62 of SPP (S4_Doc_094).

The reference to proposals on edge of centre or out of centre locations only being acceptable subject to a number of criteria being met (at Policy RC4) is also inconsistent with SPP, as edge of town centre locations are part of the sequential approach and are

distinct from out of centre locations. The criteria set out in this policy should make reference to the proposal being unable to be accommodated within a town centre, edge of town centre or other commercial centre locations.

Policy RC4 should be consistent with SPP paragraphs 63 and 64 (S4_Doc_090) to avoid unnecessary confusion and inconsistency.

Scone Palace & Estate (09163/4/005): Policy RC4 does not allow for niche retail opportunities which present no threat to existing centres because their offers are often specific to the tourism market and support existing or proposed rural or tourism business. SPP paragraph 62 (S4_Doc_094) requires the sequential approach to be adhered to when selecting sites for retail unless the Development Plan identifies an exception. The LDP should state the exception. Supporting documents from Scone Palace and Estate, submitted with representation (Core_Doc_107) and (Core_Doc_108).

TACTRAN (09203/7/001): Supports Policy RC4 as written, while Universities Superannuation Scheme Ltd (00844/1/017): supports the important role that retail and commercial development has on Perth and Kinross's economy.

Scottish Natural Heritage (05211/25/006): Amend Policy RC4 of the Plan to reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_136).

Perth Spatial Strategy - Retail (Paragraph 5.2.4)

Sainsbury's Supermarkets Ltd (00754/4/002): The commercial centre on the Dunkeld Road includes little other than an ASDA food store and therefore does not meet the criteria for designation set out in the SPP paragraph 54 (S4_Doc_093).

Sainsbury's Supermarkets Ltd (00754/4/003 & 00754/4/004): The former Auction Mart, garden centre, hotel and restaurant at West Huntingtower should be designated as part of the Crieff Road commercial centre rather than for employment uses. There is also no justification for the industrial units between Strathtay Road and Crieff Road (S4_Doc_445) as part of the commercial centre since the units are used for employment purposes. If the former Auction Mart site is not included as a commercial centre then it should be identified as an Opportunity site for retail development given urban brownfield status. TAYplan page 8 (S4_Doc_063), SPP paragraphs 48 (S4_Doc_098) and 80 (S4_Doc_099) all encourage the redevelopment of brownfield land. The identification could assist the delivery of the A9/A85 junction improvements and recognise the need for the release of some further retail development within the area.

St Catherine's Perth Ltd (00758/1/002): The future role of St Catherine's Retail Park should be defined within the text of the Plan because it can offer large accessible units for new retailers coming to Perth who cannot be accommodated within the city centre boundary.

Universities Superannuation Scheme Ltd (00844/1/010): The Plan should indicate that St John's Centre can meet the requirements for larger retail units and new retail floorspace. The Plan should also refer to the car parking regime which should be more flexible to improve the shopping and visitor experience in the city centre. The current pay and display limits shoppers dwell time. Free parking has been a great success.

Susan Morrison (09557/1/001): Large out of town retail developments on the edge of the city kill the city centre. Effort should go into filling the empty units in the city centre, St Catherine's Retail Park and Inveralmond Industrial Estate. While job creation is used as a

supportive argument these jobs could be filled by putting more people into existing supermarkets.

Episo Boxes LP (09035/7/001); St Catherine's Perth Limited (00758/2/001): Both support the allocation of St Catherine's Retail Park as a commercial centre.

Modifications sought by those submitting representations:

New Retail Policy

Universities Superannuation Scheme Ltd (00844/1/016): New retail policy entitled '*Modification of Retail Planning Restrictions*' is suggested and should read as follows:

'Proposals to modify planning obligations and other planning controls that control floorspace and the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment. Proposals will only be acceptable where:

- (a) It has been demonstrated that there will be no significant impact (individual or cumulative) on any town centre.*
- (b) It can be demonstrated that a proposal helps meet quantitative and qualitative deficiencies in existing provision.*
- (c) It can be demonstrated that there will be no change to the role or function of the centre in the network of centres.*
- (d) It is supported by a favourable sequential assessment, that demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available in a reasonable time.*
- (e) It is of an appropriate scale.*
- (f) Any detrimental impacts identified in the transport assessment are mitigated.*

Any significant changes in the evolving role and function of a centre should be addressed through the next review of the Development Plan rather than changes being driven by individual applications.'

McEwans of Perth (05155/1/001): Policy required stating that all retail projects should be located within Perth City Centre. Only if tangible reasons are given that shows that this is not possible, then prospective retailers should utilise one of the empty units in the retail parks. As a last resort, only moving to the out of town parks should be considered.

Town and Neighbourhood Centres (Policies RC1- RC2)

Universities Superannuation Scheme Ltd (00844/1/003 & 00844/1/005): An additional sentence should be added to Paragraph 3.4.2 to highlight the opportunity that the St John's Shopping Centre presents to remedy any retail gaps and deficiencies within Perth city centre. An additional sentence should also be added to the end of paragraph 3.4.5: '*and must not harm the vitality and viability of town centres. The city centre is the sequentially preferable location for retail development in Perth.'*

Universities Superannuation Scheme Ltd (00844/1/018): Proposals map of Perth to be redrawn to allow for clearer definition of city centre boundary.

Theatres Trust (08819/1/003): Policy RC4 should be merged with Policy RC1.

Sainsbury's Supermarkets Ltd (00754/1/001): Policy RC1 should state what type of retail development is acceptable within a designated retail site and what degree of protection is

afforded to it. It should also state where designated retail sites sit within the network of centres. The first sentence within Policy RC1 should read *'Within the areas identified as Town and Neighbourhood Centres and Retail Sites, the Council will encourage uses with Class 1 (retail).....'*

Manse LLP (00850/1/005): A separate policy should be provided for neighbourhood centres.

Manse LLP (00850/1/006): A policy should be provided for the primary retail core but there should be no further distinction in the remainder of the city centre.

Scottish Natural Heritage (05211/25/004) Add criterion (e) to the list in Policy RC1 and the additional text to follow to the end of the Policy on page 29:

'(e) Ensure there are no adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.'

'Where development proposals will affect a watercourse in Perth City Centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven Special Protection Area), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.'

'Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation.'

Scottish Natural Heritage (05211/25/005): Policy RC2 should be amended to include the following additional text at the end of the policy:

'Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation; where retail and commercial proposals will affect a watercourse within Perth City Centre, a Construction Method Statement should be provided for all aspects of the development in order to protect the watercourse from the impact of pollution and sediment.'

Commercial Centres (Policy RC3)

King Group (09313/6/001): Highland Gateway Retail Park at Inveralmond Roundabout, Perth should be designated within the LDP as a Commercial Centre.

St Catherine's Perth Ltd (00758/1/001): The city centre boundary should be extended to include St Catherine's Retail Park.

St Catherine's Perth Ltd (00758/1/003); Universities Superannuation Scheme Ltd (00844/1/004 & 00844/1/008); Manse LLP (00850/1/007): The role of each commercial centre should be defined and an additional sentence is also recommended for Policy RC3 stating *'Proposals which support the future role of the commercial centres as outlined in this Plan will be supported.'* If so, the second sentence of Policy RC3 could be deleted.

ABP Ltd (00761/1/001): *'Commercial Centres'* should be renamed *'Town and Neighbourhood Centres'*.

Methven & District Community Council (09221/1/002): Any supermarket proposals close to the Crieff Road commercial centre, should only be approved where a clear need can be demonstrated, and where impacts on residential and other land uses are compatible with other Plan Policies such as TA1.

Retail Proposals (Policy RC4)

Kinnoull Properties Ltd (08669/1/002): Policy RC4 should include the potential for developing mixed use commercial centres as part of masterplan proposals.

Sainsbury's Supermarkets Ltd (00754/3/002): Clarification of where allocated retail sites sit within network of centres and which planning policies apply.

St Catherine's Perth Ltd (00758/1/004): Within Policy RC4, the retail assessment threshold figure of 1,500sqm should be replaced by 2,500sqm.

Universities Superannuation Scheme Ltd (00844/1/009): LDP should promote Perth city centre as the sequentially preferable location for retail/leisure development in Perth. Policy RC4 should be amended to state that Perth city centre is the sequentially preferable location for development in Perth.

Amend Policy RC4 as follows:

After '.....other commercial centres.' Add '*Within Perth the city centre is the sequentially preferable location for retail and leisure development.*'

Amend '*Proposals on edge of centre.*' to read:

'Proposals in edge of centre, commercial centre or out-of-centre locations will only be acceptable where:'

Amend criterion (b) to read:

'b) It is supported by a favourable sequential assessment, that demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available in a reasonable time. Applicants must adopt flexibility and realism when assessing alternative sites.'

Add new criterion (c) to read:

'c) The applicants have demonstrated that the form, design and scale of the development and the amount of car parking, could not be adapted to make it appropriate for a town centre site.'

Renumber criteria (c)-(g) to be (d)-(h)

Add a further comment:

'A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres. Mezzanine floors may be restricted in locations outwith the town centre.'

Universities Superannuation Scheme Ltd (00844/1/019): Policy RC4 should highlight the level of restriction that should be imposed on comparison goods floorspace within convenience retail developments. Policy RC4 should also include details on mezzanine floorspace restrictions in new retail developments outwith the city centre.

Universities Superannuation Scheme Ltd (00844/1/020): LDP to identify the best uses for the Opportunity Sites contained within the Proposed Plan on pages 77-81 of the LDP (S4_Doc_398).

Manse LLP (00850/1/008): Policy RC4 should refer to the sequential approach as set out in SPP. The second paragraph of Policy RC4 should also be amended to state *'Proposals for any retail and leisure development of 1,500 sq m or more gross floor space out with a defined town centre boundary or any defined commercial centre within the Development Plan, and not otherwise in accordance with the Development Plan, will require a transport, retail or leisure impact assessment'* to ensure consistency with paragraphs 63 and 64 of SPP (S4_Doc_090).

Scone Palace & Estate (09163/4/005): Policy RC4 should be modified to read *'Proposals on edge of centre or out of centre locations will only be acceptable where they offer a type of niche, destination retail which supports the tourism/visitor offer of Perth and Kinross and an out of centre location is required because of its specific locational significance to the proposal or because is in connection with and existing or proposed rural or tourism business.'*

Scottish Natural Heritage (05211/25/006): Policy RC4 should be amended to include the following additional text at the end of the policy (page 30): *'Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.'*

Where development will affect a watercourse in Perth city centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven SPA), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.

Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation.'

Perth Spatial Strategy - Retail (Paragraph 5.2.4)

Sainsbury's Supermarkets Ltd (00754/4/002): Delete the Dunkeld Road commercial centre from the list of commercial centres because it only contains an Asda foodstore.

Sainsbury's Supermarkets Ltd (00754/4/003 & 00754/4/004): Revise boundary of Crieff Road Commercial Centre to include land west of the A9 including the former Auction Mart, Dobbies garden centre, hotel and restaurant. The industrial units between the Crieff Road and Strathtay Road east of Newhouse Road (S4_Doc_445) should be excluded. The former Auction Mart on Crieff Road should be identified as an Opportunity for retail and filling station with improvements to the Crieff Road and junction improvements to the A9/A85 as part of the developer requirements.

St Catherine's Perth Ltd (00758/1/002): Text should be added to highlight that St Catherine's Retail Park is in need of refurbishment.

Universities Superannuation Scheme Ltd (00844/1/010): Supporting text should indicate that the St John's Centre can meet the requirements for larger retail units and new retail floorspace. Text should also refer to the car parking regime which should be more flexible to improve the shopping and visitor experience in the city centre.

Susan Morrison (09557/1/001): No more development of large supermarkets on the fringe of the Perth City.

Summary of responses (including reasons) by planning authority:

New Retail Policy

Universities Superannuation Scheme Ltd (00844/1/016): It is considered that new retail policy regarding '*Modification of Retail Planning Restrictions*' is not required within the LDP because this is an area of planning that is effectively controlled by the development management process. Planning conditions and legal agreements can effectively control floorspace and the range of goods that can be sold from retail units. Any planning applications to modify use or floorspace restrictions should not have to be assessed against a specific planning policy on modifications. Such applications should be assessed against the Development Plan policies of TAYplan (Core_Doc_099) and Perth & Kinross Council LDP (when adopted), which are considered to be robust and up to date to deal with such planning applications. An additional planning policy covering this issue is not considered necessary and could be unduly restrictive.

No modification is proposed to the Plan.

McEwans of Perth (05155/1/001): It is considered that the new policy being requested that all retail projects should be located within Perth city centre is the sequential approach. There is already significant policy guidance on the sequential approach contained within SPP paragraphs 62 - 64 (S4_Doc_297) and TAYplan Strategic Development Plan Policy 7 (Town Centres) (S4_Doc_068) and Policy RC4 of the Proposed Plan. All policy guidance supports retail development in town/city centres and only development outwith such centres will be supported if certain criteria are met. There is therefore no need to reproduce planning policy that is already in place at national, regional and local level.

No modification is proposed to the Plan.

Town and Neighbourhood Centres (Policies RC1- RC2)

Universities Superannuation Scheme Ltd (00844/1/003 & 00844/1/005): It is not the role of the Council to directly promote a retail venue or premises within the city centre. The sequential approach promoted by SPP paragraphs 62 - 64 (S4_Doc_297), TAYplan Policy 7 (S4_Doc_068) and the LDP Policy RC4 shows support for retail development within the city centre and this includes the St Johns Shopping Centre.

Policy RC4 indicates that Perth city centre is the sequentially preferable location for new development by stating that '*retail and commercial leisure facilities will be expected to locate in town and neighbourhood centres or other commercial centres*'. Paragraph 3.4.3 of the Proposed Plan also highlights that Perth and its city centre is top of the retail hierarchy within Perth and Kinross. In addition the sequential approach is promoted within SPP paragraphs 62 to 64 (S4_Doc_297) and TAYplan Strategic Development Plan (Policy 7) (S4_Doc_068). It is therefore not considered necessary to repeat policy guidance already mentioned at national and regional level.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/018): It is considered that the Proposals Map of Perth adequately shows the city centre boundary. The online map allows you to zoom in and out and the Council considers that this is acceptable.

However, if the Reporter considers there is a need for a more detailed map of the city centre, the Council would be comfortable with this modification because it would not have any implications on Policies RC1 to RC4.

No modification is proposed to the Plan.

Theatres Trust (08819/1/003): It is considered that there is no merit or need for Policy RC1 to be merged with Policy RC4 as they are in fact not similar to each other. Policy RC1 is focussed on the different Use Classes that would be suitable in town and neighbourhood centres. Policy RC4 is mainly concerned with the Retail Impact Assessment thresholds for edge/out of centre retail proposals and the sequential approach. Both policies have very different impacts and merging them could lead to greater ambiguity and confusion.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/1/001): Policy RC1 covers town and neighbourhood centres and Policy RC3 covers commercial centres and what type of retail development is acceptable within commercial centres. Both policies mention that each have or require a certain level of protection afforded to it. Most of the designated retail sites (Pitlochry, Crieff, and Scone) are such because they have planning permission for retail use, which is a stand alone decision on the future use of the site. The site at Newton Farm, Perth (S4_Doc_445) is potentially allocated for retail use subject to capacity being proven and this is because it is adjacent to Crieff Road commercial centre. None of the designated retail sites are located with a town centre, commercial centre or edge of centre and therefore it would not be appropriate to place them within the retail hierarchy supported by SPP paragraphs 62 - 64 (S4_Doc_297) and TAYplan (Policy 7) (S4_Doc_068).

No modification is proposed to the Plan.

Manse LLP (00850/1/005): It is considered that there is no requirement to split Policy RC1 into two separate policies. The retail planning requirements within town and neighbourhood centres are almost identical to each other with just the scale of proposals in each generally being different. The policy as is allows for greater flexibility and creating two separate policies would lead to repetition of policy.

No modification is proposed to the Plan.

Manse LLP (00850/1/006): A policy for the primary retail core with no further distinction in the remainder of the city centre is not considered to be very practical. Perth is well known for its independent retail outlets with many of these located inside and outside the primary core area. It is important that such businesses are protected from inappropriate uses as they provide a significant role in Perth's attractiveness as a retail destination.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/004 & 05211/25/005): It is considered that amending Policies RC1 and RC2 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (S4_Doc_134) and (S4_Doc_135) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply for proposals arising under these policies,

and would also set out what will be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policies RC1 and RC2 as detailed in the 'Modifications Sought' section.

Commercial Centres (Policy RC3)

King Group (09313/6/001): Highland Gateway Retail Park, Inveralmond Roundabout, Perth has had a variety of planning consents within the past few years that now allows for it to be more than just '*tourism retail*'. During the LDP process consent has been granted for a foodstore and this with the existing uses now allow multiple forms of retail, commercial and employment uses. The character and function of the retail park as a result has changed.

If the Reporter is so minded to recommend that Highland Gateway is classified as a commercial centre within the LDP, the Council would be comfortable with this modification because it would not have any implications on Policy RC3 or the other retail policies.

St Catherine's Perth Ltd (00758/1/001): The city centre boundary should not be extended to include St Catherine's Retail Park because it very much provides a complimentary role to the city centre. There is an element of separation from the primary core area of the city centre and whilst the linkages are good it is still considered to be an edge of centre location. If the retail park had unlimited Class 1 use it would have a serious impact on the vitality and viability of Perth city centre and the role and function of the retail park would be altered.

No modification is proposed to the Plan.

St Catherine's Perth Ltd (00758/1/003); Universities Superannuation Scheme Ltd (00844/1/004 & 00844/1/008); Manse LLP (00850/1/007): The point raised is noted and accepted. Both SPP paragraph 53 (S4_Doc_095) and TAYplan Strategic Development Plan Policy 7 (S4_Doc_068) stipulate that the Development Plan should identify the roles of commercial centres within the Plan.

If the Reporter is so minded to recommend that the role of the identified commercial centres is added to Policy RC3, the Council would be comfortable with this modification because it would not have any implications on Policy RC3 or the other retail policies. The Council has produced a core document containing a description and role for each of the commercial centres identified in the LDP (S4_Doc_805).

ABP Ltd (00761/1/001): '*Commercial Centres*' should not be redesignated '*Town and Neighbourhood Centres*' as they provide a completely different role and function from town and neighbourhood centres. Commercial centres tend to provide more bulky goods and large floorspace retail units which are unlikely to be suitable or accommodated within most town or neighbourhood centres. Neighbourhood centres in particular tend to be smaller in scale and provide for the local area. Renaming them would lead to confusion as they do not provide the same level or type of services that commercial centres are supposed to.

No modification is proposed to the Plan.

Methven & District Community Council (09221/1/002): Site Op7 at Newton Farm (S4_Doc_399) is located immediately adjacent to the Crieff Road commercial centre and

it allows for the site to be potentially used for retail. It does stipulate that that any retail use of the site is subject to capacity being available. Therefore the proposed modification is already in place with the allocation of Site Op7.

In addition any development proposal has to take into consideration the impact on residential amenity.

No modification is proposed to the Plan.

Retail Proposals (Policy RC4)

Kinnoull Properties Ltd (08669/1/002): Policy RC4 does not prevent the potential for developing mixed use commercial centres as part of masterplan proposals of strategic development areas. The Draft Action Programme (Core_Doc_172) stipulates that all the larger allocated sites will require a masterplan and most will require a commercial or neighbourhood centre to enhance their sustainability and reduce the need for travel.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/3/002): Most of the allocated retail sites (Pitlochry, Crieff, Scone) have the benefit of planning permission for retail use, which is a stand alone decision on the future use of the site. The site at Newton Farm, Perth (S4_Doc_399) is potentially allocated for retail use subject to capacity being proven. None of the sites are located with a town centre, commercial centre or edge of centre and therefore it would be too difficult to place them within the hierarchy supported by SPP paragraphs 62 to 64 (S4_Doc_297) and TAYplan (Policy 7) (S4_Doc_069).

No modification is proposed to the Plan.

St Catherine's Perth Ltd (00758/1/004): SPP paragraph 65 (S4_Doc_298) says that an impact analysis may be required for proposals less than 2,500sqm if it is considered they could have an impact on vitality and viability. It is considered that the smaller threshold for a Retail Impact Assessment set within Policy RC4 is appropriate because a retail floorspace proposal between 1,500sqm and 2,500sqm could have a potentially greater adverse impact on Perth city centre because it is a smaller city centre in comparison to many other Scottish cities and is renowned for its many small independent retail outlets.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/009); Manse LLP (00850/1/008): The first sentence of Policy RC4 indicates that Perth city centre is the sequentially preferable location for new development by stating that '*retail and commercial leisure facilities will be expected to locate in town and neighbourhood centres or other commercial centres*'. Paragraph 3.4.3 of the Proposed Plan also highlights that Perth and its city centre is top of the retail hierarchy within Perth and Kinross. In addition the sequential approach is promoted within SPP paragraphs 62 to 64 (S4_Doc_297) and TAYplan Strategic Development Plan (Policy 7) (S4_Doc_068). It is therefore not considered necessary to repeat policy guidance already mentioned at national and regional level.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/019): It is considered that a restriction on the amount of comparison goods floorspace within convenience shopping developments or mezzanine floors outside the city centre or other town centres is not appropriate as this could be too prescriptive and can be adequately controlled by the

development management process. Any planning applications for retail floorspace will have to be assessed against Policies RC1 to RC4 and they are considered acceptable and robust enough to deal with such applications.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/020): The LDP identifies the most appropriate uses for the Opportunity Sites Op1 to Op9 on pages 80-81 (S4_Doc_400) of the LDP. The uses stated offer a range and level of flexibility to the development industry in the current economic climate.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/005): There is no requirement to modify Policy RC4. It is considered that Policy ED3 Rural Business and Diversification (S4_Doc_395) provides acceptable policy support for existing rural businesses and tourism destinations to expand and diversify their offer for its visitors. This does not preclude the development of niche destination type retail e.g. a farm shop or small retail unit that supports the tourist attraction. Any stand alone rural retail proposals will have to be assessed against Policy RC4 and meet all its criteria as well as other LDP policies, and TAYplan (Core_Doc_099) and SPP (Core_Doc_048).

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/006): It is considered that amending Policy RC4 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (S4_Doc_136) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply for proposals arising under these policies. It would also set out what will be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy RC4 as detailed in the 'Modifications Sought' section.

Perth Spatial Strategy - Retail (Paragraph 5.2.4)

Sainsbury's Supermarkets Ltd (00754/4/002): Dunkeld Road commercial centre contains more than just an Asda foodstore. There are 2 bakeries, 2 newsagents, a post office, a betting shop and a fast food takeaway fronting onto Dunkeld Road and there is a McDonald's fast food restaurant accessed off the same entrance to the Asda foodstore.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/4/003 & 00754/4/004): The former Auction Mart, Dobbies garden centre, hotel and restaurant are all west of the A9 which results in a lack of connectivity with the Crieff Road commercial centre and is therefore poorly related to it. The employment/retail units between the Crieff Road and Strathtay Road east of Newhouse Road are included as they are well related to the rest of the commercial centre and they provide employment and retail which meets the expected uses of a commercial centre.

The former Auction Mart should not be identified as an Opportunity site for retail use. It

already has the benefit of planning permission for such a use and therefore there is no need to allocate it for such permitted use.

No modification is proposed to the Plan.

St Catherine's Perth Ltd (00758/1/002): It is agreed that St Catherine's Retail Park is in need of refurbishment and it does benefit from several planning permissions over the past few years to upgrade the site. Some of this has already taken place with the upgrading of the car park. Therefore it is not considered necessary to make the modification suggested.

No modification is proposed to the Plan.

Universities Superannuation Scheme Ltd (00844/1/010): It is not the role of the Council to directly promote a retail venue or premises within the city centre. The sequential approach promoted by SPP paragraphs 62 to 64 (S4_Doc_297), TAYplan Policy 7 (S4_Doc_068) and the LDP shows support for retail development within the city centre and this includes the St Johns Shopping Centre.

No modification is proposed to the Plan.

Susan Morrison (09557/1/001): SPP paragraphs 62 to 64 (S4_Doc_297) and TAYplan Policy 7 (S4_Doc_068) support that future retail development should be concentrated within city or commercial centres and out of centre retail development should not be supported. Policies RC1 to RC4 support both SPP and TAYplan with the emphasis on protecting town and commercial centres.

No modification is proposed to the Plan.

Reporter's conclusions:

New Retail Policy

1. Proposals to modify existing retail planning permissions can potentially alter quite significantly the scale and/or nature of retailing at a particular location. Such proposals can therefore have potentially significant implications for the vitality and viability of town centres and the role of individual retail centres. Policies RC1 to RC4 do not deal with such proposals and it would be clearer to have a separate policy than to attempt to modify existing policies. The wording suggested by Universities Superannuation Scheme Ltd, with very minor adjustment, sets out an appropriate series of assessment criteria and should be included as a new Policy RC5.

2. The additional policy that is requested by McEwans of Perth is a restatement of the sequential approach to retail site selection, which is a requirement of Scottish Planning Policy (SPP) and TAYplan. Proposed Policy RC4 deals with this issue. However, a number of modifications to this policy are recommended below in order to clarify the status of town centres and other centres within the retail centre hierarchy and thereby ensure that the sequential approach operates correctly.

Town and Neighbourhood Centres (Policies RC1- RC2)

3. The plan should highlight the importance of directing retail development to Perth town centre but it would be inappropriate for it to favour any specific retail location within that

centre over any other, as all town centre sites occupy the same position in the retail centres hierarchy.

4. The proposals map identifies clearly the Prime Retail Core and Secondary Uses areas of Perth's town centre, which together form the town centre. However, it would be helpful if the plan contained a larger scale map of the designated town centre so as to avoid any doubt as to its extent and location. It would be inappropriate for the town centre boundary to follow the A989 inner ring road, as that includes quite extensive residential areas, which form no part of the functional town centre.

5. SPP and TAYplan acknowledge that the defining characteristics of town centres include the diverse range of activities that they contain and their role as a focus for civic activities. SPP confirms that town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities. Against that background, Policy RC1 should encourage not only retail uses but also other uses that assist in maintaining vitality and viability.

6. Policy RC1 deals with both Town and Neighbourhood Centres. Their respective roles are very different, but this is not sufficient reason to have different policies for each, as that would lead to significant repetition. However, reference to larger retail floorplates is not appropriate to neighbourhood centres and the unqualified support for the creation of additional retail floorspace in Neighbourhood Centres is inconsistent with the role of such centres in the retail hierarchy. Minor modifications to the policy's first sentence would address this.

7. The purpose of Policy RC1, which is to define appropriate town and neighbourhood centre uses, is very different to that of Policy RC4, which sets out the assessment criteria that will be applied to the consideration of all retail proposals. Therefore, it would be inappropriate for these policies to be merged. However, Policy RC4 requires some modification so that it clearly reflects the sequential approach that is set out in SPP and TAYplan, as considered below.

8. Individual retail sites, which are outwith a designated centre, occupy the lowest position in SPP's retail centres hierarchy. There would be no benefit in identifying these locations in the plan, as they have no higher status as locations for future retail development than any other out of centre location.

9. It is appropriate for the plan to distinguish between Perth's Prime Retail Core and its Secondary Uses Area. Although both occupy the same position within the retail centres hierarchy, being within the defined Town Centre, this is not undermined by the plan adopting a slightly different policy position in respect of the range of uses that will be encouraged in the Secondary Uses Area.

10. In order to reflect the outcome of the Habitats Regulations Appraisal, it is appropriate for Policies RC1 and RC2 to be modified in the manner that is proposed by Scottish Natural Heritage.

Commercial Centres (Policy RC3)

11. St Catherine's Retail Park has an entirely different character to Perth's town centre, performs a different but complementary role and is separated from the town centre to some extent by busy local roads. It would therefore be inappropriate to include it within the town centre boundary. And due to the different roles of commercial, town and

neighbourhood centres, it would also be inappropriate to re-designate all “Commercial Centres” as “Town and Neighbourhood Centres”.

12. The proposed plan is not fully compliant with SPP paragraphs 53, 54 and 55 in that it fails to explain the role and function of each of the commercial centres. The authority acknowledges this weakness and has provided additional text for inclusion in the plan (Schedule 4 document 805) which should be included as a modification. Changes that have taken place at the Highland Gateway Retail Park at Inveralmond roundabout justify its inclusion within the Proposed Plan as a commercial centre and the Plan should also make reference to this within the role and function test.

13. As there is no evidence of unmet retail capacity within the Perth area, that could not be met within or on the edge of the town centre, there is no need for the proposed plan to provide the commercial centre at Crieff Road with the potential to extend its retail offer. Representations relating to proposed site Op7 are considered under Issue 23a.

Retail Proposals (Policy RC4)

14. At present, the hierarchy of retail centres is insufficiently clear. The first sentence of Policy RC4 gives the impression that town, neighbourhood and commercial centres have equal status as locations for new retail and commercial leisure proposals. And the subsequent series of requirements ((a) to (g)) including the requirement to undertake a sequential assessment, does not apply to development proposals in commercial centres. This is inconsistent with the hierarchy of retail centres that is identified in paragraph 3.4.3 of the Plan and is contrary to the requirement in TAYplan to follow the sequential approach in SPP. Modifications to the policy wording are recommended that identify the hierarchy of retail centres and thereby clarify how the sequential approach to site selection should be applied. However, the requested addition of more detailed requirements relating to the sequential approach is unnecessary, as these are set out clearly in SPP.

15. Policy RC4 deals with the existing retail centres hierarchy and it would be inappropriate for it to deal with the potential for developing new mixed-use commercial centres as part of masterplan proposals. The inclusion of retail development within mixed-use schemes might be appropriate where this could be demonstrated to meet a specific local need and would reduce the need to travel. But such an assessment should be undertaken on a case by case basis at the development management stage.

16. SPP permits authorities to require retail impact assessments for proposals of below 2,500 square metres where it is considered they could have an impact on vitality and viability. The small scale of retail centres in Perth justifies this more onerous requirement.

17. It is standard practice in the consideration of a retail planning application to consider the need for restrictions to be imposed on the amount of comparison floorspace that should be allowed within a convenience retail development and to impose restrictions on mezzanine floor developments. However, it would provide better guidance for prospective developers if these issues were identified in the plan and a minor addition to Policy RC4 would address this.

18. The merits of permitting, as an exception to normal retail policy, niche retail opportunities which are genuinely specific to the tourism market and would support existing or proposed rural or tourism business, are best considered on a case by case

basis. It would be inappropriate for the plan to give such proposals a general exemption from the sequential site selection approach because the appropriateness of this approach depends on the specific details of each individual proposal.

19. In order to reflect the outcome of the Habitats Regulations Appraisal, it is appropriate for Policy RC4 to be modified in the manner which is proposed by Scottish Natural Heritage.

Perth Spatial Strategy - Retail (Paragraph 5.2.4)

20. The commercial centre on Dunkeld Road includes several small retail units in addition to the ASDA food store and is conveniently located within an extensive residential area. It meets the criteria for designation as a commercial centre as set out in SPP paragraph 54.

21. The former auction mart, garden centre, hotel and restaurant at West Huntingtower is separated from the Crieff Road commercial centre by the A9 and would not operate as part of the commercial centre, even after the proposed A9/A85 junction improvements. It should not therefore be included within the commercial centre. The recently approved planning permission for a supermarket on this site does not require to be recorded in the proposals map, as other out of centre retail sites are not represented in this way. There would also be no benefit in designating the land as an opportunity site, given that planning permission has already been granted.

22. The units between Strathtay Road and Crieff Road have some retail function and relate well in physical terms to the remainder of the Crieff Road commercial centre. It is logical therefore for these units to be included within the commercial centre.

23. The availability and cost of car parking in Perth town centre may have an influence on its attractiveness to shoppers. However, this issue falls outwith the control of the land use planning system and is not therefore a matter for inclusion in the Proposed Plan.

Reporter's recommendations:

New Retail Policy

1. Add a new Policy RC5, worded as follows:

“Proposals to modify planning obligations and other planning controls that control floorspace and/or the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment. Proposals will only be acceptable where:

(a) It can be demonstrated that there will be no significant impact (individual or cumulative) on any town centre.

(b) It can be demonstrated that the proposal helps meet quantitative or qualitative deficiencies in existing provision.

(c) It can be demonstrated that there will be no change to the role or function of the centre in the network of centres.

(d) It is supported by a favourable sequential assessment, that demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available in a reasonable time.

(e) It is of an appropriate scale.

(f) Any detrimental impacts identified in the transport assessment are mitigated.

Any significant changes in the evolving role and function of a centre should be addressed through the next review of the Local Development Plan rather than changes being driven by individual applications.”

Town and Neighbourhood Centres (Policies RC1- RC2)

2. Include within the Plan a larger scale map showing the Perth town centre boundary.

3. Modify the first sentence of Policy RC1 to read as follows:

“Within the areas identified as Town and Neighbourhood Centres, the Council will encourage uses within Class 1 (retail) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Within defined Town Centres the Council will support development where larger retail floorplates are created and/or which creates additional retail floorspace. Within the areas identified as Neighbourhood Centres, the Council will support development which creates additional retail floorspace of a scale which is commensurate with the role of the centre within the established retail hierarchy.”

4. Modify the second sentence of Policy RC1 to read as follows:

“The Council will also encourage ground floor uses within Classes 2 and 3 (building societies, estate agents, restaurants and cafes etc) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and leisure, entertainment, recreation, cultural and community facilities, provided that they contribute to the character, vitality and viability of the retail area and satisfy all of the following criteria:”

5. Modify Policy RC1 by adding the following after criterion (d):

“(e) Ensure there are no adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.

Where development proposals will affect a watercourse in Perth City Centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven Special Protection Area), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.”

6. Modify Policy RC2 by adding the following at the end:

“Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation; where retail and commercial proposals will affect a watercourse within Perth City Centre, a Construction Method Statement should be provided for all aspects of the development in order to protect the watercourse from the impact of pollution and sediment.”

7. Modify Policy RC4 by adding the following at the end:

“Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area (SPA).

Where development will affect a watercourse in Perth city centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort

town centres (Loch Leven SPA), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.

Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation."

8. Add a new paragraph 3.4.6 containing the commercial centres role and function text that is set out in Schedule 4 document 805. Re-number the existing paragraph 3.4.6 as 3.4.7.

9. Add to the new paragraph 3.4.6, the Highland Gateway as an additional commercial centre with appropriate text to describe its role and function.

10. Modify the first paragraph of Policy RC4 to read as follows:

"The location for retail and commercial leisure facilities should follow a sequential approach in which locations for such development are considered in the following order:

- town centre,*
- edge of town centre,*
- other commercial centres identified in the development plan,*
- out of centre locations that are or can be made easily accessible by a choice of transport modes.*

11. Modify the fourth paragraph of Policy RC4 to read as follows:

"Proposals in edge of town centre, other commercial centre or out of centre locations will only be acceptable where:"

12. Modify Policy RC4 by adding, after the requirements (a) to (g), the following:

"For all proposals outwith town centres the Council will consider the need for restrictions to be imposed on the installation of mezzanine floors and, in the case of convenience shopping developments, on the amount of comparison goods floorspace allowed."

13. For clarity, the full modified text of Policy RC4 is set out below:

"The location for retail and commercial leisure facilities should follow a sequential approach in which locations for such development are considered in the following order:

- town centre,*
- edge of town centre,*
- other commercial centres identified in the development plan,*
- out of centre locations that are or can be made easily accessible by a choice of transport modes.*

Proposals for any retail or commercial leisure development of 1,500 square metres or more gross floorspace outwith a defined town centre boundary, and not in accordance with the development plan, will require a transport, retail or leisure impact assessment. Any detrimental effects identified in such an assessment will require mitigation.

For smaller developments, the requirement for an impact assessment will be at the discretion of the Council.

Proposals in edge of town centre, other commercial centre or out of centre locations will only be acceptable where:

- (a) It can be demonstrated that a proposal helps meet quantitative and qualitative deficiencies in existing provision.*
- (b) It is supported by a favourable sequential assessment.*
- (c) It is of an appropriate scale.*
- (d) It provides improved distribution and accessibility of shopping provision.*
- (e) It provides for accessibility to public transport and non car modes of transport.*
- (f) Any detrimental effects identified in the transport assessment are mitigated.*
- (g) It has been demonstrated that there will be no significant impact (individual or cumulative) on any of the centres within the network of centres).*

For all proposals outwith town centres the Council will consider the need for restrictions to be imposed on the installation of mezzanine floors and, in the case of convenience shopping developments, on the amount of comparison goods floorspace allowed.

Development proposals should not result in adverse impacts, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.

Where development will affect a watercourse in Perth city centre, Aberfeldy, Pitlochry and Alyth town centres (River Tay Special Area of Conservation), and Kinross and Milnathort town centres (Loch Leven SPA), a Construction Method Statement should be provided for all aspects of the development to protect the watercourse from the impact of pollution and sediment.

Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation.”

Issue 8a	Housing in the Countryside	
Development plan reference:	RD3 - Housing in the Countryside, page 32	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>Cleish & Blairadam Community Council (00048)</div><div>Hubbard & Mitchell Ltd (00224)</div><div>Alison Ramsay & Susan Fraser (00390)</div><div>The Braes of the Carse Conservation Group (00391)</div><div>James & Christina Ritchie (00634)</div><div>Inchtute Community Council (00701)</div><div>Douglas Davidson (00743)</div><div>Councillor Michael Barnacle (02633)</div><div>Friends of Rural Kinross-shire (05105)</div><div>Scottish Natural Heritage (05211)</div><div>Kinross-shire Civic Trust (06950)</div></div><div><div>Molly Miller (07693)</div><div>Matthew Pease Architect (09125)</div><div>Scone Palace & Estate (09163)</div><div>Ristol Ltd (09166)</div><div>Snaigow Estate (09289/11)</div><div>CKD Galbraith (09289/12)</div><div>Glen Quaich Estate (09289/15)</div><div>Jamie Sinclair (09289/21)</div><div>Innerwick Estate (09289/22)</div><div>Andrew Davidson (09389)</div><div>Will Fraser (09594)</div><div>Catriona Culley (10074)</div></div></div>		
Provision of the development plan to which the issue relates:	Sets out the policy framework for assessing planning applications for houses in the countryside.	
Planning authority's summary of the representation(s):		
<p><u>Policy Amendments</u></p> <p>Scottish Natural Heritage (05211/2/002): Recommend inclusion of additional policy wording after f): '<i>Restoration of houses rather than replacement will be strongly preferred where the building is of traditional form and construction</i>'. This is also consistent with the supplementary guidance (section 4a) (Core_Doc_064). Through previous policy reviews SNH have expressed a need to strengthen the emphasis on restoration rather than replacement of traditional houses in rural areas. Assessment of the policy through the SEA process also strongly supports this. Although this concept is detailed in the Supplementary Guidance without a clear statement in the main policy it could be overlooked. The Council should therefore reconsider the focus of Policy RD3 based on the findings of the SEA Environmental Report Addendum no.2 Appendices on page 9 (S4_Doc_604).</p> <p>Hubbard & Mitchell Ltd (00224/1/001 & 00224/3/001); CKD Galbraith (09289/12/002): The definition of '<i>brownfield land</i>' in the LDP glossary (S4_Doc_507) does not accord with the definition of '<i>rural brownfield land</i>' in the current adopted Housing in the Countryside Policy 2009 (supplementary guidance to the LDP) (Core_Doc_064). The latter excludes land occupied by redundant and unused buildings but the LDP glossary definition includes land with buildings. The definition within category 6 of the Housing in the Countryside Guide Supplementary Guidance is inconsistent with the widely held definition of brownfield land. Category 6 of the Supplementary Guidance also requires evidence of removal of dereliction or significant environmental improvement. Having to remove any buildings prior to making an application will adversely impact on an applicant's ability to demonstrate meeting these requirements.</p>		

Hubbard & Mitchell Ltd (00224/1/001 & 00224/3/001): The inconsistency in definition constitutes a departure from national policy contrary to Circular 1/09 section 97 (S4_Doc_268). It is inappropriate and misleading to seek to fundamentally change a core definition to a policy or policy category in the LDP via supplementary guidance (reference is made to SPP (Core_Doc_048), The Planning (etc) (Scotland) Act 2006 section 22 (S4_Doc_266) and the Town & Country Planning (Development Planning) (Scotland) Regulations 2008 (S4_Doc_267). The Council suggests that brownfield sites containing buildings could be eligible under category 5 of the Supplementary Guidance (Core_Doc_064) but by their very nature many brownfield sites would fail to fulfil the criteria of this category. CKD Galbraith (09289/12/002): The exclusion of land with buildings from the Supplementary Guidance definition may not offer scope for conversion on such sites.

Andrew Davidson (09389/1/003): There is insufficient scope in the policy to enable existing and proposed rural businesses to gain cross subsidy capital for business development through new build residential development. This does not meet the terms of SPP paragraphs 94 and 95 (S4_Doc_123)

Friends of Rural Kinross-shire (05105/1/005); Inchtute Community Council (00701/1/005): More should be done to retain agricultural buildings or use them for other employment uses rather than lose them to residential development.

Inchtute Community Council (00701/1/005): Such buildings should be genuinely redundant rather than made such by developers.

Friends of Rural Kinross-shire (05105/1/005): Further steading developments should be refused until it can be demonstrated that there are no local businesses that could use them.

Douglas Davidson (00743/4/001): The policy is not specific on the impact of residential development on road infrastructure and the effect on existing village occupiers.

Kinross-shire Civic Trust (06950/1/002): The policy may not be sufficiently robust to control housing development in Kinross-shire. If LDP policy is to constrain housing within defined limits and there are sufficient housing numbers to comply with TAYplan (Core_Doc_099) there should be no need for additional housing as defined by Policy RD3 which developers will use to build more houses whether needed or not.

Additional Policy Provision

Snaigow Estate (09289/11/001); Glen Quaich Estate (09289/15/001); Jamie Sinclair (09289/21/002): Should settlement boundaries not be re-instated for: Airtully (Snaigow Estate (09289/11/001)); Collace (Jamie Sinclair (09289/21/002)); Amulree (Glen Quaich Estate (09289/15/001)) additional LDP policy provision is required which considers and gives material weight to the social and economic implications of development proposals in terms of community maintenance and enhancement. Policy RD3 is slanted towards the prevention of inappropriate development in open countryside and accordingly may not provide sufficient strength of support for sustainable windfall proposals within and around village settings. Policy 54 section (e) of the Highland Area Local Plan (S4_Doc_269) is a good example of how policy can promote reasonable proposals within recognisable village/building groups whilst discouraging inappropriate proposals in the wider open countryside.

Innerwick Estate (09289/22/001): Welcome Policy RD3 but there should be a further distinct policy in the LDP to deal with the sparsely populated areas of Western Highland Perthshire previously identified by the local plan as requiring support to combat depopulation and degradation of such remote rural communities. Policy 54 section (e) of the Highland Area Local Plan 2000 (S4_Doc_269) which promotes housing in scattered but recognisable building groups or places within Western Highland Perthshire should be carried over to the LDP with reference to Glen Lyon and specifically mentioning Camusvrachan as a settlement requiring support.

Application of Policy RD3 within the Green Belt

Molly Miller (07693/11/001); Ristol Ltd (09166/13/001): Policy RD3 and Supplementary Guidance should apply within the Green Belt.

Molly Miller (07693/11/001): Greenbelt Policy NE5 (S4_Doc_404) will provide sufficient control over acceptable development within the greenbelt and provide clear direction as to future growth and protection of the landscape setting. If a proposal accords with Policy RD3 there is no justification for preventing it because it is within the greenbelt. Not applying Policy RD3 in the greenbelt is not in accordance with SPP (Core_Doc_048) which seeks to promote rural housing in all areas.

Ristol Ltd (09166/13/001): The first two categories of the policy and Supplementary Guidance provide a tight policy framework to control the siting of new development whether the site is in the greenbelt or not should have limited, if any, bearing as the policy thrust is to only permit acceptable development within the countryside. This reflects SPP (Core_Doc_048). Greenbelt as a policy constraint for developing within building groups would support rural enterprise and access to the countryside.

Scone Palace & Estate (09163/4/006 & 09163/4/016): The statement that Policy RD3 does not apply within the greenbelt should be removed or amended to state '*This policy does not apply in the greenbelt except where it fits with the Scone Palace and Estate Masterplan, Supplementary Planning Guidance*'. The objectives of Policy RD3 are just as applicable in the greenbelt as elsewhere and excluding the greenbelt will remove opportunities to achieve environmental benefits and support rural development and economic opportunities in this area. The impact of Policy RD3 on the Green Belt would be minimal and its embargo makes an already restrictive policy even more inflexible. The Supplementary Guidance (Core_Doc_064) already controls building groups (category 1) and infill sites (category 2) so there is no need to exclude these from the Green Belt. Category 3 provides limited opportunities which should not create any issues for the Green Belt. Category 4 can help make the countryside more attractive and makes better use of existing resources. It is illogical not to allow this in the Green Belt area. Regarding category 5, some conversion is allowed under the proposed Green Belt policy but not the replacement of redundant non-domestic buildings which does not make sense in light of the objectives of the Green Belt designations to preserve the setting, views and special character of Perth. Lastly the non-application of Category 6 removes the opportunity to achieve environmental improvement in the Green Belt and improve the setting of Perth.

Application of Policy RD3 in Conservation Areas

Cleish & Blairadam Community Council (00048/1/005); Kinross-shire Civic Trust (06950/1/003): Policy RD3 should not apply within Conservation Areas.

Kinross-shire Civic Trust (06950/1/003): The agricultural land surrounding Cleish is an important part of the setting and should be retained as such.

Cleish & Blairadam Community Council (00048/1/005): Application of the policy is contrary to the stated aims of LDP paragraph 7.6.1 and 7.6.2 (S4_Doc_419) and the Cleish Conservation Area Design Appraisal (S4_Doc_198).

Assessment under Habitats Regulations Appraisal

Scottish Natural Heritage (05211/2/001): Recommend Policy RD3 and Supplementary Guidance (Dec 2011 version) are amended to reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_142) in relation to water quality and bird disturbance to comply with the Habitats Directive.

Will Fraser (09594/1/002); The Braes of the Carse Conservation Group (00391/1/003); Alison Ramsay & Susan Fraser (00390/1/001); James & Christina Ritchie (00634/1/004); Catriona Culley (10074/1/001); Councillor Michael Barnacle (02633/1/005); Matthew Pease Architect (09125/1/001): Support Policy RD3 and the associated Supplementary Guidance as written.

Modifications sought by those submitting representations:

Policy Amendments

Scottish Natural Heritage (05211/2/002): The following additional policy wording should be included after f): *'Restoration of houses rather than replacement will be strongly preferred where the building is of traditional form and construction'*. The Council should reconsider the focus of policy RD3 based on the findings of the SEA Environmental Report Addendum no.2 Appendices on page 9 (S4_Doc_604) to clearly state the concept of restoration rather than replacement of buildings in the main policy.

Hubbard & Mitchell Ltd (00224/1/001 & 00224/3/001); CKD Galbraith (09289/12/002): Consistency is required between the definitions of brownfield land in the LDP glossary (S4_Doc_507) and the Supplementary Guidance (Core_Doc_064). Hubbard and Mitchell Ltd (00224/1/001) and (00224/3/001): Change wording of Category 6 of the Supplementary Guidance to bring it into line with the definition of *'brownfield land'* in SPP glossary (S4_Doc_125) and the LDP.

Andrew Donaldson (09389/1/003): Policy RD3 should include provisions to reflect the terms of the SPP paragraphs 94 and 95 (S4_Doc_123) which encourage development plans to support opportunities for small scale housing development linked to rural businesses or which would support the formation of new businesses.

Friends of Rural Kinross-shire (05105/1/005): Further steadying developments should be refused until it can be demonstrated that there are no local businesses that could use them.

Inchture Community Council (00701/1/005): No specific modification sought but is implied that Policy RD3 should be stronger on ensuring retention of farm buildings for agriculture or employment uses.

Douglas Davidson (00743/4/001): No specific modification sought but is implied that Policy RD3 should be specific on the impact of residential development on road infrastructure and the effect on existing village occupiers.

Kinross-shire Civic Trust (06950/1/002): Questions the need for additional housing under Policy RD3 but no explicit modification sought.

Additional Policy Provision

Snaigow Estate (09289/11/001); Glen Quaich Estate (09289/15/001); Jamie Sinclair (09289/21/002): The LDP should contain policy provision such as that in Policy 54 (e) of the Highland Area Local Plan (S4_Doc_269). The definition of a building group for this particular purpose could be expanded to recognise larger building groups e.g. 10 or 20 recognised buildings. Ideally the policy should identify a proposal specific to Airtully (Snaigow Estate (09289/11/001)); Amulree (Glen Quaich Estate (09289/15/001)); and Collace (Jamie Sinclair (09289/21/002)).

Innerwick Estate (09289/22/001): The LDP should support and retain Policy 54 section (e) of the Highland Area Local Plan 2000 (S4_Doc_269) with particular reference to Glen Lyon. Camusvrachan should be referenced in a list of specifically mentioned settlements requiring support.

Application of Policy RD3 within the Green Belt

Molly Miller (07693/11/001); Ristol Ltd (09166/13/001); Scone Palace & Estate (09163/4/006 & 09163/4/016): Policy RD3 and Supplementary Guidance should be altered to allow their application within the Green Belt. Scone Palace and Estate (09163/4/006) and (09163/4/016): Alternatively the policy should be amended to state *'This policy does not apply in the Green Belt except where it fits with the Scone Palace and Estate Masterplan, Supplementary Planning Guidance'*.

Application of Policy RD3 in Conservation Areas

Cleish & Blairadam Community Council (00048/1/005); Kinross-shire Civic Trust (06950/1/003): Policy RD3 should not apply within Conservation Areas. Cleish and Blairadam Community Council (00048/1/005): The Policy and Supplementary Guidance should be amended to exclude land within Cleish Conservation Area.

Assessment under Habitats Regulations Appraisal

Scottish Natural Heritage (05211/2/001): Policy RD3 and Supplementary Guidance (Dec 2011 version) (Core_Doc_064) should be amended to reflect the findings of the Habitats Regulations Appraisal (S4_Doc_142) in relation to water quality and bird disturbance. The following suggested additional text should be added after the sentence *'This policy does not apply in the Green Belt...or replacement buildings.'* at the end of Policy RD3 on page 32:

'Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River TAY SACs'.

Summary of responses (including reasons) by planning authority:Policy Amendments

Scottish Natural Heritage (05211/2/002): The detail of Policy RD3 against which planning applications will be assessed is contained within the associated Supplementary Guidance (Core_Doc_064). This clearly states in section 4a that restoration will be favoured over replacement where a building is of traditional form or construction. It is not considered necessary to repeat this statement in Policy RD3.

No modification is proposed to the Plan. However if the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification as it would not have any implications for any other aspect of the plan.

Hubbard & Mitchell Ltd (00224/1/001 & 00224/3/001); CKD Galbraith (09289/12/002): Seek a change to the definition of brownfield land in the Housing in the Countryside Supplementary Guidance (Core_Doc_064) to bring it into line with the definition contained in the LDP glossary page 306 (S4_Doc_507) and SPP glossary page 55 (S4_Doc_125). As the changes relate to the supplementary guidance rather than LDP policy this issue was addressed through the consideration of comments received on the guidance as approved by the Enterprise and Infrastructure Committee on 7 November 2012 (Core_Doc_160). The approved response to these comments is summarised as follows: Experience of the 2005 policy demonstrated that allowing brownfield sites containing buildings to be developed led to large scale suburban type housing development which met with significant public opposition. This section was therefore revised to purposefully exclude land with buildings to discourage further applications for large scale housing. Policy RD3 and section 6 of the supplementary guidance refer specifically to rural brownfield land and so the definition differs from the LDP glossary wider definition of brownfield land within settlements. It is not considered that the differing definition of rural brownfield land constitutes a departure from national policy. The full response can be found in the report to the Enterprise and Infrastructure Committee on 7 November 2012 (Core_Doc_160).

No modification is proposed to the Plan.

Andrew Donaldson (09389/1/003): The respondent considers there is insufficient scope for cross-subsidy for business development through new build residential development. Such detail relates to the Supplementary Guidance (Core_Doc_064) rather than LDP policy. This issue was therefore addressed through the consideration of comments received on the guidance as approved by the Enterprise and Infrastructure Committee on 7 November 2012 (Core_Doc_160). The approved response is as follows: Policy RD3 and Supplementary Guidance do not presume against such proposals providing that they are acceptable as a housing site in terms of at least one of the Housing in the Countryside Policy categories. There is support for the development of rural businesses through Policy ED3: Rural Businesses and Diversification (S4_Doc_395).

No modification is proposed to the Plan.

Friends of Rural Kinross-shire (05105/1/005); Inchtute Community Council (00701/1/005): The respondents consider more should be done to retain agricultural buildings for employment rather than lose them to residential development. Such detail relates to the Supplementary Guidance (Core_Doc_064) rather than LDP policy. This issue was therefore addressed through the consideration of comments received on the guidance as approved by the Enterprise and Infrastructure Committee on 7 November 2012 (Core_Doc_160). The approved response to these comments is summarised as follows: Section 5 of the supplementary guidance requires an applicant to demonstrate a building has become redundant. Section 6 includes the requirement that there are no other pressing requirements for other uses such as business or tourism on the site. This requirement has also been added to section 5 as a new criterion. The full response can be found in the report to the Enterprise and Infrastructure Committee on 7 November 2012 (Core_Doc_160).

No modification is proposed to the Plan.

Douglas Davidson (00743/4/001): The respondent is concerned that the policy is not specific on the impact of development on existing village occupiers. Such detail relates to the Supplementary Guidance (Core_Doc_064) rather than LDP policy. This issue was

therefore addressed through the consideration of comments received on the guidance as approved by the Enterprise & Infrastructure Committee on 7 November 2012 (Core_Doc_160). The approved response is as follows: Supplementary Guidance criterion c) for all proposals requires satisfactory access and services to be available or capable of being provided by the developer. Such impacts are also assessed through the planning application process.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (06950/1/002): The LDP only identifies larger housing sites (generally no fewer than 10 units). Smaller sites come forward as unexpected and unallocated windfall opportunities. As recognised in LDP paragraph 3.5.2 (S4_Doc_501) some people need or want to live outwith settlements. Furthermore SPP directs development plans to '*support more opportunities for small scale housing development in all rural areas*' in order to help improve the viability of rural communities (SPP paragraphs 94 and 95 (S4_Doc_123)). It is therefore considered appropriate, and in line with SPP, to allow for housing development in rural areas. Where such developments come forward through the planning application process it is necessary to have a policy such as Policy RD3 to assess these.

No modification is proposed to the Plan.

Additional Policy Provision

Snaigow Estate (09289/11/001); Glen Quaich Estate (09289/15/001); Jamie Sinclair (09289/21/002); Innerwick Estate (09289/22/001): Of the four settlements mentioned in the representations only Camusvrachan is within the Western Highland Perthshire area designated in the Highland Area Local Plan 2000 to which Policy 54 (e) (S4_Doc_269) applies. Amulree is in the Highland Area but not in Western Perthshire; Airtully and Collace are within Perth Area.

The intention of the Highland Area Local Plan Policy 54(e) (S4_Doc_269) was to allow for some development in areas of Western Highland Perthshire which were too scattered to define a boundary. Where there was pressure for the concentration of houses in a single location, consideration of applications were to be deferred until an Advisory Plan had been approved for the area. However the Council's experience was that the Advisory Plan approach was not successful. Local communities were not happy with the number of houses which could potentially be accommodated within the Advisory Plan boundaries. They considered that housing of the scale being proposed should be identified as sites in the Local Plan rather than through an Advisory Plan.

The Council's Housing in the Countryside policy and guidance has been further developed since the Highland Area Local Plan was published in 2000 and has undergone a number of reviews (in 2005, 2009 and through the Proposed LDP in 2011). None of these reviews included the provision from Policy 54 (e) of the Highland Area Local Plan (S4_Doc_269) because Policy RD3 is already supportive of proposals for houses in the countryside in appropriate locations and circumstances. It is recognised that SPP seeks to maintain and improve the viability of rural communities and supports small scale housing which supports diversification and other sustainable economic growth in less populated areas (SPP paragraph 95 (S4_Doc_105)). However there is still a need for balance between supporting the growth and viability of rural communities, and preventing inappropriate development which would have an adverse impact on landscape quality thus detracting from the very thing which attracts people to live in such areas. There is considered to be sufficient flexibility in the policy and associated supplementary guidance

to allow for suitable development in the areas mentioned in the representations, in other settlements like these or in settlements which have a more scattered and dispersed building arrangement. It is therefore not considered necessary to include further policy provision in the LDP.

No modification is proposed to the Plan.

Application of Policy RD3 within the Green Belt

Molly Miller (07693/11/001); Ristol Ltd (09166/13/001); Scone Palace & Estate (09163/4/006 & 09163/4/016): SPP paragraph 163 (S4_Doc_124) defines the types of development which may be appropriate within a Green Belt. These do not include housing. LDP Policy NE5: Green Belt (S4_Doc_404) is a restrictive policy and sets out the specific and limited circumstances under which development within the Green Belt will be permitted in line with the provisions of the SPP. Although Policy RD3 controls the type and circumstances under which housing can be developed in the countryside, if it were to apply in the Green Belt there would be a clear conflict with Policy NE5 and SPP which do not allow for any housing in areas of Green Belt. It is not therefore considered appropriate to amend Policy RD3 to allow for its application within the Green Belt.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/006 & 09163/4/016): The Green belt boundary is considered in Schedule 4 no. 14 (Scone Palace and Estate representation number 09163/4/012). It is not considered appropriate to amend Policy RD3 to allow for its application where it fits with the proposed Scone Palace and Estate Masterplan Supplementary Planning Guidance.

No modification is proposed to the Plan. However if the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification as it would not have any implications for any other aspect of the plan.

Application of Policy RD3 in Conservation Areas

Cleish & Blairadam Community Council (00048/1/005); Kinross-shire Civic Trust (06950/1/003): Policies RD3 and HE3: Conservation Areas (S4_Doc_508) are complementary and together provide a strong framework for assessing development proposals in such sensitive areas, indeed there is even more protection afforded as the criteria of both policies would have to be satisfied. The area in question at Cleish is outwith a settlement boundary. It is not LDP policy to prevent development in Conservation Areas but instead to encourage appropriate development which preserves or enhances the character and appearance of the area. It is therefore considered appropriate that Policy RD3 applies in Conservation Areas which are outwith a settlement boundary.

No modification is proposed to the Plan.

Assessment under Habitats Regulations Appraisal

Scottish Natural Heritage (05211/2/001): It is considered that amending Policy RD3 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal page 97 (S4_Doc_142) (including Appropriate Assessment) of the Proposed Plan, and detailed in the 'Modifications Sought' section 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 for proposals arising under this policy. It

would also set out what would be expected of them in making their planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy RD3 as detailed in the 'Modifications Sought' section.

Additional Information

In addition to the representations on Policy RD3 a number of comments were submitted on the associated Supplementary Guidance. These were considered by the Council's Enterprise and Infrastructure Committee on 7 November 2012. The committee report, which includes the approved responses to the comments made in appendix 1, can be found in the report to the Enterprise and Infrastructure Committee on 7 November (Core_Doc_160) for information.

Reporter's conclusions:

1. A number of representations relate to the wording that is used in the supplementary guidance entitled "Housing in the Countryside Guide" (November 2012). This document is not before this examination, which limits the relevance of representations of this nature. However, consideration has been given to whether the policy itself is sufficiently clear or whether matters, which are currently set out in the supplementary guidance, ought to be included within the policy.

Policy Amendments

2. Scottish Planning Policy (SPP) recognises that the historic environment contributes to sustainable development through the energy and material invested in buildings. It also recognises its importance in providing a sense of identity and continuity for communities. Against that background, it is clearly preferable that traditional houses are restored rather than replaced. This is recognised in the supplementary guidance and need not be repeated in the policy itself. However, it would be helpful if the status of supplementary guidance, which is to set out more detailed assessment criteria, which are requirements for proposals to meet rather than merely guidance to be taken into account, is fully understood by users of the Proposed Plan. A minor modification to the wording of the note to this policy would avoid any doubt as to its importance.

3. The authority is entitled to define brownfield land in rural areas on a different basis to that in other areas. There is no conflict in this approach with either legislation or government policy. The concerns that have been raised over the definition of "rural brownfield land" are recognised. However, as this is in supplementary guidance, it is not a matter for this examination. The modification that is recommended to the final paragraph of the policy, by stressing the significance of supplementary guidance, should avoid any confusion over the meaning of the reference in category (f).

4. The approach to housing in the countryside that is set out in SPP is to balance support for rural communities and business with protection of the rural environment. It does not oblige planning authorities to take a particular approach to this exercise but leaves this for local definition. There is therefore no conflict with SPP in the authority's approach to this balancing exercise.

5. Issues such as appropriate alternative uses for agricultural buildings, redundancy and impact on roads and neighbouring residents, are matters that are addressed in the supplementary guidance rather than in the Proposed Plan. They are not therefore before this examination. SPP expects authorities to set out detailed requirements such as

these in supplementary guidance so as to keep the plan a more concise and focussed document. It would therefore be contrary to SPP for the policy to be expanded so that it addressed all of the requirements with which prospective developers of housing in the countryside are expected to comply. The modification that is recommended to the final paragraph of the policy, by stressing the significance of supplementary guidance, should highlight the importance of these matters to prospective developers.

6. TAYplan expects the majority of housing development to be provided in accordance with the settlement hierarchy but does not preclude limited development in the countryside. SPP also recognises the importance of authorities taking a positive approach to new development in rural areas and confirms that the requirement for development plans to allocate a generous supply of land to meet housing requirements applies equally to rural and urban areas. There is a need therefore for a policy that is supportive of appropriate levels of rural housing, including in locations outwith established settlements.

Additional Policy Provision

7. Policy RD3 supports housing development in the countryside where it falls within a wide range of categories and where it complies with the requirements that are set out in supplementary guidance. This approach recognises the benefits of new rural housing to community maintenance and enhancement. There is no evidence to support the claim that it is inappropriately slanted towards the prevention of development. Earlier approaches to the issue, which supported a greater level of rural housing in a wider range of locations, were evaluated by the authority and found not to have achieved the correct balance between support for rural communities and business on the one hand and environmental protection on the other. Bearing that in mind, there is no convincing evidence that the authority's approach to this issue is unreasonable and no grounds to support the inclusion of an additional policy, which would take a more relaxed approach in particular parts of the authority's area. Reference should be made to the conclusion in Issue 20c that the Proposed Plan identifies a generous supply of land for housing, which further undermines any argument for a relaxation of controls over housing in the countryside.

Application of Policy RD3 within the Green Belt

8. One expectation of green belt designation, as confirmed in SPP, is to provide clarity and certainty on where development will and will not take place. Green belt designation is intended to impose a significant restriction on development. Green belts do not prevent all types of development and SPP identifies certain types and scale of development which may be appropriate in such areas. However, housing development is not identified within that list. Policy RD3 is essentially supportive of housing in the countryside and it is appropriate therefore for the proposed plan to exclude from that policy, land within the green belt in order to reflect the much stricter level of control that applies to land with that designation when compared with other countryside areas. It might be true that if green belt land were not excluded from Policy RD3, some of the development opportunities that are permissible under that policy, such as development on brownfield land, could provide improvements to the landscape. But SPP confirms that green belt designation is not intended to be used to protect natural heritage. The objectives which green belt designation seeks to achieve are more significant than that. These are discussed under Issue 14. Any economic or other benefits that could be expected to be delivered by permitting green belt sites to develop under Policy RD3 are of insufficient value to justify the undermining effect to the green belt that its application

would have.

9. This is especially apparent within Scone Palace and estate. If land within the estate were to benefit from Policy RD3 on the basis that it complied with a masterplan with which the estate wishes to promote development, there would be significant erosion of the proposed green belt. Land within the estate is fundamental to the effectiveness and integrity of the proposed green belt because it is essential to the open, undeveloped landscape setting of Perth. Any economic benefits to the estate and wider economy would not justify the harm that this requested modification would cause.

Application of Policy RD3 in Conservation Areas

10. In contrast, there is no need for the policy to exclude land within conservation areas. Housing development within such areas is potentially acceptable under Policy HE3A, subject to the requirements of that policy, which offer protection to the conservation area's character and appearance.

Assessment under Habitats Regulations Appraisal

11. In order to comply with the Habitats Directive and Regulations, it would be appropriate for Policy RD3 to be modified to reflect the outcome of the Habitats Regulations Appraisal in relation to water quality and bird disturbance.

Reporter's recommendations:

Policy Amendments

1. Modify the final sentence of the policy to read as follows:

"Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant supplementary guidance, in particular the Housing in the Countryside Guide."

2. Modify the policy by adding, immediately before the Note, the following:

"Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs".

Issue 8b	Settlement Boundaries	
Development plan reference:	Perth Area Landward Map, page 73 Highland Perthshire Area Landward Map, page 155-156 Kinross Area Landward Map, page 201 Strathmore and the Glens Landward Map, page 277	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert Hogg (00282) Peter Allan (00327) Alison Ramsay & Susan Fraser (00390) The Breas of the Carse Conservation Group (00391) Fiona Mead (00633) Portmoak Community Council (00638) Inchtute Community Council (00701) Mr & Mrs Mark Dall (00748) Mr & Mrs Thomas Dall (00749) Mr & Mrs O Ferry (00779) Mr & Mrs Richard Green (00858) Councillor Michael Barnacle (02633) Mr & Mrs Michael O'Kane (02865) A & J Stephen (Builders) Ltd (03068) Kinross-shire Civic Trust (06950) Culfargie Estates (07693/1) Dunan Estate (07693/3)		D Ironside (07693/8) Matthew Pease Architect (09125) Mr & Mrs M Sands (09142) John Buchan (09169) Danvers Valentine (09289/1) Patrick Sheriff (09289/2 & 09289/3) The Petrie Family (09289/4) Snaigow Estates (09289/11) Glen Quaich Estate (09289/15) Jamie Sinclair (09289/21) Carolyn Bell (09289/23) R T Hutton Planning Consultant (09539) Mr & Mrs Alexander Lindsay (09899) George Pease (10115) The Church of Scotland General Trustees (09167) The Harris Family (10220) Susan Forde (10332)
Provision of the development plan to which the issue relates:	Identification of boundaries for small settlements.	
Planning authority's summary of the representation(s):		
<p><u>Abernyte</u> Braes of the Carse Conservation Group (00391/1/005); A & J Stephen (Builders) Ltd (03068/2/001); Inchtute Community Council (00701/1/003): Object to the removal of the settlement boundary. Abernyte is larger and has more facilities than some other settlements which are to retain a boundary.</p> <p>Braes of the Carse Conservation Group (00391/1/005): A boundary provides certainty and its removal is an open invitation for development.</p> <p>Mr & Mrs M Sands (09142/4/001): Promoting a boundary which includes a site for residential development which would be a logical extension to the settlement. There is an urgent need for residential development to help safeguard the school, provide more rental accommodation and offer locals opportunity to purchase housing.</p> <p><u>Airntully</u> Snaigow Estates (09289/11/005): Airntully should have a settlement boundary to guide and inform future development. It is questioned as to why certain small settlements have a boundary whilst other equivalently sized settlements have not. A site is promoted for</p>		

residential development which is unconstrained in terms of the local road network, services are available and the landscape framework is suitable for limited development.

Amulree

Glen Quaich Estate (09289/15/003): LDP should retain a settlement boundary for Amulree to allow continuation of the preservation of the character of the settlement and protect against inappropriate development. Site being promoted for development has previously been identified as suitable for limited scale housing; it would have minimal adverse landscape impact, would provide private rented accommodation, would be close to sources of employment and would help provide a more sustainable future for Amulree.

Culfargie Estates (07693/1/001): There is an inconsistent approach to the identification of settlements and their boundaries. Disagree with the approach of using LDP policy RD3 (S4_Doc_418) rather than defining boundaries – all clearly recognisable settlements should have a defined boundary regardless of their size. Inclusion of a development site within an extended settlement boundary would allow for modest expansion and help meet the housing land requirement. The site proposed is a realistic opportunity for further limited development, it is accessible, topography would allow integration into the settlement, and building design and orientation would allow incorporation of sustainability measures.

Balado Crossroads

Councillor Michael Barnacle (02633/1/065): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Ballindean

Alison Ramsay & Susan Fraser (00390/1/004): Support not having settlement boundaries for small settlements but only if LDP policy RD3 (S4_Doc_418) is robust and rigorously applied. If the policy is changed or relaxed then a tight boundary should be drawn round Ballindean to allow for limited future infill development appropriate in scale to the size of the village.

Ballintuim

The Petrie Family (09289/4/003): A settlement boundary for Ballintuim should be retained and amended to accommodate a site to the west which would help ensure the viability and sustainability of the settlement.

Blairforge

Councillor Michael Barnacle (02633/1/066): Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Collace

Jamie Sinclair (09289/21/001): Planning consent has been granted for housing which brings Collace to a scale which justifies retaining a settlement boundary to guide and inform future development. Further modest expansion would allow the possibility of connection to a public sewerage system. Question why the boundary for Collace has been removed whilst a boundary is included for nearby Damside/Saucher.

Craigowmill

Kinross-shire Civic Trust (06950/1/012): LDP should reinstate the settlement boundary. Craigowmill is within the current Area of Great Landscape Value and LDP policy RD3 (S4_Doc_418) will not guarantee its protection.

Councillor Michael Barnacle (02633/1/067): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Cuthil Towers

Councillor Michael Barnacle (02633/1/068): Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Easter Balgedie

Robert Hogg (00282/1/001); Kinross-shire Civic Trust (06950/1/013); Fiona Mead (00633/1/001); Portmoak Community Council (00638/2/003); Mr & Mrs Alexander Lindsay (09899/1/001); Susan Forde (10332/1/003); Mr & Mrs Mark Dall (00748/1/001); Mr & Mrs Richard Green (00858/1/001); Mr & Mrs Thomas Dall (00749/1/001); Councillor Michael Barnacle (02633/1/069): Object to removal of the settlement boundary on some or all of the following grounds: removal of the boundary will lead for further opportunities for additional development detracting from the surroundings, increasing risk of accidents, and increasing contamination of Loch Leven; it is within the current Area of Great Landscape Value and the open countryside and unspoilt landscape is a visitor attraction (the failure to produce a replacement for the Area of Great Landscape Value alongside the LDP increases uncertainty and lack of confidence); building outside the settlement boundaries would take away from the attraction of the area to tourists; additional development would adversely affect existing businesses; the settlement has a naturally defined boundary; LDP policy RD3 (S4_Doc_418) is not sufficiently robust to offer protection from expansion into the countryside, from infill, ribbon development, or from development adjacent to existing settlement edges; Easter Balgedie is unique within the Portmoak area as it contains three working farms; the existing boundary has proved effective at containing new development and preventing housing development on adjacent fields; it will encourage future development of greenfield sites and agricultural land in this rural area; more development would increase the accident risk on the A911; small communities want certainty as to the parameters of their settlements; other similar sized settlements have boundaries; boundaries have been retained for all the villages on the eastern side of Loch Leven; inconsistency with the treatment of Kilmagadwood where a new boundary has been created to prevent development between there and Scotlandwell but it is equally important to prevent development between Easter and Wester Balgedie and between Easter Balgedie and Kinnesswood; and there is no justification for removing settlement boundaries within Loch Leven Catchment – the LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained.

Mr & Mrs Michael O'Kane (02865/1/001): Support the removal of the boundary. The previous boundary was subjective and the hamlet can be protected against undesirable development by other policies.

Gairney Bank

Councillor Michael Barnacle (02633/1/070): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Gairneybridge/Fruix

Kinross-shire Civic Trust (06950/1/014): LDP should reinstate the settlement boundary to prevent further expansion into agricultural land. LDP policy RD3 (S4_Doc_418) will not guarantee its protection.

Councillor Michael Barnacle (02633/1/071): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Lawers

D Ironside (07693/8/002): There is an inconsistent approach to the identification of settlements. Disagree with the approach of using LDP policy RD3 (S4_Doc_418) rather than defining boundaries – all clearly recognisable settlements should have a defined boundary regardless of their size. Inclusion of a development site within an extended boundary would allow for modest expansion and growth. Site is a realistic opportunity for further limited development and would tie in with existing building pattern, character and boundaries of the existing group.

Keltneyburn

Danvers Valentine (09289/1/002): Object to exclusion of an identified settlement boundary for Keltneyburn as there is scope for limited infill development. The site proposed would logically round off the settlement without impact on the character and would support the viability of the local community. Mitigation and enhancement measures would allow the site to be developed.

Lochran Sidings

Councillor Michael Barnacle (02633/1/072): Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Mawcarse

R T Hutton Planning Consultant (09539/5/001): Disappointed LDP does not include a settlement boundary for Mawcarse when other smaller settlements have boundaries. Planning consent has been granted for development in the north western edge and defining a settlement boundary which includes an area immediately south of this would allow a rounding off of the village and a better settlement edge. The site is free of constraints, is effective and would contribute to the land supply in the Kinross area.

Councillor Michael Barnacle (02633/1/073): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as

to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Middleton

Councillor Michael Barnacle (02633/1/074): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

Netherhall Farm, West of Milnathort

R T Hutton Planning Consultant (09539/3/001): Planning consent was granted to convert the steading to 5 houses and a settlement boundary should be identified around this area and Netherhall Cottage to the north. The area in-between would round off the development and contribute to the effective housing land supply. Access, surface water discharge and foul drainage could be satisfactorily provided.

Netherton

Councillor Michael Barnacle (02633/1/075): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

New Fargie

Mr & Mrs O Ferry (00779/1/001): New Fargie meets the criteria of LDP policy RD3 (S4_Doc_418) as a self-contained group of buildings and has opportunities for single house infill developments and conversions which would provide linkages and cohesion to the settlement. For clarity the boundaries of significant building groups like New Fargie should be defined. SPP (Core_Doc_048) encourages supportive attitude towards appropriate rural development and past planning decisions indicate acknowledgement of acceptability of residential development. Development in this location is sustainable as it is close to existing centres, transportation routes and major employment areas, the site is immediately available for development, development will not cause undue disruption to the community, site is visually contained and building orientation and design will maximise sustainability opportunities and integrate development into the landscape.

Pitnacree

Patrick Sheriff (09289/3/003): Object to the proposed loss of a settlement boundary at Pitnacree. Retention would protect the character and identity of the settlement encouraged in SPP (Core_Doc_048) whilst providing assurance and robustness for proposals seeking to provide for small scale development. Housing pattern in Highland comprises many small scattered settlements and identification of boundaries provides a sound basis for LDP policy PM1A (S4_Doc_396).

Rannoch Station

Dunan Estate (07693/3/001): There is an inconsistent approach to the identification of settlements and their boundaries. Disagree with the approach of using LDP policy RD3 (S4_Doc_418) rather than defining boundaries. All clearly recognisable settlements regardless of size should have a boundary. LDP should identify a range of small sites to

spread impact of development and help increase competition and choice for small house builders, self build projects and new home buyers, and also help sustain existing communities. Inclusion of the site proposed would allow for modest expansion of the settlement and could help meeting housing land requirement. Site topography would allow integration with the settlement, and building orientation would maximise energy efficiency measures.

Tenandry

The Church of Scotland General Trustees (09167/9/001): The LDP should recognise Tenandry as a settlement. The proposed sites can be sensitively developed for housing round the existing buildings to establish a small settlement. The sites are effective (refer PAN 2/2010 paragraph 55 (S4_Doc_609)): the landowner wishes to see them developed; uneven topography mean residential development and access points will be carefully sited, there are no known flood risks; no known contamination issues; no public funding required; there is a market for new open-market housing in the area; and there are no known deficiencies in infrastructure provision. Further, there are no listed buildings or evidence of any archaeological interest and an ecological study will be undertaken. The aim is to provide sustainable dwellings in large plots benefitting from the location, respecting local built and natural heritage and fitting with existing landscape and features. The existing buildings and the proposed sites at Tenandry should also be excluded from the National Scenic Area.

Tulloch of Ballechin

Patrick Sheriff (09289/2/002): The lack of an identified settlement boundary for Tulloch of Ballechin introduces uncertainty. Concern that LDP policy RD3 (S4_Doc_418) is subjective and proposals for minor expansion may not be supported even though these would effectively consolidate and enhance the existing clachan.

Upper Tillyrie

Councillor Michael Barnacle (02633/1/076): There is no justification for removing settlement boundaries within Loch Leven Catchment. The LDP MIR paragraph 4.2.32 (S4_Doc_223) suggested these would be retained. Small communities want certainty as to the parameters of their settlements. Concern at the potential for ribbon development and unauthorised development on settlement edges unless LDP policy RD3 (S4_Doc_418) is robustly enforced.

West Myreriggs

Carolyn Bell (09289/23/001): The number of MIR representations indicates that a range of development proposals are being considered by landowners and the provision of a settlement boundary would help guide and inform future development. MIR site 798 (S4_Doc_289) provides a logical and immediately deliverable expansion of the settlement. It can be easily accessed and serviced and would consolidate the settlement form. The Strathmore Area has had past difficulties in housing delivery. Part of the LDP enabling process is the provision of a range of site types/locations for different market sectors.

Non-Settlement Specific Comments

D Ironside (07693/8/001); Culfargie Estates (07693/1/002): Identifying settlement boundaries is particularly important in Highland given the number of small settlements. The LDP should identify a wide range of small sites in all Highland settlements to help meet the requirement for windfall and small sites, spread the impact of development, increase competition and choice, and help sustain communities.

George Pease (10115/1/002); Matthew Pease Architect (09125/1/002): The removal of settlement boundaries lays all 'building groups' (under LDP policy RD3a (S4_Doc_418)) vulnerable to pressure for expansion. Settlement boundaries should therefore be restored.

The Breas of the Carse Conservation Group (00391/1/006); Inchtute Community Council (00701/1/002): Support principle of not identifying settlement boundaries for smallest settlements but only if the Housing in the Countryside Supplementary Guidance (Core_Doc_064) is adopted into the LDP and is consistently and rigorously applied.

The Breas of the Carse Conservation Group (00391/1/006): If LDP policy RD3 (S4_Doc_418) is relaxed then tight settlement boundaries should be drawn round existing built areas.

Danvers Valentine (09289/1/001; Patrick Sheriff (09289/3/001); The Petrie Family (09289/4/002): Object to the Council's reliance on LDP policy RD3 (S4_Doc_418) where there is no settlement boundary. Implementation of the policy is objective. Settlement boundaries provide greater clarity.

Kinross-shire Civic Trust (06950/1/010): There is no equivalent in the LDP to Policy 48 of the Kinross Area Local Plan (S4_Doc_290) which defines a settlement boundary and explains that no development will be permitted outside this boundary. The LDP is supposed to provide sufficient housing land to meet growth figures so it is illogical to remove settlement boundaries to provide more flexibility in the provision of housing around these settlements. Such settlements are often surrounded by good quality agricultural land which should be preserved. Expansion in small rural settlements is against the sustainability policy of the Plan which aims to reduce long distance commuting.

Peter Allan (00327/4/001): The absence of a settlement boundary is an invitation to put forward small sites designed to meet the identified need and the contribution assumptions in the LDP. However the LDP (chapter 6 specifically mentioned) does not offer any clear support for this, the implication being that land may come forward only through development management in terms of LDP policy RD3 (S4_Doc_418). Additional wording is suggested.

Proposed Settlement Extensions

John Buchan (09169/1/001): Proposes a settlement extension to the west end of Clathy. The existing boundary is erroneous and artificial. Site shown on submitted plan should also be included in the LDP as suitable for housing.

The Harris Family (10220/1/001): Disagree with strategy to direct majority of development to principle settlements and that within small settlements boundaries are drawn tightly to limit development opportunities. Development of the site proposed would give the possibility of road widening and provision of a pavement and cycle track. Other proposals for development in Campmuir would be sporadic and would not offer these potential benefits. There is demand for new housing in Campmuir and failure to allow modest development will result in ad hoc applications for individual houses. There needs to be supply of housing varying in size and cost. Site could come forward as windfall.

Modifications sought by those submitting representations:Abernyte

The Braes of the Carse Conservation Group (00391/1/005); Inchtute Community Council (00701/1/003): The LDP should reinstate the settlement boundary for Abernyte (S4_Doc_610).

A & J Stephen (Builders) Ltd (03068/2/001): LDP should identify a settlement boundary for Abernyte which includes a site for a single plot on the north west boundary (S4_Doc_610).

Mr & Mrs M Sands (09142/4/001): LDP should identify a settlement boundary for Abernyte and identify the site shown on the submitted plan for residential development (S4_Doc_610).

Airntully

Snaigow Estates (09289/11/005): The LDP should identify a settlement boundary for Airntully as proposed by the draft Perth Area and Central Area Local Plan 2004 (as shown on the submitted plan) which includes a site to the north for residential development. An explanation should be given as to why certain small settlements have a boundary whilst other equivalently sized settlements have not.

Amulree

Glen Quaich Estate (09289/15/003): The LDP should reinstate the settlement boundary for Amulree (S4_Doc_611) which includes the site being promoted in the representation for housing development.

Culfargie Estates (07693/1/001): The LDP should identify a settlement boundary which includes the site to the north for residential development (S4_Doc_611).

Balado Crossroads

Councillor Michael Barnacle (02633/1/065): The LDP should reinstate the settlement boundary for Balado Crossroads as per the Kinross Area Local Plan 2004 page 87 (S4_Doc_615).

Ballindean

Susan Fraser & Alison Ramsay (00390/1/004): If LDP policy RD3 (S4_Doc_418) changed or relaxed then a tight boundary should be drawn round Ballindean. For information S4_Doc_627 shows the boundary which was proposed for Ballindean in the Perth Area Draft Local Plan 2004.

Ballintuim

The Petrie Family (09289/4/003): The LDP should identify a settlement boundary for Ballintuim which includes the site shown on the submitted plan (S4_Doc_638).

Blairforge

Councillor Michael Barnacle (02633/1/066): The LDP should reinstate the settlement boundary for Blairforge as per the Kinross Area Local Plan 2004 page 88 (S4_Doc_616).

Collace

Jamie Sinclair (09289/21/001): The LDP should identify a settlement boundary for Collace as per the submitted plan which includes a site for residential development. Explanation should be given as to why the boundary for Collace has been removed whilst

a boundary is included for nearby Damside/Saucher.

Craigowmill

Kinross-shire Civic Trust (06950/1/012); Councillor Michael Barnacle (02633/1/067): The LDP should reinstate the settlement boundary for Craigowmill as per the Kinross Area Local Plan 2004 page 90 (S4_Doc_617).

Cuthill Towers

Councillor Michael Barnacle (02633/1/068): The LDP should reinstate the settlement boundary for Cuthill Towers as per the Kinross Area Local Plan 2004 page 91 (S4_Doc_618).

Easter Balgedie

Robert Hogg (00282/1/001); Kinross-shire Civic Trust (06950/1/013); Fiona Mead (00633/1/001); Portmoak Community Council (00638/2/003); Mr & Mrs Alexander Lindsay (09899/1/001); Susan Forde (10332/1/003); Mr & Mrs Mark Dall (00748/1/001); Mr & Mrs Richard Green (00858/1/001); Mr & Mrs Thomas Dall (00749/1/001); Councillor Michael Barnacle (02633/1/069): The LDP should reinstate the settlement boundary for Easter Balgedie as per the Kinross Area Local Plan 2004 page 93 (S4_Doc_619).

Gairney Bank

Councillor Michael Barnacle (02633/1/070): The LDP should reinstate the settlement boundary for Gairney Bank as per the Kinross Area Local Plan 2004 page 94 (S4_Doc_620).

Gairneybridge/Fruix

Kinross-shire Civic Trust (06950/1/014); Councillor Michael Barnacle (02633/1/071): The LDP should reinstate the settlement boundary for Gairneybridge/Fruix as per the Kinross Area Local Plan 2004 page 95 (S4_Doc_621).

Lawers

D Ironside (07693/8/002): The LDP should identify a settlement boundary for Lawers which includes the site on the submitted plan for residential development.

Keltneyburn

Danvers Valentine (09289/1/002): The LDP should identify a settlement boundary for Keltneyburn as per submitted plan which includes sites to the south and west for housing (S4_Doc_614).

Lochran Sidings

Councillor Michael Barnacle (02633/1/072): The LDP should reinstate the settlement boundary for Lochran Sidings as per the Kinross Area Local Plan 2004 page 97 (S4_Doc_622).

Mawcarse

Councillor Michael Barnacle (02633/1/073): The LDP should reinstate the settlement boundary for Mawcarse (S4_Doc_623).

R T Hutton Planning Consultant (09539/5/001): The LDP should identify a settlement boundary for Mawcarse which includes an area to the south for residential development (S4_Doc_623).

Middleton

Councillor Michael Barnacle (02633/1/074): The LDP should reinstate the settlement boundary for Middleton as per the Kinross Area Local Plan 2004 page 99 (S4_Doc_624).

Netherhall Farm, West of Milnathort

R T Hutton Planning Consultant (09539/3/001): The LDP should identify a settlement boundary around the steading conversion at Netherhall Farm, West of Milnathort and the land to the north for housing as shown on submitted plan.

Netherton

Councillor Michael Barnacle (02633/1/075): The LDP should reinstate the settlement boundary for Netherton as per the Kinross Area Local Plan 2004 page 100 (S4_Doc_625).

New Fargie

Mr & Mrs O Ferry (00779/1/001): The LDP should identify a settlement boundary for New Fargie with a settlement statement and map (as per submitted plan) and a clear statement that it, and the site being promoted in the representation, is suitable for housing. It should be included within the list of settlements.

Pitnacree

Patrick Sheriff (09289/3/003): Not explicitly stated but implied that the LDP should reinstate the settlement boundary for Pitnacree as per the Highland Area Local Plan 2000 page 103 (S4_Doc_612).

Rannoch Station

Dunan Estate (07693/3/001): The LDP should identify a settlement boundary for Rannoch Station and identify the site subject of planning application 10/01977/FLL (S4_Doc_629) for housing. No specific boundary is proposed.

Tenandry

The Church of Scotland General Trustees (09167/9/001): The LDP should identify a settlement boundary for Tenandry. No specific boundary is proposed. Sites on submitted plan at Tenandry Glebe, or parts thereof, should be allocated for housing. Existing buildings and proposed sites should be removed from the National Scenic Area designation.

Tulloch of Ballechin

Patrick Sheriff (09289/2/002): It is assumed that a settlement boundary is sought for Tulloch of Ballechin but no specific modification or boundary is proposed. For information (S4_Doc_613) shows the existing Highland Area Local Plan 2000 boundary.

Upper Tillyrie

Councillor Michael Barnacle (02633/1/076): The LDP should reinstate the settlement boundary for Upper Tillyrie as per the Kinross Area Local Plan 2004 page 102 (S4_Doc_626).

West Myreriggs

Carolyn Bell (09289/23/001): The LDP should identify a settlement boundary for West Myreriggs as per the existing Local Plan (S4_Doc_628) but extended to include MIR site 798 (S4_Doc_289) for residential development.

Non-Settlement Specific Comments

D Ironside (07693/8/001); Culfargie Estates (07693/1/002): All clearly recognisable settlements should have a defined boundary, especially in the Highland area. The specific settlements are not identified.

George Pease (10115/1/002); Matthew Pease Architect (09125/1/002): Small settlement boundaries should be re-instated.

The Braes of the Carse Conservation Group (00391/1/006): If the Housing in the Countryside Supplementary Guidance (Core_Doc_064) is relaxed tight settlement boundaries should be drawn round existing built areas.

Inchtute Community Council (00701/1/002): 2009 Housing in the Countryside Policy (Core_Doc_064) should be incorporated as supplementary guidance to the LDP.

Danvers Valentine (09289/1/001); Patrick Sheriff (09289/3/001); The Petrie Family (09289/4/002): No specific modification sought but is assumed that those making representations wish that settlement boundaries are reinstated.

Kinross-shire Civic Trust (06950/1/010): No specific modification sought but is assumed that the Civic Trust wish existing settlement boundaries in Kinross-shire to be reinstated and a policy similar to policy 48 of the Kinross Area Local Plan (S4_Doc_290) to be included in the LDP.

Peter Allan (00327/4/001): Following wording should be added following LDP paragraph 6.1.12 (S4_Doc_509): *'Where settlement boundaries have been identified, the presumption is that any future development will take place within those boundaries. Settlement boundaries have not been drawn for a number of small settlements in the landward area thus removing the restrictive policy in the present local plan which stated that built development should not be located adjoining and outwith those settlements which are the subject of inset maps. The development of small sites within or adjacent to these small villages and hamlets will be encouraged. Criteria (a) and (b) of Policy RD3 will be deemed to have been met in such cases but otherwise development will be controlled by the published SPG on Housing in the Countryside with regard to criteria a) - m) in the section headed 'For All Proposals'.*

Proposed Settlement Extensions

John Buchan (09169/1/001): Settlement boundary at Clathy should be extended to include the 6 houses to the western end.

The Harris Family (10220/1/001): Settlement boundary at Campmuir should be extended to accommodate housing as per submitted plan.

Summary of responses (including reasons) by planning authority:

In order to avoid significant repetition the first part of the planning authority's response deals with the main issues which have been raised in the representations across all the settlements. Any additional settlement specific comments are given in the second part of the response.

Objection to the Removal or Non-identification of Settlement Boundaries

Braes of the Carse Conservation Group (00391/1/005); A & J Stephen (Builders) Ltd (03068/2/001); Inchtute Community Council (00701/1/003); Mr & Mrs M Sands

(09142/4/001); Snaigow Estates (09289/11/005); Glen Quaich Estate (09289/15/003); Culfargie Estates (07693/1/001 & 07693/1/002); Councillor Michael Barnacle (02633/1/065, 02633/1/066, 02633/1/067, 02633/1/068, 02633/1/069, 02633/1/070, 02633/1/071, 02633/1/072, 02633/1/073, 02633/1/074, 02633/1/075 & 02633/1/076); The Petrie Family (09289/4/002 & 09289/4/003); Jamie Sinclair (09289/21/001); Kinross-shire Civic Trust (06950/1/010, 06950/1/012, 06950/1/013 & 06950/1/014); Robert Hogg (00282/1/001); Fiona Mead (00633/1/001); Portmoak Community Council (00638/2/003); Mr & Mrs Alexander Lindsay (09899/1/001); Susan Forde (10332/1/003); Mr & Mrs Mark Dall (00748/1/001); Mr & Mrs Richard Green (00858/1/001); Mr & Mrs Thomas Dall (00749/1/001); D Ironside (07693/8/001 & 07693/8/002); Danvers Valentine (09289/1/001 & 09289/1/002); R T Hutton Planning Consultant (09539/3/001 & 09539/5/001); Mr & Mrs O Ferry (00779/1/001); Patrick Sheriff (09289/2/002, 09289/3/001 & 09289/3/003); Dunan Estate (07693/3/001); The Church of Scotland General Trustees (09167/9/001); Carolyn Bell (09289/23/001); George Pease (10115/1/002); Matthew Pease Architect (09125/1/002): Both communities and promoters of development are seeking the identification or reinstatement of settlement boundaries as there is a perception that these provide more certainty and clarity than a reliance on LDP policy RD3 (S4_Doc_418). Many of the small settlement communities are concerned that settlement boundaries offer protection against inappropriate development and without a boundary development will be allowed to sprawl. Developers and landowners want settlement boundaries to guide and inform future development and are concerned that Policy RD3 may be used to reject development.

Scottish Ministers expect LDPs to be '*concise map-based documents*' and the use of supplementary guidance is encouraged (Circular 1/09 paragraph 39 (S4_Doc_524)). It is therefore considered appropriate to have reduced the number of small settlements which have an identified settlement boundary in the Plan and instead to use Policy RD3: Housing in the Countryside and the detailed associated supplementary guidance (Core_Doc_064) as a means of assessing proposals for development in these settlements.

It is often very difficult to identify meaningful boundaries for small settlements due to the more dispersed nature of many of such settlements, especially in the Highland Area. It is therefore considered that using Policy RD3 to assess applications for development in these small settlements is more appropriate and will allow proposals to first and foremost be assessed against their suitability and fit within, and their impact upon, an existing building group rather than being almost deemed acceptable in principle because the proposal is within a settlement boundary line. Using Policy RD3 to guide development will allow these small settlements to grow more naturally than determining where development is/is not appropriate based on what can be an arbitrary line. It is considered important to allow small rural settlements to grow in accordance with SPP paragraph 92 (S4_Doc_107) which states that planning authorities should aim to "*enable development in all rural areas which supports prosperous and sustainable communities*". In relation to concerns of development sprawl the policy clearly states that ribbon development will not be supported. Other forms of expansion e.g. onto 'definable sites' should not be presumed against if they are acceptable in terms of the policy. The Council disagrees that the lack of a boundary introduces uncertainty or that Policy RD3 is not sufficiently robust to give the necessary protection to existing settlement edges or to prevent settlement coalescence. Nor does the Council agree that it will encourage future development of greenfield sites and agricultural land in rural areas. The policy and supplementary guidance together with other LDP policies such as ER6: Managing Future Landscape Change (S4_Doc_397) are considered to provide a detailed and comprehensive framework for determining planning applications giving all the advice

necessary to guide development and advise where development will and will not be acceptable and in what form.

No modification is proposed to the Plan.

Inconsistency in how Settlement Boundaries have been defined

Braes of the Carse Conservation Group (00391/1/005); A & J Stephen (Builders) Ltd (03068/2/001); Inchtute Community Council (00701/1/003); Snaigow Estates (09289/11/005); Culfargie Estates (07693/1/001); Jamie Sinclair (09289/21/001); D Ironside (07693/8/002); R T Hutton Planning Consultant (09539/5/001); Dunan Estate (07693/3/001); Fiona Mead (00633/1/001); Portmoak Community Council (00638/2/003); Mr & Mrs Mark Dall (00748/1/001); Mr & Mrs Alexander Lindsay (09899/1/001):

Understandably comparisons have been drawn in the representations between those settlements which have a boundary and those which do not. Whilst settlement size was an important consideration decisions were not simply based on a pre-determined size limit. Instead each settlement was considered on its own merits taking account of the relative significance of that settlement in its particular location in terms of the range and type of facilities such as schools, shops or community facilities, and its overall size and number of houses. The scope for expansion of each settlement in terms of available sites and the ability to sustain additional development were also taken into account. When many of the boundaries were identified for the smallest settlements through the existing suite of Local Plans (1995-2004) the Housing in the Countryside Policy was less detailed and provided less guidance than LDP policy RD3 (S4_Doc_418) and associated Supplementary Guidance (Core_Doc_064). When reviewed therefore some settlements which previously had an identified boundary but which are of a more dispersed nature were considered to be more meaningfully served by the more detailed policy provision provided by Policy RD3 and the associated supplementary guidance than by a settlement boundary.

No modification is proposed to the Plan.

Allocation of Specific Sites for Development

Mr & Mrs M Sands (09142/4/001); Snaigow Estates (09289/11/005); Glen Quaich Estate (09289/15/003); Culfargie Estates (07693/1/001); The Petrie Family (09289/4/003); D Ironside (07693/8/002); Danvers Valentine (09289/1/002); R T Hutton Planning Consultant (09539/3/001 & 09539/5/001); Mr & Mrs O Ferry (00779/1/001); Dunan Estate (07693/3/001); The Church of Scotland General Trustees (09167/9/001); Carolyn Bell (09289/23/001); A & J Stephen (Builders) Ltd (03068/2/001); Jamie Sinclair (09289/21/001): The sites being promoted for development are in the landward area as they are not within a settlement boundary in the LDP. The strategy of the Plan is to direct most growth to the principal settlements in line with TAYplan policy 1 (S4_Doc_067). These sites would not therefore be allocated for housing in the LDP. There is however scope for appropriate landward area sites to come forward through LDP policy RD3 (S4_Doc_418) through the planning application process.

No modification is proposed to the Plan.

Retention of Boundaries for Settlements in the Loch Leven Catchment Area

Councillor Michael Barnacle (02633/1/065, 02633/1/067, 02633/1/069, 02633/1/070, 02633/1/071, 02633/1/073, 02633/1/074, 02633/1/075 & 02633/1/076); Robert Hogg (00282/1/001); Mr & Mrs Thomas Dall (00749/1/001): These representations relate to the following settlements: Balado Crossroads, Craigowmill, Easter Balgedie, Gairneybank, Gairneybridge/Fruix, Mawcarse, Middleton, Netherton and Upper Tillyrie. It is LDP policy

EP7: Drainage within the Loch Leven Catchment Area (S4_Doc_491) which considers the issue of drainage and which gives protection to this area not settlement boundaries. The emphasis of LDP policy EP7 is that of mitigating the impact of development to deliver an overall improvement in phosphorous levels rather imposing a heavy restriction on development which would reduce the opportunity for improvement. It is not therefore considered necessary to identify boundaries for all settlements within the catchment area.

No modification is proposed to the Plan.

Identification of a Range of Sites

Dunan Estate (07693/3/001); Carolyn Bell (09289/23/001); D Ironside (07693/8/001); Culfargie Estates (07693/1/002): The LDP does identify a range of site types, sizes and locations. It does not identify the smallest sites in any settlement, with or without a boundary, but instead allows for these to come forward and contribute to the housing land requirement as windfall sites.

No modification is proposed to the Plan.

Policy RD3: Housing in the Countryside Policy

Inchtute Community Council (00701/1/002): The 2009 Housing in the Countryside Policy, as amended, will be incorporated as Supplementary Guidance (Core_Doc_064) to the LDP.

No modification is proposed to the Plan.

Susan Fraser & Alison Ramsay (00390/1/004); The Braes of the Carse Conservation Group (00391/1/006): These representations only sought the identification of settlement boundaries should changes be made to LDP policy RD3 (S4_Doc_418) or the associated Supplementary Guidance (Core_Doc_064). The Council are not proposing any changes to policy RD3 and only minor changes were made to the Supplementary Guidance which further strengthen the policy.

No modification is proposed to the Plan but should the Reporter be minded to make amendments to Policy RD3 these requests for settlement boundaries will need to be borne in mind.

Non-Settlement Specific Comments

Kinross-shire Civic Trust (06950/1/010): The Kinross Area Local Plan policy 48 (S4_Doc_290) (and equivalents in other Local Plans) is no longer required. Removal of the Kinross Area Local Plan policy was linked to the removal of settlement boundaries for the smallest settlements – because a proposal is at the edge of a settlement does not automatically make it inappropriate. It could in fact be the best location for new development. Development in the countryside and adjacent to settlement boundaries will be controlled by LDP policy RD3 (S4_Doc_418) section 1 building groups and extensions onto definable sites. It is not therefore considered necessary to include further policy provision within the LDP.

No modification is proposed to the Plan.

Peter Allan (00327/4/001): The absence of a settlement boundary is an indication that the Council consider that development proposals can adequately and appropriately be assessed under LDP policy RD3 (S4_Doc_418) so a defined settlement boundary is not therefore required. It is not considered that the amendment to LPD paragraph 6.1.12

(S4_Doc_509) proposed in the representation adds any further clarity.

No modification is therefore proposed to the Plan.

Proposed Settlement Extensions – Clathy and Campmuir

John Buchan (09169/1/001); The Harris Family (10220/1/001): There are no boundaries identified for Clathy or Campmuir in the proposed LDP so these requests for boundary extensions are not applicable. Any proposals for development at Clathy or Campmuir would fall to be assessed against LDP policy RD3 (S4_Doc_418).

No modification is proposed to the Plan.

Additional Comments on Craigowmill

Kinross-shire Civic Trust (06950/1/012): It is LDP policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes (S4_Doc_397) which gives protection to the landscape, not settlement boundaries. It is not therefore considered necessary to identify a boundary for Craigowmill solely because it is within the current Area of Great Landscape Value. All settlements are protected by Policy ER6.

No modification is proposed to the Plan.

Additional Comments on Easter Balgedie

Fiona Mead (00633/1/001); Mr & Mrs Alexander Lindsay (09899/1/001): Concerns are raised that the proposed removal of the settlement boundary will result in increased levels of development which will in turn have an adverse impact for those people already living there and those who may wish to visit. As stated in the overall response above LDP policy RD3 (S4_Doc_418), together with the supplementary guidance and other LDP policies, are considered to provide a detailed and comprehensive framework for determining planning applications. It is not envisaged therefore that there will be any greater impact on the landscape, the attractiveness of the area to tourists, or on existing businesses as a result of removing the settlement boundary.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (06950/1/013): It is LDP policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes (S4_Doc_397) which gives protection to the landscape, not settlement boundaries. It is not therefore considered necessary to identify a boundary for Easter Balgedie solely because it is within the current Area of Great Landscape Value.

No modification is proposed to the Plan.

Robert Hogg (00282/1/001); Mr & Mrs Richard Green (00858/1/001): The impact of any additional development on road safety would be assessed at planning application stage.

No modification is proposed to the Plan.

Portmoak Community Council (00638/2/003): Highlights that Easter Balgedie is unique within the Portmoak area as it contains three working farms but this if anything further emphasises the rural nature of the settlement which is best served by Policy RD3.

No modification is proposed to the Plan.

Fiona Mead (00633/1/001); Portmoak Community Council (00638/2/003); Mr & Mrs Alexander Lindsay (09899/1/001); Mr & Mrs Mark Dall (00748/1/001); Mr & Mrs Thomas Dall (00749/1/001): Draw comparison with the Scotlandwell/Kilmagadwood boundary. To clarify, this is a proposed tightening of the existing settlement boundary rather than the creation of a new boundary for Kilmagadwood. The gap between Scotlandwell and Kilmagadwood is small, separated by a single field, but the main reason for the boundary alteration here is to help preserve the setting of the conservation area of which the aforementioned field forms a part. Whilst the Council agrees it is important to avoid settlement coalescence the distances between Easter Balgedie and the neighbouring settlements of Wester Balgedie and Kinnesswood are much larger than that for Scotlandwell and Kilmagadwood.

No modification is proposed to the Plan.

Additional Comments on Pitnacree

Patrick Sheriff (09289/3/003): LDP policy PM1A (S4_Doc_396) is as applicable to proposals for development in settlements where there is no boundary as it is to settlements with an identified boundary. It is not therefore considered necessary to identify a boundary for Pitnacree on the grounds that it provides a sound basis for LDP policy PM1A.

No modification is proposed to the Plan.

Additional Comments on Tenandry

The Church of Scotland General Trustees (09167/9/001): National Scenic Areas are national designations designated under Section 263A of the Town and Country Planning (Scotland) Act 1997 (S4_Doc_637). The Council is not at liberty to exclude Tenandry from the National Scenic Area through the LDP process.

No modification is proposed to the Plan.

Reporter's conclusions:

1. Reference should also be made to Issue 8a, which considers Policy RD3, and Issue 14, which deals with the green belt.
2. Representations which request a settlement boundary where none is proposed may be categorised into two types: those which are prompted by concern that the absence of a settlement boundary will be too restrictive of new residential development in that location; and those which reflect concern that the absence of a settlement boundary will permit too much residential development through the application of Policy RD3 and the associated Housing in the Countryside supplementary guidance. Each argument is considered below.
3. However, it is necessary first to address the representation which seeks to strengthen the effect of settlement boundaries by introducing a policy similar to Policy 48 in the Kinrosshire Area Local Plan. This would have the effect of introducing a policy presumption against development beyond a settlement boundary.

The argument in favour of a presumption against expansion beyond a defined settlement boundary

4. Unlike Policy 48 in the Kinrosshire Area Local Plan and similar policies in other local

plans, the Proposed Plan contains no policy presumption against development beyond a settlement boundary. Any such proposal would be assessed under Policy RD3 in the same way as a proposal to extend a building group which did not have a settlement boundary. As currently drafted therefore, the definition of a settlement boundary has little effect in controlling the expansion of a settlement because development outwith the defined boundary could potentially be approved under Policy RD3. Consequently, while a settlement boundary might be of assistance in indicating where settlement expansion would be particularly welcome, it would have little effect in defining an edge to a settlement beyond which further development would not be expected to occur. This significantly undermines the usefulness of the settlement boundary designation.

5. The council's response to the request for a policy similar to Policy 48 in the Kinrosshire Area Local Plan argues that such an approach is no longer necessary because Policy RD3 would provide an adequate level of control. The council states that a site which was on the edge of a settlement (and presumably by this it means outwith the defined boundary) might be the best location for new development. But if that were the case, one would have to ask why the land in question was not included within the settlement boundary.

6. There seems little logic in drawing settlement boundaries if they have no effect in defining the edge of settlement and are only an indicator of where development might and might not be encouraged. It is recommended therefore that a new policy is included within the Proposed Plan, which sets out a presumption against development outwith a defined settlement boundary. This will provide much greater certainty for local residents and for prospective developers alike. An appropriate place for this would be in the "Placemaking" section, as a new Policy PM4.

7. Representations requesting a settlement boundary, which are considered below, are considered in the light of the presumption against development beyond that boundary, which such designation (with the above modification) will now convey.

The argument that the absence of a settlement boundary is too restrictive

8. The absence of a settlement boundary around a particular building group does not remove all residential development potential. All of the locations that have been put forward by those seeking greater development potential are outwith the green belt. Housing development in such locations is potentially supported under Policy RD3 and the accompanying Housing in the Countryside supplementary guidance, which defines the circumstances in which such development will be supported. The aims of Policy RD3 and the supplementary guidance are to promote housing opportunities in the countryside while protecting residential and visual amenity and landscape character. Although this policy and its accompanying guidance would not apply to sites within a defined settlement boundary, considerations such as residential and visual amenity and landscape character are likely to be equally important to the council's assessment of a proposal in such locations, in accordance with the requirements of Policies PM1A and ER6.

9. Ultimately therefore, defining a settlement boundary around a building group is only likely to increase opportunities for residential development where the boundary is drawn loosely enough to include within it, areas of developable land that are larger than might be permitted under Policy RD3. This is the approach the council has taken where it has identified a building group that it considers has the attributes necessary to be an appropriate location for encouraging development. In assessing the requests for a

settlement boundary to be defined in order to enhance development opportunities, an assessment has been made as to whether that location is suited to a higher level of development than one would expect to be permitted under Policy RD3.

10. The council has listed the factors that it took into account when deciding whether to define a settlement boundary. These include the range and type of facilities in the building group such as schools, shops or community facilities, and its overall size, settlement pattern and number of houses. These are all appropriate considerations. It is essential to bear in mind the expectation in TAYplan, with which the Proposed Plan must be consistent, that the majority of development is directed to the principal settlements and that only limited and properly justified opportunities for development are permitted elsewhere. Also of significance are the Key Objectives of the Proposed Plan, which include a commitment to producing a more efficient settlement pattern, which contributes to reducing the need to travel. It is difficult to see how encouraging housing development in locations that have few if any services or employment opportunities and poor public or active transport provision could be consistent with that objective.

11. Each of the locations where a settlement boundary has been requested in order to promote development has been considered against the above factors. In all cases, the building groups in question are small (and often dispersed) and offer few if any community facilities. In no case has a convincing argument been made to justify how expanding the residential development potential beyond that which would be permitted by Policy RD3 would accord with the objectives of TAYplan or the Proposed Plan itself. Consequently, none has been found to be appropriate for inclusion in the Proposed Plan as a settlement with a defined boundary.

12. It has been argued that the expansion of rural building groups would assist in meeting housing supply targets and in providing a range and choice of development sites. While this may be so, the examination of other issues, particularly Issues 20c and 20d, which deal with strategic housing issues, and the issues which deal with individual settlements within each housing market area, has found that the Proposed Plan provides a generous supply of effective housing land to meet the full range of housing requirements over the plan period and also to provide an immediate and on-going effective five year supply. Such sites are focussed on the principal settlements in order to be consistent with TAYplan, but provide development opportunities in a wide range of locations. Against that background, there can be no justification for defining additional inappropriate locations as settlements in order to provide improved prospects for residential development.

13. It has also been argued that there are settlements defined in the Proposed Plan, which are no larger, no less dispersed, or contain any greater range of local services than those which the council has not proposed. However, the role of this examination is not to compare one building group with another, but to consider each location on its merits. Where representations have been made against a settlement boundary that is included in the Proposed Plan, these have been examined under the relevant section of this report.

14. Ultimately, in respect of all of the settlements where a settlement boundary is proposed in order to promote development, it is concluded that the application of Policy RD3 and the accompanying supplementary guidance will provide an adequate framework for the consideration of development proposals and that there are no grounds for modifying the plan. There is no reason to suspect that this approach will fail to strike an appropriate balance between, on the one hand, satisfying the expectation in Scottish Planning Policy (SPP) to permit residential development in all rural areas, and on the

other, to encourage an efficient settlement pattern which contributes to reducing the need to travel.

The argument that the absence of a settlement boundary is not restrictive enough

15. With the recommended modification to incorporate a presumption against development beyond a settlement boundary, the significance of having a settlement boundary clearly increases. This has been taken into account when considering the requests for additional settlement boundaries in order to constrain development.

16. Representations have been received in respect of some rural building groups, which call for a settlement boundary to be defined in order more clearly and effectively to resist inappropriate levels of development. Some of this concern appears to be prompted by dissatisfaction with how successfully the council has controlled rural housing development in the past and some is prompted by concern that supplementary guidance might be modified at some point in the future in a manner which reduced its effectiveness. Both issues are addressed below before consideration is given to the appropriateness of defining settlement boundaries around building groups which do not currently have such a boundary.

17. In its response to representations made about Policy RD3 (which are examined under Issue 8a) the council has accepted that operation of the 2005 Housing in the Countryside Policy permitted, on occasion, some development that subsequently proved to be unpopular with rural communities due to its scale and character. As a result, the latest iteration of that policy, which will provide supplementary guidance to Policy RD3, is in some respects more cautious in its support for such proposals. It cannot reasonably be concluded therefore that any perceived shortcomings in the control of unsympathetic development that might have been experienced in the past, will necessarily continue under the revised approach.

18. With regard to concerns over subsequent relaxation of the housing in the countryside policy, Scottish Planning Policy (SPP) expects the detail of how policies will operate to be contained within supplementary guidance. Although such guidance is not subject to examination in the same way as policies that are set out in a proposed plan, it requires to be prepared in accordance with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, which sets out requirements for public engagement. Specifically, authorities must publicise draft supplementary guidance, giving a date before which representations may be made. Authorities must make people who may wish to comment aware of the guidance and give them an opportunity to comment. The authority must then consider any comments, and then send Scottish Ministers a copy of the guidance they wish to adopt. In addition, authorities must send Ministers a statement setting out the publicity measures they have undertaken, the comments they received, and an explanation of how these comments were taken into account. These requirements provide adequate opportunity for interested parties to comment upon any future supplementary guidance, which the council might propose.

19. The content of the proposed supplementary guidance has been taken into account in considering the representations raised under this Issue, as this is essential to understanding how Policy RD3 would operate.

20. Turning to the policy itself (to which minor modifications have been recommended under Issue 8a) and the accompanying supplementary guidance, these potentially permit residential development in a range of locations but contain a number of assessment

criteria and policy stipulations, which aim to permit only appropriate levels of new development in order to avoid harming local landscape character, the visual amenity of building groups and the living conditions of those who live there. There is no reason to suspect that this policy framework would prove ineffective in addressing these important issues.

21. None of the building groups that are referred to in the representations about this issue has the scale, form or range of facilities necessary to justify its identification as settlements defined by a settlement boundary. It would be inappropriate and illogical in the context of the plan's overall spatial strategy therefore, to identify them as settlements with a settlement boundary. Policy RD3 and its supplementary guidance would adequately control any additions to these building groups. Other plan policies aimed at protecting the character and amenity of the settlement and avoiding landscape harm would also apply, as would, where relevant, policies aimed at protecting conservation areas and other heritage assets.

22. Taking all matters into consideration, there are no grounds to provide any of the proposed locations with a settlement boundary.

Reporter's recommendations:

1. Add a new Policy PM4 worded as follows:

"Policy PM4 Settlement Boundaries

For settlements which are defined by a settlement boundary in the plan, development will not be permitted, except within the defined settlement boundary."

Issue 9	Affordable and Particular Needs Housing	
Development plan reference:	Policy RD4 - Affordable Housing, page 32 Policy RD6 - Particular Needs Housing Accommodation, page 33	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (00239) Fossoway & District Community Council (00830) Thomson Homes Ltd/Cocklaw Developments Ltd (00870) McCarthy & Stone Retirement Lifestyles Ltd (00883) Councillor Michael Barnacle (02633) Crieff Hydro Estate (07710) The Gleneagles Hotel (09004) Scone Palace & Estate (09163) Emac Planning LLP (09727) Blairgowrie & Rattray Community Council (10002) Stewart Milne Homes (10080) Homes for Scotland (10214) David Wilson Homes (10227)		
Provision of the development plan to which the issue relates:	Sets out the affordable housing and particular needs housing policies for Perth and Kinross	
Planning authority's summary of the representation(s):		
<u>Change to Policy RD4 - Percentage quota</u> Lynne Palmer (00239/5/001): More affordable housing units are needed and the quota of 25% of new builds or conversions to be affordable housing is not enough. There should never be less than one third of the units on a site built as affordable housing.		
<u>Change to Policy RD4 wording - Flexibility</u> Thomson Homes Ltd/Cocklaw Developments Ltd (00870/5/001): The policy must be flexible to support development. Policy RD4 needs to state that consideration of the overall development viability of the project and the availability of investment funding for the development will be taken into account when assessing the requirement for affordable homes.		
Homes for Scotland (10214/1/001): Policy should acknowledge that the cumulative impact of developer contributions can affect development viability and there should be flexibility to deliver less than 25% affordable housing in order to help to deliver development; the flexibility in the policy needs to be made clearer. Affordable Housing Supplementary Guidance (Core_Doc_063).		
Emac Planning LLP (09727/3/001): Seeking flexibility on the 25% quota when other developer contributions are having a cumulative detrimental impact on the viability of a site.		
Stewart Milne Homes (10080/17/001): To deliver development and maximise affordable housing in the current economy the policy needs to be more flexible rather than have a		

rigid 25% quota. PAN 2/2010 (pg 5, paragraph 17) (S4_Doc_180); Scottish Planning Policy (pg 18, paragraph 87) (S4_Doc_100)

Scone Palace and Estate (09163/4/007): Conversion to housing is a good way to ensure a future for many traditional and historic buildings that are otherwise redundant for their original use; additional costs such as contributions to affordable housing will make these projects potentially unviable.

Highlight alternative tenures in Policy RD4 wording

David Wilson Homes (10227/1/003): Whilst in agreement with the principle of a 25% affordable housing policy reference should be made in the policy to the alternative tenures of affordable housing, not just social rented accommodation. PAN 2/2010: Affordable Housing & Housing Land Audits (Core_Doc_019)

Fossway & District Community Council (00830/1/016): Supports the policy as it enables provision of low cost housing as part of developments. More affordable housing is needed; there is a continued need for low-cost housing in the Kinross area.

McCarthy & Stone Retirement Lifestyles Ltd (00883/1/001): Supports the Council's approach to affordable housing contributions detailed within Policy RD4. Affordable Housing Supplementary Guidance (Core_Doc_063).

Councillor Michael Barnacle (02633/1/007): Supports Policy RD4

Location of Affordable Housing Contribution

Blairgowrie & Rattray Community Council (10002/1/002): It should be considered that people who need affordable housing can often not afford a car, so need to be close to facilities.

Change to Policy RD6 criteria

Crieff Hydro Estate (07710/5/001): Suitable sites should not be confined to existing residential areas; there may be other suitably located sites close to amenities and services within environments which already provide accommodation in safe, comfortable, caring and secure surroundings. Sites which are not in residential areas can provide an appropriate environment for older people housing which will increase supply and choice. Housing Need and Demand Assessment (2009) (Core_Doc_055)

Houses in Multiple Occupation should not be included within the criteria of this policy.

Scone Palace and Estate (09163/4/008): In order to increase the number of housing units for older people and provide more choice retirement villages should be taken into account within the policy.

Addition to Policy RD6 to include new definition

The Gleneagles Hotel (09004/3/001): Increasing the supply of key worker housing on-site at tourist developments would meet some housing need and could be a form of particular needs housing.

Lynne Palmer (00239/8/001): Increase choice in the housing supply. Perth and Kinross does not have enough one-bedroom flats. There are more people living alone now and these people are as in need and important as special needs people like the elderly.

McCarthy & Stone Retirement Lifestyles Ltd (00883/1/002): Supports the policy for positively addressing the accommodation needs of an ageing population through Policy RD6: Particular Needs Housing Accommodation. The policy addresses the increasing need for this type of accommodation and supports increase in housing supply.

Councillor Michael Barnacle (02633/1/008): Supports the policy as a method of increasing the supply of particular needs housing.

Modifications sought by those submitting representations:

Change to Policy RD4 - Percentage quota

Lynne Palmer (00239/5/001): Affordable housing requirement should be increased to a minimum 33% quota.

Change to Policy RD4 wording - Flexibility

Thomson Homes Ltd/Cocklaw Developments Ltd (00870/5/001): Policy wording should be altered to take account of development viability.

Homes for Scotland (10214/1/001): A sentence should be inserted into the policy which highlights the flexibility within the policy to deal with development viability considerations.

Emac Planning LLP (09727/3/001): Wording should be inserted to highlight the flexibility within the policy to deliver less than 25% affordable housing contribution on development viability grounds.

Stewart Milne Homes (10080/17/001): Policy RD4 should be changed to read:

'Housing developments of five units or more are expected to contribute to the target of 25% of the total number of units are affordable housing. This will be assessed on a site by site basis taking into account all aspects of development viability.'

Scone Palace & Estate (09163/4/007): Remove the reference to 'including conversions' because conversions of traditional buildings are particularly difficult and expensive to undertake.

Highlight alternative tenures in Policy RD4 wording

David Wilson Homes (10227/1/003): Insert a sentence to make clear that all the tenures in PAN 02/2010 (Core_Doc_019) can be used to deliver the affordable housing requirement. An extra sentence should be included in RD4 at the end of paragraph 3 stating:

'The type of affordable housing provided should be in accordance with the various options in tenures suggested in PAN 2/2010'.

Location of Affordable Housing Contribution

Blairgowrie & Rattray Community Council (10002/1/002): Policy should make provision for more affordable housing in and around the town centre.

Change to Policy RD6 criteria

Crieff Hydro Estate (07710/5/001): Seeks a modification to Policy RD6 which acknowledges and responds to the accommodation needs of an ageing population. Seeks policy to refer to accommodation for an ageing population rather than particular needs; and to widen areas where development will be supported.

Seeks reference to category (b) 'Houses in Multiple Occupation' be removed and become a separate policy.

Scone Palace & Estate (09163/4/008): Seeks to add 'Retirement villages' as a type of particular needs housing development. An additional criteria should be added to the policy as follows:

The Council will support proposals for particular needs housing and accommodation which fall into one of more of the following categories:

- (a) Residential developments supporting housing for particular needs, such as housing for the frail, elderly or special needs, and housing for varying needs must be suitably located for both residents and visitors, providing both high quality care and minimal impact on the environment; and should be located in residential areas where residents have access to local services and facilities and are integrated within the local community.*
 - (b) Houses in Multiple Occupation (HMOs), including change of use and new build applications, where a need for such accommodation can be demonstrated; and it does not affect the residential amenity of an area by creating problems with waste collection, or parking/road safety issues.*
 - (c) Retirement villages*
- In all cases Development must be compatible with the residential nature of the area.'*

Addition to Policy RD6 to include new definition

The Gleneagles Hotel (09004/3/001): Seeks change to include 'key worker accommodation' within the policy and therefore seeks an additional reference in the category (a) list to include 'key-worker accommodation'.

Lynne Palmer (00239/8/001): The wording in category (a) to be widened to include reference to single people as well as frail, elderly or special needs.

Summary of responses (including reasons) by planning authority:

Change to Policy RD4 - Percentage quota

Lynne Palmer (00239/5/001): Scottish Planning Policy, (Core_Doc_048) states authorities may seek a percentage of affordable housing contribution where this is justified by the Council's Housing Need & Demand Assessment. The benchmark figure (PAN 02/2010, paragraph 14 (S4_Doc_183)) is that each site should contribute 25% of the total number of housing units as affordable housing. The Council's Housing Need & Demand Assessment Housing Need and Demand Assessment (2009) page 103 (Core_Doc_055) does support a higher percentage requirement in all of the Housing Market Areas however, it is the Council's view that a higher percentage is not deliverable due to the current economic climate and its effect on development viability, coupled with the reduction in Scottish Government funding through the Affordable Housing Supply Programme; therefore it is felt that the benchmark of 25% across the whole Perth and Kinross area is a realistic and deliverable quota.

No modification is proposed to the Plan.

Change to Policy RD4 wording - Flexibility

Thomson Homes Ltd/Cocklaw Developments Ltd (00870/5/001): Acknowledge the policy should be flexible to support development as set out in paragraph 87 Scottish Planning Policy (Core_Doc_048). The Council considers that the policy itself is flexible and the details of this are set out in the Affordable Housing Supplementary Guidance, paragraph 5.15, (S4_Doc_184). It is not felt necessary to highlight this in the policy wording itself. The flexibility in the policy has been demonstrated in its application where the affordable

housing requirement has been reduced due to the economic viability of the development; an example is planning application ref: 12/00552/FLL (S4_Doc_333) for a development of 10 houses where the development was evidenced that it could not support both the education and affordable housing contributions and the affordable housing contribution was therefore reduced to facilitate the project going ahead.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/001); Emac Planning LLP (09727/3/001): Acknowledge the policy should take account of the cumulative impact of developer contributions affecting development viability in some circumstances; the Council considers that the policy itself is flexible and the details supporting this are set out in the Affordable Housing Supplementary Guidance, paragraph 5.15 (S4_Doc_184). It is not felt necessary to highlight this in the actual policy wording itself. The example of planning application ref: 12/00552/FLL (S4_Doc_333) detailed above highlights the flexibility in the policy.

No modification is proposed to the Plan.

Stewart Milne Homes (10080/17/001): The policy has a benchmark quota of 25% which is supported by the Council's Housing Need & Demand Assessment Housing Need and Demand Assessment (2009) page 103 (Core_Doc_055). There is flexibility within the policy to reduce the affordable housing requirement if there is supporting evidence of the development's viability being undermined, as per paragraph 87 Scottish Planning Policy (Core_Doc_048). The details supporting this are set out in the Affordable Housing Supplementary Guidance, paragraph 5.15 (S4_Doc_184) and recent planning decisions (as highlighted in the earlier example of planning application ref: 12/00552/FLL (S4_Doc_333)) show how the policy is being flexibly applied to reduce the affordable housing requirement where appropriate. It is not felt necessary to amend the policy wording as suggested.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/007): Acknowledge that certain conversions can incur greater development costs however the Council believe that this phrase should remain in the guidance as the affordable housing contribution can be reduced to take account of abnormal development costs and can therefore work towards keeping projects viable. It is highlighted that not all conversions are of historic buildings or buildings that may incur higher development costs (for example a house in multiple occupation to general housing) so to remove this phrase is not considered appropriate. See paragraph 5.15, Affordable Housing Supplementary Guidance (S4_Doc_184).

No modification is proposed to the Plan.

Highlight alternative tenures in Policy RD4 wording

David Wilson Homes (10227/1/003): It is not considered necessary to set out the various tenures of affordable housing within the policy wording itself, or add the sentence as proposed, as they are clearly covered in the Affordable Housing Supplementary Guidance, section 4 (page 11) (S4_Doc_185). The supplementary guidance can be updated to take account of any changes in Scottish Government policy or advice which allows the policy to be flexible and introduce any such changes whereas this would not occur if the policy wording was altered.

No modification is proposed to the Plan.

Location of Affordable Housing Contribution

Blairgowrie & Rattray Community Council (10002/1/002): It is not considered appropriate to modify the policy to take account of this comment. This point is taken into consideration when determining the most appropriate affordable housing contribution for a site and is covered in the Affordable Housing Supplementary Guidance, paragraph 5.2 (S4_Doc_186). The policy seeks a 25% requirement in town centres where appropriate; colleagues in the Council's Housing service consider a number of factors, including accessibility, when determining whether the affordable housing contributions should be provided on-site. It is noted there is also a need to ensure there is affordable housing available for those working in the rural economy on low wages to live close to work so on some occasions a more rural location is more appropriate than a town centre location. The Council recognises there are affordable housing needs in town centres, particularly for smaller single person accommodation, but this has to be balanced against the needs of other groups who neither desire nor need a town centre location. It is important to ensure town centres have a good mix of tenures in order to have vibrant and sustainable communities.

No modification is proposed to the Plan.

Change to Policy RD6 criteria

Crieff Hydro Estate (07710/5/001): It is considered appropriate that the policy seeks to ensure particular needs housing is located in sustainable residential locations rather than other areas which do not have appropriate access to local services and facilities. This will help to form sustainable mixed communities, support local facilities and use existing transport routes and services.

No justification has been presented to separate Houses in Multiple Occupation into a new policy and the Council regards this policy as the most appropriate point to cover the issue.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/008): The thrust of this policy is to ensure that particular needs housing is appropriately located in sustainable residential locations, whilst protecting existing residential amenity. Retirement villages provide for the general housing needs of a wide age group, often with an entry requirement which only requires one resident in a house to be over 55 years old. This forms part of the marketing for such a development. In form they may vary little from general needs housing and it is more appropriate that they are considered within the context of general housing allocations and located in areas suitable for residential development. The Council feel that the criteria to ensure a site is suitable for a retirement village are likely to be more onerous to ensure accessibility in terms of transport and access to facilities and support, and this may run contrary to the presumed aim of the respondent to increase flexibility.

No modification is proposed to the Plan.

Addition to Policy RD6 to include new definition

The Gleneagles Hotel (09004/3/001): It is acknowledged that staff accommodation on-site at tourist developments would meet some housing need but it is not considered to be within the definition of particular needs which is aimed at more vulnerable sections of the community. It is therefore not felt appropriate to add key worker accommodation for tourist developments to category (a) in the policy. Staff accommodation, which is not built as individual houses but as communal or flatted accommodation, would fall within

category (b).

No modification is proposed to the Plan.

Lynne Palmer (00239/8/001): Whilst the Council acknowledges there is a need to increase choice in the housing supply it is for the market to deal with this rather than through policy RD6. The Council's Housing Need & Demand Assessment Housing Need and Demand Assessment (2009) page 140, paragraph 11.1 (S4_Doc_739), identifies the increase in single households throughout Perth and Kinross however, they are not considered as a whole to be a vulnerable group (although it is understood that within the category there will be vulnerable sections) and the supply of new one-bedroom flatted units will come through the general market. It is highlighted that in some areas demand can change rapidly with the completion of a development, especially in small settlements, and therefore housing needs should be looked at on a site by site basis rather than through this policy. It is not a matter for the Plan but the relevant affordable housing policy requirement accommodation need in an area for certain types of accommodation is determined by the Council's Housing service and there may be a preference for one-bedroom accommodation in some cases. The Council's Local Housing Strategy Local Housing Strategy (2011-2016) section 7, page 40 (S4_Doc_255), details the Council's strategy for assisting people with particular needs and earlier on page 16 sets out the priorities for addressing housing requirements.

No modification is proposed to the Plan.

Additional Information

In addition to the representations on Policy RD4 a number of comments were submitted on the associated Supplementary Guidance. These were considered by the Council's Enterprise and Infrastructure Committee on 7 November 2012. The committee report, which includes the approved responses to the comments made in appendix 1, can be found in the report to the Enterprise and Infrastructure Committee on 7 November (Core_Doc_160) for information.

Reporter's conclusions:

Change to Policy RD4 - Percentage quota

1. The requirement to provide 25% affordable housing follows the benchmark figure in Scottish Planning Policy (SPP). The Housing Needs and Demand Assessment confirms that, throughout the authority area, significantly more than 25% of households are unable to rent or buy in the market. Under the terms of SPP therefore, a more demanding policy requirement could have been set. However, a careful balance needs to be struck, as the deliverability of a development site potentially decreases with the proportion of affordable housing that is demanded. The aim of the policy is to secure the delivery of affordable houses, which will not happen if market housing development schemes, on which an important component of the affordable housing supply relies, do not come forward. Bearing in mind the current economic climate and the lack of any evidence that the development industry will recover in the immediate future, the council's decision not to set the requirement above the national benchmark is pragmatic and reasonable

Change to Policy RD4 wording – Flexibility

2. In order to deliver affordable housing in sufficient numbers, SPP expects authorities to apply innovative and flexible approaches. Policies on affordable housing provision are

required to be realistic and to take into consideration development viability and the availability of funding. The council's commitment to flexibility can be seen in how it has handled proposals in the past. However, bearing in mind the explicit reference to affordable housing policies in SPP (rather than to how authorities undertake their development management function), the council's commitment to flexibility should be set out within the policy itself.

Highlight alternative tenures in Policy RD4 wording

3. The third paragraph of the policy adequately recognises the scope for different tenures, sizes and types of affordable housing and confirms that this will be a matter for agreement on a case by case basis. There is no need for the policy to list the alternative tenures of affordable housing that might be accepted. This depends on individual circumstances including site characteristics and the nature and extent of housing need in the locality.

Location of Affordable Housing Contribution

4. It may be true that rates of car ownership amongst households in need of affordable housing are lower than in the population generally. However, it would not be appropriate for the plan to seek to direct all affordable housing to town centres or to seek to reserve brown field sites in those locations for affordable housing. It is generally preferable for affordable housing to be provided as an integral part of a market housing development rather than on a separate site, and this will inevitably require development to take place on greenfield as well as brownfield land and in a wide range of locations including on the edges of settlements. Often the cost of developing brownfield sites is such that an element of market housing is essential if a proposal is to be viable. The policy requires all sites of five or more units to provide for affordable housing in some way. There may be a need for affordable housing in more rural areas, to provide accommodation for rural workers so it cannot be assumed that a more urban situation is necessarily preferable. But if a site's location appeared genuinely unsuitable for affordable housing, the policy permits the provision to be made elsewhere. This provides adequate scope for these issues to be addressed.

Change to Policy RD6 criteria

5. It is appropriate for the policy to refer to "particular needs housing accommodation" rather than to "accommodation for an ageing population". The latter term is likely to describe a significant proportion of the former but not all, and it would be unhelpful if the policy did not deal with the particular needs of, for example, younger people in need of care. These types of accommodation are all best suited to a residential environment, where opportunities for community integration and convenient access to services can be secured. It is appropriate therefore for the policy to require such development to be located within a residential area.

6. Houses in Multiple Occupation are a form of particular needs housing. Considerations relating to these may be different to others, but the policy deals with this by specifying a different series of assessment criteria. There is no reason to omit this form of housing from the policy.

7. The term "retirement village" is insufficiently precise for it to be referred to in this policy. Some residents of such accommodation may have particular housing needs but that is not necessarily the case. A market housing "retirement village" development that

has minimum age stipulations for potential occupiers but no other features to address particular needs is not comparable to the specialised forms of accommodation that this policy seeks to address.

Addition to Policy RD6 to include new definition

8. On-site key worker housing at tourist developments is dissimilar to the particular needs housing that this policy addresses. And the requirement of the policy for such housing to be situated in residential areas would clearly be incompatible to the provision of on-site staff accommodation at a rural hotel. The consideration of proposals for key-worker housing need to be considered on a case by case basis and there are no grounds to include such housing within the scope of this policy.

9. One bedroom flats are occupied by all ages and sectors of society and do not necessarily accommodate persons who could be described as having a particular housing need. There is no reason to include them within the scope of this policy. The council and developers need to work together to ensure that the mix of residential units in any development scheme is appropriate to identified needs and demands. In that way, the provision of one bedroom flats, where justified should easily be achievable through the development management process.

Reporter's recommendations:

Change to Policy RD4 wording – Flexibility

1. Modify Policy RD4 by adding a sentence to the end of the third paragraph to read as follows:

“The Council will consider innovative and flexible approaches to the delivery of affordable housing and will take into account considerations that might affect deliverability such as development viability and the availability of funding.”

Issue 10	Transport and Accessibility	
Development plan reference:	3.6 – Transport and Accessibility, page 34 TA1 - Transport Standards and Accessibility Requirements, page 35	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Lynne Palmer (00239) Portmoak Community Council (00638) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) Fossoway & District Community Council (00830) Councillor Michael Barnacle (02633) Sport Scotland (03185)		Scottish Natural Heritage (05211) Persephone Beer (07744) Jim Pritchard (09104) J W Farquharson/G D Strawson (09117) John Dewar Lamberkin Trust (09166) TACTRAN (09203) Network Rail (09414) G S Brown Construction Ltd (09817) George Pease (10115) Homes for Scotland (10214)
Provision of the development plan to which the issue relates:	Transport and Accessibility Policy and supporting text, pages 34-35	
Planning authority's summary of the representation(s):		
<p><u>Transport and Accessibility Supporting Text</u> J W Farquharson/G D Strawson (09117/2/001): The Plan fails to consider the merits of allocating a significant amount of development land around railway stations within the Plan area. This is considered vital to promote sustainable travel over the Plan period.</p> <p>Perth and Kinross requires major investment in new and improved public transport infrastructure and not an emphasis on new road-building. Encouragement should be given in the text of the Plan to the creation of a new railway station in the Carse of Gowrie in the vicinity of Grange.</p> <p>New and improved railway infrastructure will lead to sustainable economic development and at the same time protect and improve the environment, improve social inclusion and accessibility. Building more roads is not the answer to a more sustainable future.</p> <p>The vision should be to plan for new development around railway stations and to plan for new rail infrastructure.</p> <p>George Pease (10115/1/003): Greater investment is required in public transport including bus services in rural areas and the reinstatement of the Kinross and Cowdenbeath railway.</p> <p>Persephone Beer (07744/1/002): Not supportive of text as more measures are required to improve walking and cycling facilities in the Plan area.</p> <p><u>Policy TA1 Transport Standards and Accessibility Requirements</u> TACTRAN (09203/10/001): Suggest deleting the words '<i>that involve significant travel generation</i>' and inclusion of additional bullet point '<i>(f) effective Travel Plans should be</i></p>		

developed and agreed’.

Network Rail (09414/2/001): The importance of Level Crossing safety warrants a specific policy included in Chapter 3.6 Transport & Accessibility or Chapter 3.11 Public Safety (S4_Doc_402) which will help elevate the importance of level crossings within the development management and planning process.

If it is not possible for a specific policy on Level Crossings to be added to Chapter 3.6, a compromise would be amendment to Policy TA1 to include for level crossings and a new policy to be included in Chapter 3.11 (S4_Doc_402).

G S Brown Construction Ltd (09817/3/002); Homes for Scotland (10214/1/017): Reducing travel demand by car is difficult to achieve in rural Perthshire and outwith the control of developers. The more remote locations relies on private cars for travel and will continue to do so unless the bus operators can be persuaded to improve the availability of their services. It is also outwith the control of house builders to ensure that public bus services are available.

In terms of car parking, insufficient car parking leads to more people parking in the street and will have no impact on car ownership in Perth and Kinross. Parking standards and road layouts are now determined by Designing Streets Policy (Core_Doc_014). Unless this policy is written into the LDP, with full endorsement from all departments, there is a risk that development proposals will stall once they get to Roads Construction Consent stage. Developers need assurances that any sites that are taken forward, will progress quickly through the planning system and allow them to commence development within realistic timescales.

Portmoak Community Council (00638/1/001): Portmoak Community Council strongly supports Policy TA1B but asks that mention is made that Portmoak is provided with better public transport, including a bus shuttle to the Kinross Park and Ride facility. The policy on car parking should define the standards that will apply in rural areas for public and private parking.

Councillor Michael Barnacle (02633/1/009): Policy TA1 fails to mention Kinross-shire. LDP also makes no mention of A977 or protection of railway line south of Kinross Policy 46 of Kinross Area Local Plan 2004 (S4_Doc_163).

Fossoway & District Community Council (00830/1/017): Transport infrastructure issues within the Community Council area is not dealt with in the plan, including the status and safety of the A977, which runs through the major settlements in the area, including those with proposed housing development.

Sport Scotland (03185/2/001): Cycling and walking policy is weak which suggests that proposals that do not take walking and cycling into account wont be penalised. Policy should state that all proposals should demonstrate provision or support for walking and cycling provision.

Lynne Palmer (00239/4/001); TACTRAN (09203/9/001); John Dewar Lamberkin Trust (09166/6/001); Scottish Government (00092/5/002); Scottish Natural Heritage (05211/3/001); Carse of Gowrie Sustainability Group (00788/1/004); Fiona Ross (00786/1/004); Jim Pritchard (09104/1/006 & 09104/1/007): All Support the Transport and Accessibility Policies TA1A and TA1B.

New Supplementary Guidance – Cycle Parking

Persephone Beer (0774/1/010): New supplementary guidance should be provided to highlight requirements for cyclists, particularly cycle parking as part of new developments.

Modifications sought by those submitting representations:**Transport and Accessibility Supporting Text**

J W Farquharson/G D Strawson (09117/2/001): Reference should be added to supporting text promoting development close to public transport hubs such as railway stations and planned/proposed railway stations.

George Pease (10115/1/003): LDP should protect the track bed of the former railway line that ran between Kinross and Cowdenbeath for future reinstatement.

Persephone Beer (07744/1/002): New developments should be in locations where walking and cycling is the travel mode of choice. New park and ride sites should have facilities for cycling parking and dedicated paths to link them to the city centre.

Policy TA1 Transport Standards and Accessibility Requirements

TACTRAN (09203/10/001): Delete the words *'that involve significant travel generation'* within TA1B and inclusion of additional bullet point
'(f) effective Travel Plans should be developed and agreed.'

Network Rail (09414/2/001): Requests a specific policy on Level Crossings to be added to Chapter 3.6, or 3.11 (S4_Doc_402). No suggested policy wording is provided.

If not possible a compromise would be an amendment to Policy TA1 to include for level crossings and a new policy to be included in Chapter 3.11 (S4_Doc_402).

Policy TA1: *'New development proposals should:*

(b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads.'

And safety is added to: *'Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:*

(c) it would not have a detrimental effect on the capacity or safety of the strategic road and/or rail network including level crossings.'

G S Brown Construction Ltd (09817/3/002): Add the following text to Policy TA1:

- *'Development to reduce travel by car not practical in rural areas & outwith the control of developers.'*

- Car Parking section *'Insufficient car parking leads to more people parking in the street and will have no impact on car ownership in Perth and Kinross.'*

Homes for Scotland (10214/1/017): Policy should acknowledge that a large part of the local plan area is rural and not well served by public transport. Within rural developments, adequate parking spaces must be provided to cater for two car households. Access to local bus routes with an appropriate frequency of service is wholly reliant on third party private bus operators. Policy should also include references to Scottish Government's 'Designing Streets' policy.

Portmoak Community Council (00638/1/001): Policy should include reference to Portmoak being provided with better public transport, including a bus shuttle to the Kinross Park and Ride facility. The policy on car parking should define the standards that will apply in rural areas for public and private parking.

Councillor Michael Barnacle (02633/1/009): Policy TA1 should mention Kinross-shire.

Fossway & District Community Council (00830/1/017): Policy should include recognition of transport infrastructure issues within the Community Council area to be included within the plan, including the status and safety of the A977.

SportScotland (03185/2/001): Policy TA1 should state that all proposals should demonstrate support for walking and cycling provision.

New Supplementary Guidance – Cycle Parking

Persephone Beer (07744/1/010): Supplementary guidance should highlight requirements for cyclists, particularly cycle parking requirements within new developments.

Summary of responses (including reasons) by planning authority:

Transport and Accessibility Supporting Text

J W Farquharson/G D Strawson (09117/2/001): Policy TA1B clearly states that *‘all development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of transport modes of walking, cycling and public transport should be considered....’* It is therefore considered that this part of the policy adequately covers any reference to promoting development close to public transport hubs. The policy is considered to be consistent with the recommendations set out in SPP paragraphs 165 to 170 (S4_Doc_299).

Regarding a new railway station in the Carse of Gowrie, no major development is proposed in the Plan for the area that would warrant a new train station. Transport Scotland are not supportive of any additional stops on the Glasgow-Aberdeen network because it will add to the journey time and one of their key projects is to reduce the travel time between Aberdeen and Dundee to the Central Belt. In addition, Tactrans Regional Transport Strategy (Core_Doc_022) and TAYplan (Core_Doc_099) do not support an additional train station in the Carse of Gowrie. TAYplan does not promote any significant development in the Carse of Gowrie and therefore the LDP follows this strategy.

No modification is proposed to the Plan.

George Pease (10115/1/003): Investment in bus services is not a land use planning issue. Regarding the suggestion that encouragement should be given to the creation of a new railway rail line in Kinross-shire. This is not identified as a funding priority by Tactran in the Regional Transport Strategy Delivery Plan (Core_Doc_022). Nor is it included within TAYplan so it is unlikely to come forward within the life of the LDP. Such a proposal would need to come through a future review of the Regional Transport Strategy, the Strategic Development Plan and potentially the Strategic Transport Projects Review by Transport Scotland.

No modification is proposed to the Plan.

Persephone Beer (07744/1/002): Policy PM1B (f) states that all proposals should 'create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport'.

Supplementary Guidance will be published on Transport Standards and will include requirements for walking and cycling as they are sustainable modes of transport supported by SPP (paragraphs 165-170) (S4_Doc_299). The Draft Perth and Kinross Action Programme 2012-2024 (Core_Doc_172) has indicated that the supplementary guidance will be produced in 2013 and adopted in parallel with the Plan.

No modification is proposed to the Plan.

Policy TA1 Transport Standards and Accessibility Requirements

TACTRAN (09203/10/001): All developments will result in some form of travel and should only be located where onward travel is minimised. Some developments such as a change of use application can produce a reduction in travel generation. However some developments will inevitably result in significant travel and this may require more infrastructure than those closer to town centres, employment etc. It therefore may be necessary to cater for such development and it is considered there is no requirement for the suggested text deletion of the policy.

In terms of the need to mention travel plans Policy TA1B (Note) states that there will be supplementary guidance produced on travel plans. The Draft Action Programme 2012-2024 (Core_Doc_172) has indicated that the Supplementary Guidance will be produced in 2013 and adopted in parallel with the Plan.

No modification is proposed to the Plan.

Network Rail (09414/2/001): It is considered there is no requirement for a specific planning policy on level crossings and no policy wording has been put forward by Network Rail.

No modification is proposed to the Plan.

Whilst it is not possible to produce a new policy, it is however considered that the suggested compromise of additional text to Policy TA1 is noted and accepted. Public safety at such locations is supported and additional wording to the policy may help reduce any potential safety issues resulting from additional development near or in the vicinity of level crossings.

If the Reporter is so minded to recommend that the proposed additional wording to the policy is adopted, the Council would be comfortable with this modification because it would not have any implications on Policy TA1 or other policies within the LDP.

G S Brown Construction Ltd (09817/3/002); Homes for Scotland (10214/1/017): The strategy in the Plan directs development to areas with the best infrastructure. The suggested additional wording to Policy TA1 is considered to be more of a statement and would be more appropriate within the supporting text. Having said that we do not agree with it.

Policy TA1B acknowledges that some developments in certain locations may lead to a reliance on the private car. The policy does say that such developments could be supported if it meets certain criteria listed within the policy. In terms of parking, Policy

TA1B (Car Parking) mentions that less restrictive standards may be applied in rural areas.

Policy TA1 acknowledges that rural areas may not be well served by public transport and that less restrictive standards might be acceptable. The Scottish Government's 'Designing Streets' Policy (Core_Doc_014) is a published document and already a material consideration. It is considered that there is no need to refer to it within a Local Development Plan transport policy.

We acknowledge that developers may have no direct control over bus services, but it is still relevant to consider if a proposed development requires an improvement to the bus service either through re-routing, timetable alterations or in some cases a financial contribution to enhance the service.

No modification is proposed to the Plan.

Portmoak Community Council (00638/1/001); Councillor Michael Barnacle (02633/1/009); Fossoway & District Community Council (00830/1/017): Policy TA1 does not refer to any specific transport issues or requirements within a specific geographical area within Perth and Kinross. Because the 6 local plans are being streamlined into one LDP, it is considered impractical to highlight specific areas and it is considered that the policy is robust enough to be applicable to all areas within Perth and Kinross.

In terms of the issue on car parking standards by Portmoak Community Council (00638/1/001), Supplementary Guidance will be published on Transport Standards and will include details on parking standards. The Draft Perth and Kinross Action Programme 2012-2024 (Core_Doc_172) has indicated that the supplementary guidance will be produced in 2013 and adopted in parallel with the Plan.

In terms of the issue by Councillor Michael Barnacle (02633/1/009) on the protection of former railway lines south of Kinross, it has not been identified as a project by Transport Scotland, Tactran or Perth and Kinross Council and therefore no funding is available. However, former railway lines have potential to become pedestrian, cycling and biodiversity corridors and to ensure provision of further protection to former railway lines, the Council would have no objection to Policy CF2: Public Access being amended to include Development proposals that would have an adverse impact upon any (proposed) core path, *former railway line*, asserted right of way or other well used route.....'

No modification is proposed to the Plan.

Sport Scotland (03185/2/001): Policy TA1B contains a subsection supporting development proposals that take into account and promote cycling and walking.

No modification is proposed to the Plan.

New Supplementary Guidance – Cycle Parking

Persephone Beer (0774/1/010): Supplementary guidance will be published on Transport Standards and will include requirements for cyclists as it is a sustainable mode of transport supported by SPP (paragraphs 165-170) (S4_Doc_299). The Draft Perth and Kinross Action Programme 2012-2024 (Core_Doc_172) has indicated that the supplementary guidance will be produced in 2013 and adopted in parallel with the Plan.

No modification is proposed to the Plan.

Reporter's conclusions:Transport and Accessibility Supporting Text

1. The policy of the Scottish Government on Transport is set out in Scottish Planning policy (SPP) at paragraphs 165 to 170 and strategic policy for the local development plan is provided in TAYplan at Policy 3: Managing TAYplan's Assets. The Proposed Plan must conform to that national and strategic guidance. A further aspect of the relevant policy framework is the Regional Transport Strategy for improving the region's transport infrastructure, services and other facilities which covers the period to 2023. This strategy takes in Tayside as a whole including Perth and Kinross and has been prepared by Tactran in accordance with the Transport (Scotland) Act 2005. Paragraphs 3.6.1 to 3.6.4 of Section 3.6 Transport and Accessibility conform broadly to that policy framework.

2. However, paragraph 3.6.2 states at its third sentence that SPP comments that planning authorities should support development that reduces the need to travel and facilitates travel by walking, cycling and public transport and freight movement by rail and water. That is a misunderstanding of the Government's position. SPP is a statement of its policy on nationally important land use matters. The text in paragraphs 165 to 170 of SPP does not amount to comments or suggestions: there is no escape from the fact that it states requirements with which the planning authority is expected to conform. As the text currently reads it is understandable why certain of the respondents could have the impression that, notwithstanding the detail of the text of Policy TA1: Transport Standards and Accessibility Requirements, the Council is not wholly committed to support for sustainable modes of walking, cycling and public transport. However, that is easily remedied by the deletion of the word "comments" and its replacement with the word "requires" in the third sentence of paragraph 3.6.2.

3. Moreover, a number of respondents have general concerns regarding transport and accessibility in rural areas of Perth and Kinross and, in particular, the provision of public transport. They have sought to address these by securing amendments to Policy TA1. The introductory text contained in paragraphs 3.6.1 to 3.6.4 contains no mention of the rural areas of Perth and Kinross while paragraph 3.6.3 is devoted solely to the challenges presented in Perth and its vicinity. In these circumstances it is understandable that some of the respondents are concerned that the special problems of rural areas may not be given sufficient attention when the plan comes to be implemented. With that in mind, there is merit in the suggestion by Scottish Homes and others that there be text which recognises these difficulties. That can be conveniently placed within the supporting text.

4. Turning to specific matters raised by the respondents, there is no dispute that proposals for developments which have ready access to railway stations will be in tune with the policies of Scottish Ministers to promote sustainable travel. Policy TA1 and, in particular, the criteria listed in Policy TA1B will be used to assess the merits of relevant proposals.

5. There is no support in Regional Transport Strategy for a new railway station in the Carse of Gowrie and TAYplan focusses the majority of the region's new development within its principal settlements. There is no overwhelming reason that the Proposed Plan should make provision for a new railway station in the vicinity of Grange or, indeed, anywhere else in the Carse of Gowrie.

6. Item (f) of Policy PM1B which states that all proposals should "*create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport*" is sufficient to meet the concerns regarding the role of walking and

cycling in place making. The council is committed to the preparation of supplementary guidance on Transport Standards which will include requirements for walking and cycling and this is to be adopted in parallel with the Plan.

Policy TA1 Transport Standards and Accessibility Requirements

7. The Note which follows the text of Policy TA1B refers to the issue of supplementary guidance which will explain when a travel plan and transport assessment is required. In the light of the Council's commitment to produce that supplementary guidance in 2013 for adoption in parallel with this plan, there is no need to modify the plan itself as suggested by Tactran.

8. Public safety in the vicinity of level crossings is a matter of such concern that it merits a modification to the plan. A new policy is one way forward. However, the amendments to the text of Policy TA1B proposed by Network Rail can deliver what is appropriate.

9. Turning to other suggestions from respondents, and given the recommendation on paragraph 3.6.3, there is no need for any further wording to be added to Policy TA1A or Policy TA1B either to make specific reference to levels of car ownership, to the Scottish Government policy and technical guidance on street design, or to any other matter mentioned by the respondents. Because the policy has been devised to be sufficiently robust to cover the whole of Perth and Kinross, it would not be appropriate to pick out Portmoak, Fossaway and District, or any other area for particular reference within the text.

10. As far as Policy TA1B is concerned, there is already a sub-section which deals with walking. Then again, in the sub-section which deals with car parking, including the standards to be applied to on-site car parking, the third sentence reads: "*In rural areas where public transport is infrequent, less restrictive standards may be applied.*" Related to that and to cycle parking, the council is committed to prepare supplementary guidance on Transport Standards in 2013 and this is to be adopted in parallel with the Plan.

11. Contrary to the summary of his evidence provided by the council, George Pease states that: "*The route of the former railway line between Kinross and Cowdenbeath should be reserved for future reinstatement.*" Again contrary to the summary of evidence provided by the council, Michael Barnacle refers to "*the protection of the railway line south of Kinross*". A fair reading of their evidence makes it is perfectly clear that neither of these respondents is promoting the reopening of the former railway line within the lifetime of this local development plan. SPP states at paragraph 170 that disused railways with a reasonable prospect of re-use for rail, tram or active transport should be safeguarded in the development plan. The reopening of the line is not proposed within either the current Regional Transport Strategy Delivery Plan or within TAYplan. However, in a relatively densely populated area it would run contrary to the thrust of Government policy if the coherence of the former railway line between Kinross and Cowdenbeath were to be irrevocably lost. All this has implications for Policy CF2: Public Access and there is a related recommendation below.

12. As the Council have helpfully pointed out, disused railway lines have potential to become pedestrian, cycling and biodiversity corridors. Policy CF2: Public Access can be adapted to meet the requirements of SPP paragraph 170; and it usefully can be made clear that the integrity of the whole length of lines and corridors is a matter which, according to circumstances, may have to be dealt with separately from ensuring access to all or part of them.

Reporter's Recommendations

Preamble

1. In the third sentence of paragraph 3.6.2 the word "*comments*" should be deleted and replaced with the word "*requires*".
2. In paragraph 3.6.3 introduce as the third sentence the following text: "*A large part of Perth and Kinross is rural and not well served by public transport and this has led to a reliance on the private car as a means of transport.*"

Policy TA1: New Development Proposals

3. Within the text headed "*Development proposals should:*" the wording should be modified read as follows:
"(b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;"
4. Within the text commencing "*Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:*" the wording should be modified to reads as follows:
"(c) it would not have a detrimental effect on the capacity or safety of the strategic road and/or rail network including level crossings;"

Policy CF2: Public Access

5. The text of Policy CF2: Public Access should be modified to read as follows:
"Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made."

Issue 11	Community Facilities, Sports and Recreation	
Development plan reference:	3.7.1 – Community facilities, Sport and Recreation, page 36 CF1 - Open Space Retention and Provision, page 36 CF3 - Community Facilities, page 37	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Mr & Mrs D Rendall (00525) Portmoak Community Council (00638) Councillor Michael Barnacle (02633) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Theatres Trust (08819) Alistair Smith (09011)		John Beales (09092) Jim Pritchard (09104) Scone Palace & Estate (09163) Ken Russell (09193) Methven & District Community Council (09221) Alex Pritchard (09979) Homes for Scotland (10214)
Provision of the development plan to which the issue relates:	Policy group covering community facilities, sport and recreation.	
Planning authority's summary of the representation(s):		
<p><u>Policy Group</u> Scottish Government (00092/1/001): Maps do not identify all the school playing fields as required by SPP paragraph 154 (S4_Doc_088). The fields at Robert Douglas Memorial School and Perth Grammar School for example are not shown.</p> <p><u>CF1: Open Space Retention and Provision</u> Alex Pritchard (09979/1/003): Considers that where open space currently exists that it should be retained.</p> <p>Scottish Government (00092/2/001): Request that the note under Policy CF1B be added to, to provide the appropriate 'hook' for the Supplementary Guidance to ensure that it will also cover open space quality and accessibility issues. It appears only one of the elements in SPP (quantity) is proposed to be addressed in the forthcoming Supplementary Guidance. SPP (2010) paragraph 154 (S4_Doc_088) and PAN 65 paragraph 31 (S4_Doc_166) cover several requirements of quantity, quality and accessibility. However, the note under CF1B says that the Play Area Strategy appears to only cover 'quantity'.</p> <p>Scottish Natural Heritage (05211/4/001): Amend Policy CF1B to create, improve and avoid fragmentation of green networks and core paths to ensure that the benefits of integrating core paths and green networks (Core Paths Plan January 2012 (Core_Doc_023)) into new development are realised whilst ensuring their protection and enhancement.</p> <p>Alistair Smith (09011/2/001); Kinross-shire Civic Trust (06950/1/001); Portmoak Community Council (00638/1/002): Policy CF1A presently only focuses on recreation land. There is a need for this policy to also cover the protection of the village setting as</p>		

was previously done by the Kinross Area Local Plan (2004) Policy 88 (S4_Doc_165).

Mr & Mrs D Rendall (00525/2/001): Policy CF1A should not be applied to privately owned land unless it has been gifted to the local community for public use. Suggests that the refusal of a planning application for diversification on the basis of this policy's use for privately owned as well as publicly owned and accessible land for recreation and sport is unjustified. Planning Application 12/00031/IPL (S4_Doc_167).

Councillor Michael Barnacle (02633/1/010): Concerned that development proposals for playing fields could be permitted on sites that are deemed surplus to requirements through a future and imminent playing field strategy. Improve protection from development for playing fields that have been or could be declared surplus to requirements e.g. Davis Park in Kinross and Waulkmill Park in Crook of Devon.

Jim Pritchard (09104/1/008): Recreational open space is very important and is usually used by many different groups of people (e.g. children flying kites, dog walkers etc), not just those engaged in competitive sports.

Scone Palace & Estate (09163/4/009): This is part of a suite of objections to the Proposed Plan, aimed at achieving a more positive and supportive policy context for Scone Palace and Estate to survive and grow. Propose addition of text justified on the basis of Circular 1/2010 On Planning Agreements (Core_Doc_097) which states that:

Planning agreements should only be sought where they meet all of the following tests:

- necessary to make the proposed development acceptable in planning terms (paragraphs 12-14);
- serve a planning purpose (paragraph 15) and, where it is possible to identify infrastructure provision requirements in advance, should be relevant to development plans;
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 16-17);
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 18-20) and be;
- reasonable in all other respects (paragraphs 21 & 22).

Therefore the request for contributions to existing open space must be based on these tests and only be requested where the development will create additional pressure on existing infrastructure.

Scone Palace and Estate - Proposed Local Development Plan Response Core Document and Vision Statement (April 2012). (Core_Doc_107 and Core_Doc_108)

Homes for Scotland (10214/1/018): Applauds the pragmatic approach to improving existing areas of open space rather than supplementing it, where an adequate supply exists. This is logical and a welcome approach. Detailed supplementary guidance is required to see what levels of financial contributions will be required, to ensure that they relate in scale and kind. Support for the Plan

John Beales (09092/1/002): Policy CF1B within the Proposed Plan states that, *'the council will seek provision of appropriate areas of informal and formal open space that it is accessible to all users as an integral part of any development where existing provision is not adequate'*. Supports this policy and considers that if the H54 allocation were to be extended a formal area of open space could be provided south of Friar Place. Reference

to schedule 4 no. 35a (Kinross-shire Area - North and East Settlements with Proposals), representation 09092/1/001 is highlighted for further information on this issue.

Methven & District Community Council (09221/1/003): Support for the Plan because vital to quality of life

CF3: Community Facilities

Ken Russell (09193/1/001): To achieve the aims of a strong cultural identity which recreational facilities contribute to, the LDP should identify suitable areas in larger communities.

Theatres Trust (08819/1/001): Existing community facilities such as theatres are not protected by the existing policy framework and this is contrary to the vision contained at paragraph 2.2.2 of vision section (S4_Doc_518) of the plan and not in line with the approach taken to protect other community facilities such as open space.

Methven & District Community Council (09221/1/005): Support for the Plan.

Modifications sought by those submitting representations:

Policy Group

Scottish Government (00092/1/001): All playing fields should be identified in the plan including those within existing educational establishments and those required to meet existing or future needs.

CF1: Open Space Retention and Provision

Alex Pritchard (09979/1/003): Implicit change to better protect and retain existing open space.

Scottish Government (00092/2/001): Add to the note under CF1B to reflect requirements of SPP (2010) paragraph 154 (S4_Doc_088) and PAN 65 paragraph 31 (S4_Doc_166).

Scottish Natural Heritage (05211/4/001): Add the following wording to Policy CF1B: *'Opportunities should be pursued through the development process to create, improve and avoid fragmentation of green networks and core path networks'*.

Mr Alistair Smith (09011/2/001); Kinross-shire Civic Trust (06950/1/001); Portmoak Community Council (00638/1/002): Add a new criteria 'e' to Policy CF1A as follows:

'(e) Development proposals resulting in the loss of these areas will also not be permitted where the open space land preserves and protects village settings for historic and conservation areas. This will include any proposal to use the land for gardens for adjacent housing'

Mr & Mrs D Rendall (00525/2/001): Change Policy CF1A so that it does not apply to privately owned land.

Councillor Michael Barnacle (02633/1/010): Deletion of criteria (b) or amendments to take account of local community.

Jim Pritchard (09104/1/008): Implicit modification to recognise that the value of open space and recreational areas must not be measured simply in terms of whether *'organised'* competitive sports take place on them.

Scone Palace and Estate (09163/4/009): Add the following phrase: 'If it is required' to the sentence:

'In areas where there is an adequate quantity of accessible open space in a locality, a financial contribution towards improvement or management of existing open space may be considered an acceptable alternative if it is required'.

CF3: Community Facilities

Ken Russell (09193/1/001): Provision for use classes 10 and 11 should be made in all larger communities.

Theatres Trust (08819/1/001): Wording to be added to policy to protect existing facilities and provide new facilities when they are to be redeveloped.

Summary of responses (including reasons) by planning authority:

Policy Group

Scottish Government (00092/1/001): It is not essential to identify all the playing fields in the Plan as SPP (paragraphs 156-158) (S4_Doc_319) applies. The respondent makes specific reference to Robert Douglas Memorial School however the playing fields here are identified within the Plan (S4_Doc_338). The playing fields at Perth Grammar School are more appropriately identified within the Green Belt as they form part of the Inches and it is considered that the Green Belt policy contains sufficient safeguards to protect them. The formal playing fields at the secondary schools have been identified, excluding Blairgowrie, but it is not considered necessary to identify all those at the primary schools where open space provision is more informal and many are too small to be clearly identified in the maps included.

No modification is proposed to the Plan. However, if the Reporter is so minded the Council would have no objection to identifying the Blairgowrie secondary school playing fields but would suggest that only the largest of the primary school playing fields are identified i.e. those already identified.

CF1: Open Space Retention and Provision

Alex Pritchard (09979/1/003): Consider that the policy as phrased provides protection for the retention of open space except in the circumstances as set out in the criteria. The policy needs to have some flexibility to enable it to work properly and deal with changing circumstance. Policy RD1 (S4_Doc_405) is highlighted as offering further protection to small areas of private and public open space where they are of recreational or amenity value.

No modification is proposed to the Plan.

Scottish Government (00092/2/001): The proposed modification to Policy CF1B is not considered necessary as it would be a duplication of Scottish Government policy SPP, paragraph 158 (S4_Doc_319) in the Plan.

No modification is proposed to the Plan. While the Council does not consider the additional wording is required if the Reporter is minded there would be no objection to the modification proposed by the representee.

Scottish Natural Heritage (05211/4/001): Any development affecting the green networks or core paths will be subject to planning applications and therefore the Development

Management process. It is not considered necessary to add the additional wording to the policy for this reason.

No modification is proposed to the Plan. While the Council does not consider the additional wording is required if the Reporter is minded there would be no objection to the proposed change in wording.

Alistair Smith (09011/2/001); Kinross-shire Civic Trust (06950/1/001); Portmoak Community Council (00638/1/002): The proposed addition to the policy is not considered necessary as there is limited scope for development outside of settlement boundaries and Policy RD3 Housing in the Countryside (S4_Doc_418) covers any development in these areas adequately and appropriately.

No modification is proposed to the Plan.

Mr & Mrs D Rendall (00525/2/001): Privately owned land encompasses a wide variety of land owners and it is considered appropriate that the policy applies to all land in order to protect and enhance the overall character of an area and not allow piecemeal erosion. The area referred to in planning application 12/00031/IPL (S4_Doc_167) is considered important to be retained as open space; its previous designation as agricultural land under Policy 66 in the adopted Eastern Area Local Plan 1998 (S4_Doc_665) was to protect the character of the area, it was acknowledged the agricultural value of the land was poor so the revised Policy CF1A is more appropriate. An alternative approach of excluding these areas from within the settlement boundary was considered but it was felt that this would create an artificial 'island' and that the area was best protected by being within the settlement boundary and under this policy.

No modification is proposed to the Plan.

Councillor Michael Barnacle (02633/1/010): It is not considered acceptable to delete criteria (b) from the policy as it provides some flexibility for development and in some circumstances can be entirely appropriate. The local community are able to participate in the Development Management process at appropriate points and it is considered that their views will be taken into account at this stage rather than through an amendment to the policy.

No modification is proposed to the Plan.

Jim Pritchard (09104/1/008): The Council considers that it is implicit within the policy that it is not only organised competitive sports which are being referred to and that recreational pursuits as highlighted by the respondent are also taken account of. Therefore it is not necessary to highlight this further. This is evident in some areas which have been identified as open space within the Plan, such as land along the Lade in Perth and the park area in Milnathort to give two examples.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/009): The proposed modification is not considered necessary as the policy requires appropriate areas of informal or formal open space as an integral part of new development where the existing provision is not adequate. In some cases this may best be provided by increasing the capacity of existing areas through improvements, i.e. providing an all weather surface therefore allowing more intensive use of an existing facility, rather than new facilities.

This satisfies the tests as set out in Circular 1/2010 (Core_Doc_097) as highlighted by the respondent and the addition of the modification to Policy CF1B is not necessary. It is highlighted that the general Infrastructure Contributions Policy PM3 (S4_Doc_496) deals with the tests in Circular 1/2010.

No modification is proposed to the Plan.

CF3: Community Facilities

Ken Russell (09193/1/001): In order to identify new areas in larger communities a comprehensive review of current and future demand has to be undertaken. New proposals are to be set out in a local facility strategy and at present there are no current proposals to be included in the Plan.

No modification is proposed to the Plan.

Theatres Trust (08819/1/001): The Council believes it is implicit that theatres are included within the term community facilities therefore there is no need to amend the policy wording to protect existing facilities and provide new facilities when they are to be redeveloped as the policy already covers this.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy Group

1. The Council is correct in stating that paragraphs 156 to 158 of Scottish Planning Policy (SPP) have relevance for the policies relating to section 3.7 Community Facilities, Sport and Recreation insofar as these are applicable to playing fields. In paragraph 156 it is stated that: *"Playing fields, including those within educational establishments, which are required to meet existing or future needs should be identified within the local development plan."* This is a statement of Government policy and, accordingly, the plan should be modified to comply fully with that requirement.

Policy CF1: Open Space Retention and Provision

2. Open space is not defined in the Proposed Plan's Glossary. However, that form of land use can be described as land either used for the purposes of public recreation or which provides, by reason of its openness, some public amenity benefit (for example, in the form of visual amenity). Policy CF1: Open Space Retention and Provision is worded to cover the spectrum of activities from organised competitive sports to informal recreational pursuits but does not extend to protect open space which has amenity rather than recreation value.

3. Policy RD1 provides protection to small areas of private and public open space where they are of either recreational or amenity value, but this policy only applies to land which is situated within a residential area. A number of representations call for the scope of Policy CF1A to be extended so that it offers protection to open space (including those that are in non-residential areas) which provides visual amenity benefits rather than any recreational function. The council's response to the representation from Mr and Mrs Rendall, which confirms why it considers Policy CF1A should apply to a particular piece of farm land with no recreation function, suggests that the council is not opposed to the application of Policy CF1A to land which is important to the character an area rather than

to any recreational activity.

3. It is concluded that the scope of Policy CF1A should be extended to protect open space which has amenity as well as recreation value. It is acknowledged that in residential areas this would create an overlap with the protection that is offered by Policy RD1. However, this is considered preferable to the alternative, which is to have no specific policy protection for open space in non-residential areas which has amenity rather than recreation importance.

4. An embargo on all forms of development on open space would not be a practical proposition. Nevertheless, the merits of any proposed development on this scarce asset should be carefully assessed. It is concluded that the application of Policy RD1 and Policy CF1A in the modified form that is recommended below, is a pragmatic and satisfactory approach to the retention, where appropriate, of open space in Perth and Kinross.

5. Turning to the respondents who suggest that Policy CF1A should not be applied to privately owned land unless it has been gifted to the community for public use, it is fundamental to the process of land use planning and subsequent development management that planning permission runs with the acceptable use of the land rather than with ownership of that land. It is not the ownership of land which is important but its value to the public as either a recreation or amenity resource.

6. The planning history of particular sites cannot be a determining factor in the preparation of policies for a local development plan. Accordingly, there can be no support for the view expressed that criterion (b) should be deleted from Policy CF1A. However, that does not preclude local communities from making representations should a planning application emerge which proposes development on an existing open space.

6. Criterion (c) requires, in effect, that if an existing facility would be lost it must be replaced with one of comparable or greater benefit and in a location which is convenient for its users.

7. As far as the introduction of an additional item (e) is concerned, there is a distinction to be drawn between the setting of a designated conservation area and the setting of the settlement within which that conservation area is located. With respect to the former, SPP at paragraph 115 states that: *"The design, materials, scale and siting of new development within a conservation area, and development outwith a conservation area which will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area."* Policy HE3: Conservation Areas of the Proposed Plan reflects national policy in that regard. With respect to the latter, housing development outwith a settlement boundary which affects the setting of any settlement, whether or not that settlement accommodates a conservation area, falls to be assessed against the terms of Policy RD3: Housing in the Countryside. If designated as open space it would also be covered by the modified form of Policy CF1A.

Policy CF1B: Open Space within New Developments

8. The Scottish Government has drawn the attention of the council to the requirements of SPP at paragraph 154 and the advice on good practice contained in PAN 65: Planning and Open Space at paragraph 31. The council should not disregard national policy and good planning practice as far as this policy and any related supplementary guidance is concerned. Accordingly, the text provided under the first bullet point of the Note should

be deleted and replaced with appropriate text.

9. The change to Policy CF1B requested by Scottish Natural Heritage will add clarity to what is expected from prospective developers in making applications for planning permission.

10. Policy CF1B is intended to be read as a whole. It makes clear that developer contributions maybe considered as an acceptable alternative but only where it is physically impossible or inappropriate to meet the required open space on site. Given that wording, there is no need to amend the text of the policy to add “*if required*” at the end of the third paragraph.

Policy CF3: Community Facilities

11. Theatres are included within the term social and community facilities and, consequently there is no pressing need to amend the wording of Policy CF3. However, it is noted from a reading of the Theatres Trust’s representation that, following consultation, the council included theatres in the description of Social and Community Facilities to be found in the Glossary. Accordingly, for clarity and completeness and in tune with the council’s response to this representation, the policy should be renamed.

Reporter’s recommendations:

Policy CF1: Open Space Retention and Provision

1. Modify paragraph 3.7.2 by adding a third sentence as follows: “*Playing fields, including those within educational establishments, which are required to meet existing or future needs are identified within the plan.*”

Policy CF1A

2. Modify the first paragraph of the policy to read as follows:

“The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:”

3. Modify criterion (a) of the policy to read as follows:

“Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.”

4. Modify the criterion (b) of the policy to read as follows:

“The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.”

5. Modify criterion (c) of the policy by adding the following at the start:

“In the case of proposals involving the loss of a recreational facility...”

6. Modify criterion (d) by adding the following at the start:

“Where a proposal would involve the loss of a sports pitch...”

Policy CF1B: Open Space within New Developments

5. Delete the text associated with the first bullet point of the Note and replace it with the following: *“The quantity, quality and accessibility of open space required for proposed developments.”*

6. A consequential amendment is required at the third paragraph of the policy as follows: delete, *“an adequate quantity of accessible open space;”* and insert, *“an adequate supply of accessible open space of an appropriate quality”*.

7. Add the following as paragraph 4 to the existing text: *“Opportunities should be pursued through the development process to create, improve and avoid fragmentation of green networks and core path networks.”*

Policy CF3: Community Facilities

8. Rename the policy as follows: “Policy CF3: Social and Community Facilities”.

Issue 12	The Historic Environment	
Development plan reference:	HE2 - Listed Buildings, page 38 HE3 - Conservation Areas, page 39 HE4 - Gardens and Designed Landscapes, page 39	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Cleish & Blairadam Community Council (00048) David Barbour (00215) Mr & Mrs Ian Rawson (00222) Grandtully & Strathtay Conservation Trust (00306) Bill Jackson (00432) Christopher Dingwall - Guidelines (00483) Mr & Mrs W Bright (00502) The Trustees of St Mary's Monastery (00529) Ruth Stone (00592) Portmoak Community Council (00638) Ian Dunsire (00692)	Councillor Michael Barnacle (02633) Perth & Kinross Tree Warden Network (08556) The Gleneagles Hotel (09004) Scone Palace & Estate (09163) Methven & District Community Council (09221) Mr & Mrs John Michie (09732) Michael Jackson (09919) Blairgowrie & Rattray Community Council (10002) Mike Hally (10105) Homes for Scotland (10214)	
Provision of the development plan to which the issue relates:	The Historic Environment Policy group	
Planning authority's summary of the representation(s):		
<p><u>HE2 Listed Buildings</u></p> <p>Homes for Scotland (10214/1/019): Policy wording to include enabling development of new build properties to ensure retention and protection of listed building or those on the 'at risk' register.</p> <p>The Trustees of St Mary's Monastery (00529/2/001): Considers Policy HE2 to be silent in relation to proposals for 'enabling' development to facilitate repairs/improvements to listed buildings and encourage their long-term active use.</p> <p>Considers that the Proposed Plan fails to provide clear guidance in relation to 'enabling' proposals, which will mean any future applications, will be determined in a 'policy vacuum'. (SPP paragraph 114) (S4_Doc_086) and (Supporting Document) (Core_Doc_141)</p> <p>Scone and Palace and Estate (09163/4/010): Objection to Policy HE2:</p> <ul style="list-style-type: none">- vital new uses are found for redundant traditional buildings of historic merit in order to ensure they survive and adapt- should be more positive support for such proposals- policy should be more explicit in its support <p>Methven & District Community Council (09221/1/007): Support for Policy HE2.</p> <p><u>HE3 Conservation Areas</u></p> <p>David Barbour (00215/2/001): New Policy HE3 broadly promotes development in</p>		

conservation areas, which will actively encourage development, which may be detrimental.

Reference to Policy 88 of the Kinross Local Plan 2004 (S4_Doc_173) where there is a presumption against built development to safeguard the setting of villages.

Michael Jackson (09919/1/002): Refers to the Grandtully and Strathtay Conservation Area for the most part. Makes reference to the current adopted Highland Area Local Plan Policy 96 (S4_Doc_473), suggesting that it has resulted in '*some undesirable and speculative development*' in the conservation area. Continues that the Settlement Strategy Considerations section of the Plan for Strathtay (paragraph 6.15.2, page 182) (S4_Doc_416) should be amended to refer to limited further infill development of individual houses, and that any future development should not result in the subdivision of gardens.

Mr & Mrs Ian Rawson (00222/1/002), Mr & Mrs W Bright (00502/1/002), and Mr & Mrs John Michie (09732/1/002): Object to change of emphasis from '*presumption against*' to a '*presumption in favour*' as considers that it is not in keeping with the purpose, intention and spirit of a conservation area. Believes that:

- it significantly diminishes the ability and strength of people wishing to oppose inappropriate developments, and
- sees the change as alteration of power in favour of developers who are likely to wield significant and strong resources to make their case at the expense of the local community

Grandtully & Strathtay Conservation Trust (00306/1/001): Policy HE3A states that there is a presumption in favour of development within a conservation area that preserves or enhances its character or appearance - this statement needs clarification to avoid the sort of development that has been agreed in Strathtay in the last few years (3 identical houses permitted and built and a further 3 agreed).

The existing draft of the policy may unintentionally support development within a conservation area but outwith the settlement boundary.

Bill Jackson (00432/1/001): Policy HE3A should clarify that it does not support development which is within a conservation area but which is outside the settlement boundary.

David Barbour (00215/1/001): Policy HE3 does not make implicit statements referring to specific conservation areas, with particular reference to conservation areas in Cleish, Wester Balgedie and the proposed conservation area in Scotlandwell.

Councillor Michael Barnacle (02633/1/078): Policy HE3 only covers existing conservation areas but contains no new ones notably Back Crook, Keltybridge and Maryburgh. Refers to page 11 of MIR representation (S4_Doc_174).

Methven & District Community Council (09221/1/008); Portmoak Community Council (00638/1/011): Support Policy HE3.

HE4 Gardens and Designed Landscapes

Christopher Dingwall (00483/1/001); Perth & Kinross Tree Warden Network (08556/1/003): Considers the Plan to be inadequate with regard to gardens and designed landscapes. Comments that designed landscapes play a crucial role in determining

landscape character throughout Perth and Kinross therefore considers Policy HE4 to be a limited and poorly worded commitment. Therefore calls for a revision to Policy HE4 to align it with national policies.

The respondent proposes the following modifications:

- acknowledge the contribution made by all designed landscapes, both Inventory and non-Inventory, to the character and quality of the county's landscape; in line with paragraph 3.79 of Scottish Historic Environment Policy (SHEP) (S4_Doc_170) and paragraph 3.80 of SPP 23 (as this has been revoked it is presumed that the respondent means paragraphs 122 and 124 of SPP (S4_Doc_087).
- include a commitment by the Council to identify significant non-Inventory designed landscapes within the county, in line with SHEP (paragraph 3.79) (S4_Doc_170) with a view to protecting their integrity and enhancing their character as far as possible, within the evolving rural and urban landscape.
- state that *'applicants may be required to submit management plans'* as part of any application for development with an Inventory landscape.
- contain a statement to the effect that permission may be refused, or conditions may be attached to any grant of permission for development, where this is seen to adversely affect a designed landscape, whether Inventory or non-Inventory.
- contain a commitment by the Council to draw up its own supplementary guidance on the management and restoration of designed landscapes within Perth and Kinross, to complement that available from the Forestry Commission.

The respondent also makes reference to a number of other publications in support of their representation regarding the identification of non-Inventory sites; these are:

- Inventory of Gardens and Designed Landscapes in Scotland (Core_Doc_027)
- European Landscape Convention (2000) Article 5 and 6 (S4_Doc_171)
- Scotland's Landscape Charter 2010 (SNH) (S4_Doc_172)
- Scotland's Future Landscapes: Encouraging a Wider Debate (2003) (SNH) (Core_Doc_113)
- Forestry Commission - Conserving and Managing Trees and Woodlands in Scotland's Designed Landscapes: Practice Guide (2011) (Core_Doc_114)

The Gleneagles Hotel (09004/4/001); Councillor Michael Barnacle (02633/1/012); Methven & District Community Council (09221/1/009): Support Policy HE4.

Blairgowrie Conservation Area

Blairgowrie & Rattray Community Council (10002/1/003): Proposes that Blairgowrie Conservation Area (Core_Doc_073) is withdrawn for the following reasons:

- to facilitate development within town centre sites should be made easier and more attractive for potential developers to consider them
- due to the problem faced by developers in Blairgowrie town centre is that most of the sites are either covered by the conservation area or listed buildings or both
- Developers should be encouraged and incentivised to consider town centre sites over green field sites

Cleish Conservation Area

Cleish & Blairadam Community Council (00048/1/003): Cleish Conservation Area appraisal was carried out in 1980 but not identified as Supplementary Guidance in the Plan (Appendix 1, page 310) (S4_Doc_417).

- the 1980 appraisal remains both relevant and necessary to provide the appropriate level of protection to the village and its environs (Cleish Conservation Area Written Statement 1980) (S4_Doc_198)

Crieff Conservation Area

Ruth Stone (00592/2/001): Extend conservation area boundary to include the two historic properties of Barnoak and Barnkittock (S4_Doc_479).

Forgandenny Conservation Area

Ian Dunsire (00692/1/001): Extend conservation area boundary to include the entire settlement boundary for Forgandenny (S4_Doc_480) to allow for greater control of any proposed development where changes might cause an imbalance of existing structure.

Scotlandwell Conservation Area

Mike Hally (10105/4/001): Conservation area should be extended around and outside the settlement, in particular to the south in the same way it extends over the adjacent hillside to the north (S4_Doc_481).

Welcomes the Scotlandwell designation but has no confidence in recent planning decisions, which are considered to be obtrusive, out of scale and detract from the appearance of the village from the south:

- weakness of current designation as only applies to the more historic buildings and hills and not the foreground.

Modifications sought by those submitting representations:

HE2 Listed Buildings

Homes for Scotland (10214/1/019): Change wording to include enabling development of new build properties.

The Trustees of St Mary's Monastery (00529/2/001): Inclusion of a new policy that clearly establishes assessment criteria for the determination of applications for 'enabling' development to facilitate works to listed buildings and ensure their active use.

Scone Palace & Estate (09163/4/010): Change wording to go on to state that: *'There is support for new uses to keep listed buildings in active use'*.

HE3 Conservation Areas

David Barbour (00215/2/001): Wording should be changed back to presumption against development rather than promotion of development.

Michael Jackson (09919/1/002): Change the wording of paragraph 6.15.2 of the Plan (page 182) to limit the further development of individual houses and to state that any future development should not result in the subdivision of gardens.

Mr & Mrs Ian Rawson (00222/1/002) Mr & Mrs W Bright (00502/1/002); Mr & Mrs John Michie (09732/1/002): Change wording from *'presumption in favour'* to *'presumption against'* or altered to restore protection of the historic environment.

Grandtully & Strathtay Conservation Trust (00306/1/001): Policy needs to clarify what it means by *'a presumption in favour of development within a Conservation Area that preserves or enhances its character or appearance'*.

Bill Jackson (00432/1/001): Change wording of Policy HE3A to indicate that it would not support development which is within a conservation area but outwith a settlement boundary.

David Barbour (00215/1/001): Should be implicit statement referring to specific conservation areas.

Councillor Michael Barnacle (02633/1/078): Policy HE3 should be modified to include proposals for new conservation areas (Back Crook, Keltybridge and Maryburgh).

HE4 Gardens and Designed Landscapes

Christopher Dingwall - Guidelines (00483/1/001); Perth and Kinross Tree Warden Network (08556/1/003): Revise Policy HE4 to align itself with national policies, proposed the following modifications:

- acknowledge contribution made by all designed landscapes, both Inventory and non-Inventory, to the character and quality of the county's landscape.
- include a commitment by the Council to identify significant non-Inventory designed landscapes within the county, in line with Scottish Historic Environment Policy (2011) with a view to protecting their integrity and enhancing their character as far as possible, within the evolving rural and urban landscape.
- state that '*applicants may be required to submit management plans*' as part of any application for development with an Inventory landscape.
- contain a statement to the effect that permission may be refused, or conditions may be attached to any grant of permission for development, where this is seen to adversely affect a designed landscape, whether Inventory or non-Inventory.
- contain a commitment by the Council to draw up its own supplementary guidance on the management and restoration of designed landscapes within Perth and Kinross, to complement that available from the Forestry Commission.

Blairgowrie Conservation Area

Blairgowrie & Rattray Community Council (10002/1/003): Revoke Blairgowrie Conservation Area.

Cleish Conservation Area

Cleish & Blairadam Community Council (00048/1/003): Identify Cleish Conservation Area Appraisal as Supplementary Guidance.

Crieff Conservation Area

Ruth Stone (00592/2/001): Modify Crieff Conservation Area boundary.

Forgandenny Conservation Area

Ian Dunsire (00692/1/001): Amend Forgandenny Conservation Area boundary.

Scotlandwell Conservation Area Appraisal

Mike Hally (10105/4/001): Extend Scotlandwell Conservation Area boundary.

Summary of responses (including reasons) by planning authority:

HE2: Listed Buildings

Homes for Scotland (10214/1/019); The Trustees of St Mary's Monastery (00529/2/001); Scone Palace & Estate (09163/4/010): The issues raised in the representations refer to the need for enabling development and the re-use of listed buildings. However, it is considered that Policy HE2 makes adequate provision for this as it sets out that there is a presumption in favour of the retention, sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, as sought by representation (09163/4/010); provided that any such development is

appropriate to the listed building and its character, appearance and setting through its layout, design, materials, scale, siting and use. As such, the policy does not discourage development but merely seeks to ensure that appropriate development is enabled.

No modification is proposed to the Plan.

HE3 Conservation Areas

David Barbour (00215/2/001), Mr & Mrs Ian Rawson (00222/1/002), Grandtully & Strathtay Conservation Trust (00306/1/001), Mr & Mrs W Bright (00502/1/002); Mr & Mrs John Michie (09732/1/002): There is a request to reword the policy from '*presumption in favour*' to '*presumption against*'. The policy does indicate a presumption in favour of development but this is not a stand-alone statement as HE3 goes on to indicate that development would have to preserve or enhance the character or appearance of the conservation area. The policy also gives a list of qualities that the development would need to consider in order to ensure it was appropriate not only within the conservation area but its setting in the surrounding area. Scottish Historic Environment Policy (SHEP) (Core_Doc_026) notes that the protection of the historic environment is not about preventing change, but managing it intelligently and with understanding.

The Council considers that there is adequate provision within the policy to ensure suitable and appropriate development within a conservation area.

No modification is proposed to the Plan.

Michael Jackson (09919/1/052) The 2008 Grandtully & Strathtay Conservation Area Appraisal, which was the subject of an extensive public consultation exercise, forms part of the suite of supplementary guidance to the Plan (see Appendix 1, page 310) (S4_Doc_417) and will be used to inform decision-making on planning applications for developments within and surrounding the conservation area. Whilst paragraph 4.12 (page 8) of the Appraisal (S4_Doc_474) acknowledges that '*there are several well established and attractive gardens of Victorian villas in Strathtay which provide visual interest and amenity from the public street*' and also that there are some gardens of interest adjacent to the main road in Grandtully, the subdivision of garden plots is not identified in the Appraisal as either a negative factor or an opportunity for planning action (Core_Doc_074). As such, it is not considered necessary to make the amendments sought to paragraph 6.15.2 (S4_Doc_416) of the Plan by the respondent.

No modification is proposed to the Plan.

Grandtully & Strathtay Conservation Trust (00306/1/001); Bill Jackson (00432/1/001): Development that would be proposed within a conservation area but outwith a settlement boundary would still be subject to the requirements of Policy HE3. Policy RD3: Housing in the Countryside (S4_Doc_418) and the corresponding supplementary guidance (Core_Doc_064) provide the criteria for what would be considered an appropriate development.

The Council considers there to be adequate provision within the Plan to cover this issue.

No modification is proposed to the Plan.

David Barbour (00215/1/001): The Settlement Strategy Considerations sections for Cleish (Proposed Plan paragraph 7.6.2) (S4_Doc_419), Scotlandwell (Proposed Plan paragraph 7.17.2) (S4_Doc_420) and Wester Balgedie (Proposed Plan paragraph

7.18.2) (S4_Doc_421), and for any other settlements where there is a Conservation Area, indicate that Conservation Area designations are present at these locations, and the relevant settlement maps show the extent of their boundaries. Policy HE3, supported by the specific Conservation Area Appraisals, provides the Development Plan policy framework against which development proposals within and adjacent to these designated areas will be assessed. It is not considered necessary to identify all of the Conservation Areas across Perth and Kinross explicitly within the Policy as this list may be subject to review during the Plan period.

No modification is proposed to the Plan

Councillor Michael Barnacle (02633/1/078): Evidence for the special historic and architectural interest of these specific areas has not been submitted; therefore the viability of these proposals for designation cannot be assessed. They cannot be included explicitly as proposals at this stage as they may not be suitable candidates. Equally, other potential candidate settlements may emerge. The Council's regular review process for conservation areas would be the most appropriate vehicle to have these areas considered for designation in preparation for the next LDP cycle.

No modification is proposed to the Plan.

HE4 Gardens and Designed Landscapes

Christopher Dingwall - Guidelines (00483/1/001); Perth & Kinross Tree Warden Network (08556/1/003): Protection and enhancement of the cultural and historic environment is a key objective of the Plan (Section 2.3, page 18) (S4_Doc_422). Policy HE4 refers specifically to Inventory sites but Policy ER6 (S4_Doc_397) covers landscapes generally, and requires development proposals to conserve and enhance the landscape qualities of Perth and Kinross.

The Council has not at present sufficient resources to commit to identifying significant non-Inventory designed landscapes. This is a discretionary function and other similar recommendations in Scottish Historic Environment Policy (Core_Doc_026) (such as the production of character appraisals for conservation areas) are carried out as part of the Council's management of the historic environment but are not considered to require a specific policy in the Plan.

The requirement for submission of a management plan with any application for development within designed landscapes is considered overly onerous. In specific circumstances where management of the wider landscape would be appropriate to the planning consideration of the site, the ability to request such a plan is not precluded under current planning legislation. Similarly, the refusal of permission or the application of conditions to address proposals adversely affecting designed landscapes is not prevented by the proposed policy, in instances where it would be considered reasonable and appropriate.

The Council considers that there is adequate policy provision to protect significant designed landscapes in its area. The production of supplementary guidance on landscapes has been identified as a priority in the next phase of proposed guidance to be produced and consulted upon during 2013 (Draft LDP Action Programme 2012-2024, page 11) (S4_Doc_475).

No modification is proposed to the Plan.

Blairgowrie Conservation Area

Blairgowrie & Rattray Community Council (1002/1/003): Blairgowrie Conservation Area was first designated in 2007, following extensive public consultation. The Community Council were consulted during this process but no representation was made.

The designation of conservation areas seeks to recognise the historic importance of an area within the urban environment. It also seeks to ensure that future development not only protects the historic environment, but through planning policies and supplementary guidance, provides an opportunity to provide development of a high quality and design including innovative contemporary design as well as more traditional design styles. The Conservation Area policy and guidance documents do not include restrictions on empty, disused and derelict buildings and would in fact encourage their redevelopment. Therefore, the conservation area within Blairgowrie should be retained.

In respect of the respondents comment that *'developers should be encouraged and incentivised to consider town centre sites over green field sites'*, it is considered that the Plan currently does this through its policy framework, particularly the Retail and Commercial policies and the section preamble (pages 29-30) (S4_Doc_423), and Residential Development policies (pages 31-32) (S4_Doc_424). Furthermore, where effective brownfield sites exist within settlements they have been identified as site proposals within the Plan.

It should also be noted that a report on the Local Development Plan Supplementary Guidance Phase 1 (Core_Doc_160), which dealt with those representations received in respect of individual conservation areas and their appraisals, and also provided the Council's proposed response to those comments (pages 82-84) (S4_Doc_476), was approved by the Council's Enterprise and Infrastructure Committee on 7 November 2012.

No modification is proposed to the Plan.

Cleish Conservation Area

Cleish & Blairadam Community Council (00048/1/003): Cleish Conservation Area will be reviewed and an updated appraisal produced in due course as part of the Council's regular review cycle of conservation areas. The Cleish Conservation Area Written Statement (1980) (S4_Doc_198) is the relevant available document, but requires updating. It already has the status of a material consideration in any application affecting the conservation area. The Council therefore does not propose specifically adding this document as supplementary guidance to the Plan.

No modification is proposed to the Plan.

Crieff Conservation Area

Ruth Stone (00592/2/001): Crieff Conservation Area (S4_Doc_479) was first designated in 2009, following extensive public consultation. No representations were made at the time regarding this specific area. The survey carried out prior to designation assessed all streets/areas around the current boundary, but this was not considered suitable for inclusion.

The designation of the conservation area in Crieff seeks to recognise the historic importance of the area within the urban environment. The properties referred to in the representation are immediately north of the conservation area boundary between Comrie Road and Milnab Street. Given the development within the grounds of the properties the integrity of the historic environment has been compromised and it is not considered that

there is a justification for the extension of the conservation area to include these properties. Given that properties are adjacent to the conservation area, Policy HE3: Conservation Areas in relation to the setting is appropriate.

No modification is proposed to the Plan.

Forgandenny Conservation Area

Ian Dunsire (00692/1/001): Extension of a conservation area should be on the grounds that the proposed area is of special architectural and historic interest, not purely to control development. There is not considered to be justification on these grounds for the proposed extension. There are sufficient policies such as the setting of the conservation area (Policy HE3) and those related to development within the countryside (RD3: Housing in the Countryside and corresponding Supplementary Guidance) (S4_Doc_418) and (Core_Doc_068) that would be appropriate for future development.

No modification is proposed to the Plan.

Scotlandwell Conservation Area

Mike Hally (10105/4/001): The designation of the conservation area in Scotlandwell not only includes the historic urban environment but the historic merit of the rigg system to the north of the settlement. There is no justification for the extension of the conservation area to the south, which would include new development and agricultural land (S4_Doc_481). There are sufficient policies such as the setting of the conservation area (Policy HE3) and those related to development within the countryside (RD3: Housing in the Countryside and corresponding Supplementary Guidance) (S4_Doc_418) and (Core_Doc_064) that would be appropriate for considering future development.

No modification is proposed to the Plan.

Crieff, Forgandenny and Scotlandwell Conservation Areas

Ruth Stone (00592/2/001); Ian Dunsire (00692/1/001); Mike Hally (10105/4/001): Evidence is not supplied to establish the special architectural and historic interest of the areas proposed for extension. They cannot be included explicitly as proposals at this stage as the areas may not be suitable for inclusion. Equally, other potential candidates for extension may emerge. All conservation areas will be re-appraised as part of a regular cycle in future. This will be the opportune time to raise and consider possible amendments to boundaries.

As per the above response to representation Blairgowrie and Rattray Community Council (1002/1/003), it should also be noted that a report on the Local Development Plan Supplementary Guidance Phase 1 (Core_Doc_160), which dealt with those representations received in respect of individual conservation areas and their appraisals, and also provided the Council's proposed response to those comments (pages 82-84) (S4_Doc_476), was approved by the Council's Enterprise and Infrastructure Committee on 7 November 2012.

No modification is proposed to the Conservation Area Appraisals.

Reporter's conclusions:

Policy HE2 Listed Buildings

1. Statutory and policy guidance on Listed Buildings is provided by: The Planning (Listed

Buildings and Conservation Areas) (Scotland) Act 1997 notably at section 59; Scottish Planning Policy (SPP) notably at paragraphs 111 and 114; Scottish Historic Environment Policy (SHEP); and Managing Change in the Historic Environment which is issued as a part of Historic Scotland's guidance note series. Accordingly, the notion that applications for development involving listed buildings will be determined within a "policy vacuum" is without foundation. Policy HE2 as drafted is perfectly compatible with that framework. However, having proper regard to the approach that is set out in statute and national policy and guidance, rather than the presumption in favour of development within a conservation area which the council has incorporated within the text of Policy HE3A, it is more appropriate simply to require, in accordance with the terms of section 61 of the Act, that development within a conservation area must preserve or enhance its character or appearance.

2. Paragraph 114 of SPP confirms that enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. It requires that the resulting development is of a high design quality, protects the listed building and its setting and is the minimum necessary to enable its conservation and re-use. The design of the new development is required to retain and enhance the special interest, character and setting of the listed building. Although the final sentence of Policy HE2 echoes the essence of paragraph 114 of SPP, it makes no specific mention of enabling development. There is no need for a new policy to cover this omission; and a minor modification can remove any doubt about the reach of Policy HE2.

Policy HE3A Conservation Areas

3. Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a statutory duty on the council from time to time to determine which parts of its area are of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. This statutory requirement is supported by a suite of policies issued in SPP, in Scottish Government guidance and by Historic Scotland. At the heart of the policy package is the conviction that the listing of buildings and designation of conservation areas requires a rather different approach to managing the historic environment than that which applies elsewhere.

4. The SHEP emphasises at paragraph 1.8 that the protection of the historic environment is not about preventing change and that change should be managed intelligently and with understanding. There are numerous representations which, in essence, take the view that managing the historic environment, including conservation areas, intelligently and with understanding requires special care to be taken to preserve those characteristics which led to the designation of the conservation area in the first place and, where possible, to enhance them. Of course, that special care does not amount to placing an embargo on new development; nor should it discourage beneficial change within an area identified as worthy of careful stewardship for the benefit of this and future generations. There need be no impediment to development provided that it can meet the criteria set out in statute: to preserve or enhance the character or appearance of the area identified as being of special architectural or historic interest.

5. Policy HE3A Conservation Areas (as modified in the manner discussed above) will apply to all conservation areas in Perth and Kinross including the Grandtully and Strathtay Conservation Area. Policy RD3: Housing in the Countryside will apply to all areas identified as lying within the countryside. Accordingly, any development proposed for a site within the countryside which is also within a conservation area must pass the tests incorporated within both of these policies. The modification to Policy HE3A will

overcome any apparent conflict between the terms of that policy and the terms of Policy RD3.

6. Policy HE3A makes specific reference to new development within a conservation area, and to development outwith a conservation area that will impact upon its special qualities. As modified, it offers no presumption in favour of development and, hence, will give no less protection to the setting of the conservation areas in Cleish, Wester Balgeddie and Scotlandwell than is afforded in the current adopted local plan.

7. With respect to the Grandtully and Strathtay Conservation Area the relevant Conservation Appraisal (2008) does not identify infill development of individual houses or the subdivision of gardens as a particular problem. Any application for planning permission for development within the conservation area must be treated by the planning authority on its merits in accordance with the policies of the local development plan and, in particular, Policy HE3 Conservation Areas. At that stage the character of the conservation area, including the references to well established Victorian villas and the garden grounds in Strathtay and Grandtully, must be taken into account. It will be open to any person, including the respondent, to lodge representations to any future application which, in his opinion, does not preserve or enhance the character or appearance of the conservation area. There is no justification for the modification to the text of 6.15.2 as proposed by the respondent.

8. With regard to the proposal for the designation of new conservation areas, the policy of Scottish Ministers is to be found in the SHEP. This confirms that Scottish Ministers expect local authorities to designate as conservation areas, only those areas which they consider to be of special architectural or historic interest. As part of this process they are encouraged to undertake a thorough appraisal of any area before designation, to ensure that its character and appearance are properly understood. The criteria to be taken account of in designation are set out in Annex 3 of the SHEP. Scottish Ministers consider it important that before designation all planning authorities should give the public ample opportunity to comment, either through responses to local plans or, where no local plans are in preparation, through another convenient consultation process.

9. No proposals for the designation of new conservation areas are set out in the Proposed Plan. Neither is there any evidence that the thorough appraisals to which Ministers refer have been undertaken for areas at Black Crook, Keltybridge, or Maryburgh. If the Council is minded to designate conservation areas at these or other areas within Perth and Kinross in the future it will require to take a number of preliminary steps. These include: conducting a thorough appraisal leading to an understanding of the character and appearance of the area identified as being of historic or architectural interest; consulting the public by way of a convenient process; and, thereafter, reviewing the merits of the proposal before deciding whether to move towards a designation. In short, any proposal for the designation of new conservation areas at Black Crook, Keltybridge, or Maryburgh is premature.

Policy HE4 Gardens and Designed Landscapes

10. Policy HE4 is a bald statement of intent which is restricted to the current Inventory of Gardens and Designed Landscapes. Policy ER6 covers landscapes generally, and requires development proposals to conserve and enhance the landscape qualities of Perth and Kinross. However, it is understandable that some respondents regard this as a limited commitment which fails to reflect the Government's policy as set out in SPP and the SHEP.

11. SPP confirms that planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes included in the current Inventory and gardens and designed landscapes of regional and local importance. It requires that relevant policies are included in local development plans and that the effect of a proposed development on a garden or designed landscape is a consideration in decisions on planning applications. Change is required to be managed to ensure that the significant elements justifying designation are protected or enhanced. This must be read alongside the Policy on Gardens and Designed Landscape in the SHEP, which confirms Scottish Ministers' expectation that planning authorities have careful regard for the specific qualities, character and integrity of gardens and designed landscapes. Planning authorities are required to continue to extend protection to designed landscapes through the inclusion of appropriate policies in their development plans. And in recognition of the importance of sites which do not meet the criteria set for national importance but nevertheless make an important contribution to the local historic environment and landscape character of the area, planning authorities are encouraged also to develop policies within their development plans for the identification and future management of non-Inventory sites.

12. Policy HE4 meets the minimum requirements of policy as expressed in SPP and the SHEP. Moreover, the production of supplementary guidance on landscapes has been identified as a priority and will be consulted upon during 2013. However, even if the council does not at present have sufficient resources to commit to the discretionary function of identifying significant non-Inventory designed landscapes, that does not allow it to distance itself from the encouragement in the SHEP to develop policies within its local development plan for the identification and future management of non-Inventory sites in Perth and Kinross.

Blairgowrie Conservation Area

13. Blairgowrie town centre contains a number of vacant units and retailers who are faced with severe competition in a commercial world in which the trend is to fewer, larger outlets and to shopping on-line. The centre would benefit from refurbishment undertaken as a part of a programme of investment focussed on the regeneration of its core; and there are specific initiatives underway to facilitate reuse of vacant and under-used properties. However, there is no persuasive evidence that the success of such a programme, and the attraction of spend from day visitors and tourists as well as residents on which it would depend, would be encouraged by the removal of a designation which seeks to preserve and enhance the character and appearance of an area of considerable historic and architectural interest.

Scotlandwell Conservation Area

14. It appears that it is the setting of the settlement of Scotlandwell as a whole, including the conservation area, which is the focus of concern for this respondent. The current boundaries of the conservation area have been designated in accordance with the terms of section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The area has been identified by the council, and following an appraisal and public consultation, it has been assessed as being of such historic and architectural interest that it has a character and appearance worthy of preservation or enhancement. The setting of the Conservation Area is a matter to be considered under Policy HE3A (as modified) rather than by an extension of the boundaries of the Conservation Area itself.

Forgandenny Conservation Area

15. The planning authority is obliged to give thorough scrutiny to all planning applications which come before it and there is no reason to doubt that this approach will be adopted for any development which may be proposed for site H22 in Forgandenny.

Cleish Conservation Area

16. Cleish Conservation Area Written Statement is a material consideration in any application affecting the conservation area. Accordingly, it is in place to provide “the appropriate level of protection to the village and its environs” which is desired. However, the document was prepared more than three decades ago and an appraisal is not included in the list of *Guidance to be published later* to be found at Appendix 1 at page 311. In its evidence the council has made a commitment that Cleish Conservation Area will be reviewed and an updated appraisal produced in due course. Given the council’s statutory obligations and the vintage of the Cleish Conservation Area Written Statement that commitment should be incorporated into the plan.

Crieff Conservation Area

17. The Crieff Conservation Area was designated as recently as 2009. The council have stated that: *“the associated appraisal included an assessment of the vicinity which accommodates the properties identified by the respondent as Barnoak and Barnkittock; and that no representations were made at the time regarding this specific area.”* These buildings can reasonably be described as being *“of pleasing aspect”*. However, there is no overwhelming reason to adjust the boundaries in order to include these properties within the Crieff Conservation Area.

Crieff, Forgandenny and Scotlandwell Conservation Areas

18. With regard to the proposed modifications to the Blairgowrie, Crieff, Forgandenny and Scotlandwell Conservation Areas the Council is committed to re-appraise all conservation areas as part of a regular cycle. When each of these is being considered, that will be an opportune time to raise possible amendments to the boundaries of the designated areas.

Reporter’s recommendations:Policy HE2: Listed Buildings

1. Adjust the final paragraph to read as follows: *“Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building’s character, appearance and setting.”*

Policy HE3A Conservation Areas

2. Delete the first sentence of Policy HE3A and replace with the following: *“Development within a Conservation Area must preserve or enhance its character or appearance.”*

Policy HE4 Gardens and Designed Landscapes

3. Delete the text of Policy HE4 and replace with the following:

“Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes. The Council may require the submission of a management plan with any application for development within areas included in the current Inventory.

As resources permit, the Council will continue with the process of identification of non-Inventory sites in Perth and Kinross and the associated task of devising an approach to their future management.”

Cleish Conservation Area

4. Include Cleish Conservation Area Appraisal under the heading “*Design Guidance*” within Appendix 1 at page 311.

Issue 13	The Natural Environment	
Development plan reference:	3.9 – the Natural Environment Policy Group, page 40-43 NE1 - Environment and Conservation Policies, page 41 NE2 - Forestry, Woodland and Trees, page 42 NE3 – Biodiversity, page 43 NE4 - Green Infrastructure, page 43	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
The Braes of the Carse Conservation Group (00391) Mountaineering Council of Scotland (00587) Portmoak Community Council (00638) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) Loch Lomond & the Trossachs National Park Authority (00842) Dr J A T Woodford (00847) Cairngorms National Park Authority (00849) Councillor Michael Barnacle (02633) SportScotland (03185) Scottish Environment Protection Agency (03194)		Scottish Natural Heritage (05211) Perth & Kinross Tree Warden Network (08556) Forestry Commission Scotland (08988) Joan McEwen (09098) Scone Palace & Estate (09163) John Dewar Lamerkin Trust (09166) TACTRAN (09203) Methven & District Community Council (09221) SSE plc (09311) Arklay Guthrie (09692) Alistair Godfrey (09941) Friends of the Ochils (10221)
Provision of the development plan to which the issue relates:	Policy group covering the Natural Environment	
Planning authority's summary of the representation(s):		
<u>NE1 Environment and Conservation Policies general</u> Methven & District Community Council (09221/1/011): We strongly support these policies which are vital to quality of life. Portmoak Community Council (00638/1/012): Portmoak Community Council supports: Policy NE1A International Nature Conservation Sites; and Policy NE1B National Designations. Support for policy. <u>NE1A International Nature Conservation Sites</u> Scottish Natural Heritage (05211/5/001): We suggest the policy is amended as the wording of this policy as it stands is misinforming and does not comply with paragraph 134 of Scottish Planning Policy (SPP) (S4_Doc_082). It is only in cases where an Appropriate Assessment can not demonstrate that there will be no adverse affect on site integrity that bullet points (b) and (c) come into play. The policy as it is currently worded would imply that all three criteria would have to be met in all cases. <u>NE1B National designations</u> Loch Lomond & the Trossachs National Park Authority (00842/1/001): National Park		

should be included in Policy as National Designation to give protection against development listed in criteria Policy NE1B.

Cairngorms National Park Authority (00849/1/001): An addition to the wording of Policy NE1B should include National Parks as a National designation to give protection against development which would have an adverse impact through listed criteria.

NE1C Local designations

Perth & Kinross Tree Warden Network (08556/1/002): Local designations should be attributed to Perth & Kinross Council. Adding these attributions would provide a linkage for readers to understand the LDP

Dr J A T Woodford (00847/1/001): Local nature conservation sites are important as links, often with National or European designated sites. These have better protection- implies that local sites should have better protection because of this.

Friends of the Ochils (10221/1/001): The policy refers to ‘... a site designated...’ however there is no reference here as to how a site is to be designated? We ask that Perth & Kinross Council modify this policy to make it clear as to how a site will be so designated.

NE1D European Protected Species

Scottish Natural Heritage (05211/7/001): The structure of the policy confuses two different categories of protected species. Different levels of protection apply to European Protected Species and other species, and the policy should reflect this. Scottish Natural Heritage have suggested two options to improve the Protected Species policy element in the Plan outlined below:

Option A suggests changes to the current policy NE1D: European Protected Species. Option B suggests the removal of policy section NE1D from Policy NE1 and instead its incorporation into Policy NE3: Biodiversity.

Scottish Natural Heritage considers that “*placing the policy information regarding protected species in Policy NE3 may be a more logical approach and would ensure that any potential developers are aware of the requirements when protected species are present.*”

NE2 Forestry Woodland and Trees general

Forestry Commission Scotland (08988/1/001): A suitable reference should be included in the Plan (perhaps in the proposed Forestry and Woodland strategy Supplementary Guidance, although within Policy NE2 would be ideal) to confirm that any proposals where woodland removal is applied for these will be considered against the advice and guidance provided in the Scottish Governments Control of Woodland Removal (S4_Doc_187)” as confirmed by NPF2 (S4_Doc_554) (paragraph 94) and the combined SPP (paragraphs 146-148) (S4_Doc_081).

Perth & Kinross Tree Warden Network (08556/1/001): The published text is obscure as to its scope, and therefore open to confusion and weakness in application. It is deficient in not laying down essential policy regarding consultations from or with Forestry Commission for Scotland for new planting schemes, or for development control over trees in conservation areas, or for Tree Preservation Orders. Suggestions are made as to how the policy might be re-structured.

Methven & District Community Council (09221/1/012); Portmoak Community Council (00638/1/013): Support Policy NE2.

NE2A

Forestry Commission Scotland (08988/1/001), (08988/1/002): Policy NE2A should include a reference to best practice as contained in *BS5837 "Trees in Relation to Construction"* (Core_Doc_140) to comply with advice and guidance provided by the Scottish Governments "Control of Woodland removal (S4_Doc_187)" as confirmed by NPF2 (Core_Doc_020) and the combined SPP (Core_Doc_048).

Policy NE2A various minor amendments to wording are proposed. The current wording of part (c) of the policy seems unduly restrictive on the types of woodland expansion that will be supported. Also there is an implication in the wording that there is a difference between a forest and woodland, but no definition is given.

Scottish Natural Heritage (05211/9/001): We recommend an amendment to the wording of Policy NE2A (b). It is important that individual trees be afforded just as much protection as woodlands. We do not consider the policy as currently presented provides an adequate level of protection as envisaged by SPP. SPP paragraphs 146-148 (S4_Doc_081) states that "*In cases of permanent removal of woodland for the purposes of conversion to another type of land use it will be necessary to comply with the criteria set out in Scottish Government Policy on Control of Woodland Removal (S4_Doc_187).*" Changes to the policy wording are therefore suggested.

SportScotland (03185/1/001): Policy NE2A (a) and (d) could both usefully make reference to sport & recreation value of trees, forests and woodlands which can be significantly important locations for outdoor sport and recreation and which we would like explicit reference made and policy protection and promotion afforded to.

Dr J A T Woodford (00847/1/002): I would like to see this policy give more explicit recognition to orchards. There still remain remnants of the traditional orchards that formerly played an important role in the economy of the Carse of Gowrie. Habitat Survey and Biodiversity Audit of Carse orchards 2010 (Core_Doc_118).

NE2B

Forestry Commission Scotland (08988/1/007): '*After 'Tree surveys' include 'prepared by competent and qualified arborists'*'

Scottish Natural Heritage (05211/9/002): It is important to ensure that any tree surveys are carried out by suitably qualified professionals. We do not consider the policy as currently presented provides an adequate level of protection as envisaged by SPP. SPP paragraphs 146-148 (S4_Doc_081) states that '*In cases of permanent removal of woodland for the purposes of conversion to another type of land use it will be necessary to comply with the criteria set out in Scottish Government Policy on Control of Woodland Removal (S4_Doc_187).*' Changes to the policy wording are therefore suggested.

SSE plc (09311/1/003): The policy as drafted does not recognise the difference between the two types of woodland (commercial and broadleaf with greater amenity value), which is an important distinction to make in development terms. Commercial forestry, as the title implies, has been planted for commercial reasons; there are generally forestry felling programmes and licence arrangements for forestry felling agreed with the Forestry Commission. There are a number of recent examples of wind energy developments which have been sited within or adjacent to commercial plantations, some of which requires to be removed to allow the development to proceed. In such situations, such a policy constraint, as set out in Policy NE2B, would be unduly restrictive to the consideration of wind energy proposals which require the removal of commercial forestry.

It would be more appropriate for the policy to recognise the difference between commercial woodland plantations and broad leaf plantations and trees which have amenity value, and apply different policy tests to each. It is recommended that this policy is re-drafted on this basis.

NE2 note

Scottish Natural Heritage (05211/9/003): SPP paragraph 146 (S4_Doc_080) states that *‘woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement.’* In relation to the final bullet point, as mentioned previously, individual trees may be just as important as larger wooded areas, in particular in relation to tourism i.e. Birnam Oak listed as one of the Forestry Commission’s Heritage Trees.

Forestry Commission Scotland (08988/1/007): Various suggested minor amendments are made with regard to the bullet points in the note accompanying this policy in order to confirm that any proposals where woodland removal is applied for will be considered against the advice and guidance provided in the Scottish Governments Control of Woodland Removal (S4_Doc_187) as confirmed by NPF2 (Core_Doc_020) and the combined SPP (Core_Doc_048).

NE3 Biodiversity

The Braes of the Carse Conservation Group (00391/1/004): Our members fully support the aims of Policy NE3; however the wording does not demonstrate a firm policy and commitment to apply the principles of the Tayside Biodiversity Partnership Planning Manual (Core_Doc_032). The policy should state that a survey of all protected species and habitats should be submitted with all applications for planning permission. In addition there needs to be a method of ensuring that mitigation is enforceable and also that it has to be continued in the long term.

Forestry Commission Scotland (08988/1/003): In introductory paragraph, after *‘wetlands’* include *‘woodlands’* - assumption- for completeness.

Scottish Natural Heritage (05211/10/001): Please refer to our comments under Policy NE1D in relation to this policy (suggestion that NE1D could be transferred to NE3).

Dr J A T Woodford (00847/1/003): Historic orchards often contain a rich assortment of biodiversity because of the stability of the habitats they provide. Surveys of some of the historic orchards in the Carse of Gowrie have shown these sites to be rich in biodiversity. These surveys form part of the Habitat Survey and Biodiversity Audit of Carse orchards 2010 (Core_Doc_118) which contribute to the forthcoming Tay Landscape Partnership Scheme supported by the Heritage Lottery Fund.

Alistair Godfrey (09941/1/008): Policy NE3 should encompass the wider implications of paragraph 126 of SPP (S4_Doc_079): *‘Planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species, taking into account the ecosystems and natural processes in their area.’* No specific wording is suggested - assumption- for clarity.

Arklay Guthrie (09692/5/001); Joan McEwen (09098/2/004); Councillor Michael Barnacle (02633/1/013); Methven & District Community Council (09221/1/013): Support for the Plan.

NE4 Green Infrastructure

Forestry Commission Scotland (08988/1/004): Paragraph (a) suggests that new developments will include new areas of green infrastructure and this is the wrong way round.

Scottish Natural Heritage (05211/11/001): We are concerned that no overall spatial direction has been given in the plan on how this green infrastructure should form part of a wider green network. We refer to SPP paragraph 130 (S4_Doc_083); *'Development plans should identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats in the city regions and in and around other towns and cities.'*

Developing a green network at a plan wide level rather than an individual settlement basis can have significant benefits to not only biodiversity interests but also to those living and working in the area through an enhanced environment, more sustainable travel patterns and opportunities for improved recreational access. The suggested wording provided above would draw on the opportunities and benefits of developing green infrastructure as a part of a wider green network in the Plan.

We note that TAYplan's Action Programme (S4_Doc_175) contains: *'Prepare a short and focused strategic green network strategy.'* We suggest it may be beneficial for the Council to work collaboratively with the Strategic Development Planning Authority on this issue to develop a green network for the Perth and Kinross area.

SportScotland (03185/1/002): *'Policy should be amended to state that "all proposals will be required to contribute to green infrastructure, as appropriate against the following criteria".'*

Scone Palace & Estate (09163/4/011): It is vital that the LDP provides support for rural enterprises and removes any *'unnecessary planning barriers'* (SPP paragraph 45 (S4_Doc_084)). The countryside should not be seen merely as a playground to be protected but as a vital living being that requires many levels of activity in order to remain sustainable on all levels. Criteria (c) of the policy should include *'rural enterprises'*.

Scottish Environment Protection Agency (03194/17/001): Recommend that the policy is amended to refer to surface water as this includes lochs and other water features such as manmade ponds or lade structures as well as watercourses in order that all the aspects of the water environment are afforded protection and are considered by developers in terms of opportunities for enhancement.

The expansion of the commitment within the policy to include all aspects of the surface water environment is in keeping with the Council's duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (S4_Doc_189) to protect the water environment. Part 3 of the Act clarifies that *'the water environment means all surface water, groundwater and wetlands'*.

TACTRAN (09203/12/001); John Dewar Lamerkin Trust (09166/5/001); Mountaineering Council of Scotland (00587/1/001); Carse of Gowrie Sustainability Group (00788/1/008); Methven & District Community Council (09221/1/014): Support for the Plan.

Fiona Ross (00786/1/005): I am particularly concerned about the protection and maintenance of drainage channels (pows) in the Carse of Gowrie. Changes in agricultural

subsidies for drainage has contributed to more frequent flooding of Carse land in recent years, and there is a strong likelihood that the risk of local flooding will increase with the more intense and greater rainfall that is a predicted effect of climate change. As the LDP recognises, adequate protection, enhancement and management of watercourses, floodplains and wetlands is essential to alleviate flood risk. Support for the Plan.

Portmoak Community Council (00638/1/014): Portmoak Community Council supports Policy NE4 Green Infrastructure. In particular the protection, enhancement and management of open spaces. Support for the policy.

Modifications sought by those submitting representations:

NE1A International Nature Conservation Sites

Scottish Natural Heritage (05211/5/001): Policy (NE1A) is amended as follows:

“Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:

- (a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or*
- (b) there are no alternative solutions, and*
- (c) there are imperative reasons of overriding public interest, including those of social or economic nature.”*

NE1B National Designations

Loch Lomond & the Trossachs National Park Authority (00842/1/001); Cairngorms National Park Authority (00849/1/001): An addition to the wording of Policy NE1B to include National Parks as a National designation.

NE1C Local Designations

Perth & Kinross Tree Warden Network (08556/1/002): In policy NE1C local designations should be attributed to PKC.

Dr J A T Woodford (00847/1/001): Implies local sites should be offered the same protection as European or National sites, or a better level of protection than that which the policy proposed offers. No specific suggestion is made as to how the policy should be amended.

Friends of the Ochils (10221/1/001): Include in policy how a site is to be designated (assume reference is to local site).

NE1D European Protected Species

Scottish Natural Heritage (05211/7/001): 2 alternatives are suggested, no preference is given:

‘Option A

- a) We suggest this policy is re-titled ‘Policy NE1D: Protected Species’.*
 - b) We are broadly happy with the policy section covering European Protected Species but suggest the remainder of the policy is reworded and restructured to reflect the other types of legislative protection afforded to protected species as follows:*
- Policy NE1D: Protected Species (New title)*
European Protected Species (New title)

'Planning permission will not be granted for development that would, either individually.....species at a favourable conservation status in its natural range.

Replace remainder of policy as follows:

Other Protected Species (New title)

Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation (Wildlife and Countryside Act 1981(as amended) and the Protection of Badgers Act (1992).

Option B

Remove the reference to Protected Species in policy NE1 and include it in Policy NE3:

Biodiversity to be amended as follows:

Change second paragraph: The Council will apply the principles of the Tayside Biodiversityand will take account of their Tayside Local Biodiversity Action Plan (LBAP) and relevant National and European legislation relating to protected species when making decisions about applications for development.

Insert the following text after bullet point (d) of policy NE3: Biodiversity:

Protected Species

European Protected Species

'Planning permission will not be granted favourable conservation status in its natural range. (same wording as originally proposed by Council in original NE1D)

Other Protected Species

Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation (Wildlife and Countryside Act 1981(as amended) and the Protection of Badgers Act (1992).'

NE2 Forestry Woodlands and Trees general

Forestry Commission Scotland (08988/1/001): A reference should be included within Policy NE2 to confirm that any proposals where woodland removal is applied for will be considered against the advice and guidance provided in the Scottish Governments Control of Woodland Removal as confirmed by NPF2 and the combined SPP.

Perth & Kinross Tree Warden Network (08556/1/001): '1. Add a preamble to say that the Local Planning Authority policies will be in line with Government's "The Scottish Forestry Strategy 2006".

2. Separate out policy content into 3 sub-paragraphs of Policy NE2 according to the Local Planning Authority functions regarding trees, viz:

(a) The Local Planning Authority as consultees from Forestry Commission Scotland regarding planting proposals and Tree Felling Licences. State that the Local Planning Authority will support such forestry & woodland management proposals as accord with their own policy & supplementary guidance (Forest and Woodland Strategy), unless material considerations of local economic, community or environmental importance suggest otherwise.

(b) The Local Planning Authority as a development management authority. State that the Council will support development proposals that accord with their adopted Forestry and Woodland Strategy and other relevant policies. State the requirements for tree and hedgerow surveys by approved professional arborists to accompany applications, together with (selectively) impact studies on the existing landscape framework around the site. Emphasise that (a) applications where the site has manifestly been cleared of trees to maximise development will not be favourably considered, and that (b) any planning conditions relating to trees will comprise protection during construction and management after completion.

(c) The Local Planning Authority's role in relation to conservation and protection of trees. Refer to (describe?) the Local Planning Authority's dual role as designators of conservation areas and promoters of Tree Preservation Orders. State the Council's resolve to include proposals for tree management and planting when preparing their Conservation Area appraisals, and emphasise the inclusion of hedgerows in the definition of trees. Resolve to develop a Model Tree Preservation Order as advocated in Circular 1:2011 as a means of expediting control, and resolve to take vigorous enforcement action against unauthorised topping, lopping or felling.

Supplementary Guidance. Express the resolution to produce this guidance as a 4th subparagraph of Policy NE2. State that the guidance will be developed with regard to Forestry Commission Scotland advice particularly that contained in their publication "The Right Tree in the Right Place" (S4_Doc_553). Review the need for the published list of objectives as a result of this. Commit the Council to public consultation before adoption'

NE2A

Forestry Commission Scotland (08988/1/001 & 08988/1/002): Suggest that in Policy NE2A 'reference is made to best practice as contained in BS5837 'Trees in Relation to Construction'' (Core_Doc_140)

Amend policy wording as follows:

Paragraph (a) Delete 'forests and'.

Paragraph (b) after 'existing' include 'trees and'. After 'especially' change 'woods' to 'those'.

Paragraph(c) after 'seek to expand woodland cover' delete ALL remaining text and rewrite with 'in line with the guidance contained in the Perth & Kinross Forestry and Woodland Strategy'.

Paragraph (d) delete 'protection and'.

Paragraph (e) After 'Conservation Areas and', include 'trees'. at the end of 'sites' delete 'and secure new tree planting in association with development'

Paragraph (f). After 'major developments' include 'and secure new tree planting in line with the guidance contained in the Perth & Kinross Forestry and Woodland Strategy'.

Scottish Natural Heritage (05211/9/001): Amend bullet point b)NE2A as follows: '(b) protect existing woodland and trees, especially those with high natural, historic and cultural heritage value.'

SportScotland (03185/1/001): Policy NE2Aa) and d) should make reference to sport and recreation value.

Dr J A T Woodford (00847/1/002): Policy should give more explicit mention to orchards.

NE2B

Forestry Commission Scotland (08988/1/007): Amend policy wording as follows:

'a. After 'Tree surveys' include 'prepared by competent and qualified arborists'

b. After 'seeks to' in the 'Note' section, include 'ensure that there is a presumption in favour of protecting woodlands and trees in compliance with paragraphs 146-148 of Scottish Planning Policy and Scottish Government's Control of Woodland Removal Policy'.

c. 3rd last bullet point – drop 'native' from the text

d. 1st, 2nd last and last bullet points. Delete 'forests',

e. New Bullet. 'To identify trees and woodlands of high nature conservation value in the Perth and Kinross area.'

Scottish Natural Heritage (05211/9/002): Amend first paragraph of Policy NE2B as follows:

"Tree surveys to be carried out by a suitably qualified person should accompany all applicationstrees on a site. There will be a presumption in favour of the retention of existing woodland and trees in compliance with paragraphs 146-148 of Scottish Planning Policy and Scottish Government's Control of Woodland Removal policy. In exceptional cases where the loss..... to be provided"

SSE plc (09311/1/003): Policy should be redrafted to recognise the difference between commercial woodland plantations and broadleaf plantations and trees which have amenity value, and apply different policy tests to each (does not specify what these should be).

NE2 note

Scottish Natural Heritage (05211/9/003): Note section of policy in relation to Supplementary Guidance: recommend the addition of the following bullet points.

- *'Identify trees and woodland of high nature conservation value in the Perth and Kinross area.*
- amend the final bullet point to read– *'promote the value of forests, woodlands and trees as a sustainable tourism asset'.*

Forestry Commission Scotland (08988/1/007): Changes of wording in the 'Note' section are proposed as follows:

'after 'seeks to', include 'ensure that there is a presumption in favour of protecting woodlands and trees in compliance with paragraphs 146-148 of Scottish Planning policy and Scottish Government's Control of Woodland Removal policy'.

3rd last bullet point – drop 'native' from the text

1st, 2nd last and last bullet points. Delete 'forests'

New Bullet. 'To identify trees and woodlands of high nature conservation value in the Perth and Kinross area.'

NE3 Biodiversity

The Braes of the Carse Conservation Group (00391/1/004): Policy should state that a survey of all protected species and all habitats should be submitted with all applications for Planning Permission. Policy also needs a method of ensuring that mitigation is enforceable and also that it has to be continued in the long term (do not state what this should be).

Forestry Commission Scotland (08988/1/003): In introductory paragraph, after 'wetlands' include 'woodlands'

Scottish Natural Heritage (05211/10/001): Possible removal of Policy NE1D from Policy NE1 and incorporation into Policy NE3 Biodiversity (cross reference Policy NE1)(option B)

Option B

Remove the reference to Protected Species in policy NE1 and include it in Policy NE3: Biodiversity to be amended as follows:

Change second paragraph: The Council will apply the principles of the Tayside Biodiversityand will take account of their Tayside Local Biodiversity Action Plan (LBAP) and relevant National and European legislation relating to protected species when making decisions about applications for development.

Insert the following text after bullet point (d) of policy NE3: Biodiversity:

Protected Species

European Protected Species

'Planning permission will not be granted favourable conservation status in its natural range. (same wording as originally proposed by Council in original NE1D)

Other Protected Species

Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation (Wildlife and Countryside Act 1981(as amended) and the Protection of Badgers Act (1992) (Core_Doc_031)."

Dr J A T Woodford (00847/1/003): Orchards deserve explicit recognition in the LDP under Policy NE3, no specific wording is suggested.

Alistair Godfrey (09941/1/008): *"Policy NE3, ...should encompass the wider implications of paragraph 126 of SPP: "Planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species, taking into account the ecosystems and natural processes in their area."* No specific wording is suggested.

NE4 Green Infrastructure

Forestry Commission Scotland (08988/1/004): *"Paragraph a) change wording to 'Any new development must take into account existing green infrastructure, protect and enhance this infrastructure and ensure that 'green' connectivity within and out-with the site is maintained and appropriately improved."*

Scottish Natural Heritage (05211/11/001): Amend wording at beginning of Policy NE4 : delete *"development will"* and change wording to

"The Council will require new development to contribute to the creation..... of green infrastructure by the:

- Bullet a) after ".....impact of the development" add "and link green infrastructure to the wider green network."

- Bullet d) after "....wider countryside", add "and provide new connections where required."

b). under the Note following Policy NE4, specify that the supplementary guidance will demonstrate the following:

- define the green network and provide a vision for how the network will develop.

- a spatial representation of the green network;

- opportunity areas where the network could be improved/enhanced;

- Further detail on how the Council will seek to ensure that development delivers improvements to the Green Network i.e. Green infrastructure, master planning, connections to greenbelt etc".

SportScotland (03185/1/002): *"Policy should be amended to state that all proposals will be required to contribute to green infrastructure, as appropriate, against the following criteria"* No specific wording is suggested.

Scone Palace and Estate (09163/4/011): The policy should include *'rural enterprises'* in the list of uses in criteria (c) so that the policy states:

"Development will contribute to the creation, protection, enhancement and management of green infrastructure by the:...

(c) Protection of the countryside from inappropriate development whilst supporting its positive use for agriculture, recreation, biodiversity, health, education, tourism, and rural enterprises."

Scottish Environment Protection Agency (03194/17/001): Part (f) of this policy delete “*watercourses*” and replace with “*surface water*”

Summary of responses (including reasons) by planning authority:

NE1A International Conservation Sites

Scottish Natural Heritage (05211/5/001): The comments made by Scottish Natural Heritage are noted, and it is acknowledged that the policy as written is more restrictive than that included in the SPP; this was not the Council's intention.

If the Reporter is so minded to accept the wording proposed by Scottish Natural Heritage the Council would be comfortable with this change.

NE1B National Designations

Loch Lomond & the Trossachs National Park Authority (00842/1/001); Cairngorms National Park Authority (00849/1/001): The suggestion that National Parks should be identified under Policy NE1B is not accepted. National Parks do undoubtedly include the type of designation which this policy is designed to protect (National Scenic Areas, Sites of Special Scientific Interest, National Nature Reserves), however, as the National Parks are not included in the Local Development Plan area, having the requirement to produce their own LDPs it is not necessary, and could be misleading, to include the National Parks within the definition of Policy NE1B.

No modification is proposed to the Plan.

NE1C Local Designations:

Perth & Kinross Tree Warden Network (085556/1/002); Dr J A T Woodford (00847/1/001); Friends of the Ochils (10221/1/001): It is not for the Local Development Plan to explain the mechanisms by which different designations are made whether it be by statute or designation by a Local Authority, however whilst the importance of local sites is recognised, it would be inappropriate to afford them the same level of protection as that afforded to sites of international or national importance.

No change is proposed to the policy as such, however, if the Reporter is so minded as to amend the introductory phrase ‘*development which would affect an area designated by the Local Planning Authority as being of local nature....etc*’ the Council would consider this may assist in the comprehension of the policy and how these designations are made, and would be comfortable with this slight clarification which would have no implication for any other aspect of the Plan.

NE1D European Protected Species

Scottish Natural Heritage (05211/7/001): Scottish Natural Heritage have suggested two alternatives for this part of the policy. The Council does not oppose the suggestions which it considers may clarify the position with regard to European Protected species, and other protected species, such as those afforded protection under the Wildlife & Countryside Act 1981 (as amended) and Badgers under the Protection of Badgers Act 1992 (as amended) (Core_Doc_031).

Perhaps the most logical suggestion is option B, however, should the Reporter be so minded as to accept either option A or Option B as suggested by Scottish Natural Heritage, the Council would be comfortable with either suggestion as they would have no detrimental impact on any other aspect of the Plan.

NE2 Forestry Woodlands and Trees general

Forestry Commission Scotland (08988/1/001); Perth & Kinross Tree Warden Network (08556/1/001): The request that reference be included within Policy NE2 to confirm that any proposals where woodland removal is applied for will be considered against the advice and guidance provided in the Scottish Governments Control of Woodland Removal as confirmed by NPF2 and the combined SPP is accepted, and will be one of the underlying principles of the Supplementary Guidance being prepared in accordance with the footnote of the policy.

The Council does not consider it necessary to restructure the policy along the lines suggested by the Perth and Kinross Tree Warden network. There are a number of suggested minor changes proposed to the policy by others (covered below), and these, together with the Supplementary Guidance will adequately cover the issues raised. As required by statute the Supplementary Guidance will be subject to Public consultation prior to adoption.

No modification is proposed to the Plan.

NE2A

Forestry Commission Scotland (08988/1/001 & 08988/1/002); Scottish Natural Heritage (05211/9/001): A number of minor changes to the policy wording are proposed by the Forestry Commission and Scottish Natural Heritage none of which conflict with each other.

If the Reporter is minded to recommend these minor changes, the Council would be comfortable with these as they do not have implications for other aspects of the Plan.

SportScotland (03185/1/001): Sport Scotland wish the policy to acknowledge the value of woodlands to sport and recreation, this is certainly something which the Council recognises. This could be achieved by adding '*sport and recreation*' after '*communities*' under NE2A (a) and adding '*sport and recreation*' after '*amenity*' under NE2A (d).

If the Reporter is so minded the Council would be comfortable with this recognition being made in the context of this policy.

Dr J A T Woodford (00847/1/002): Dr Woodford requests that a specific mention of Orchards be included within the policy. Orchards are covered under NE2A(b) '*trees, woodlands, especially those with high natural, historic and cultural heritage value*' and again under NE2A(d).... '*groups of trees, important because ofhistoric or cultural interest*'.

Should the Reporter be so minded as to add, for the sake of clarity '*including orchards*' at the end of NE2A (b) and after '*groups of trees*' in NE2A(d) then the Council would be comfortable with this as it would have no implications for other aspects of the Plan.

NE2B

SSE plc (09311/1/003): SSE plc requests that the policy should be redrafted to recognise the difference between commercial woodland plantations and broadleaf plantations and trees which have amenity value, and apply different policy tests to each; however, they do not specify what these should be. The policy is intended to cover all types of woodland and the Council does not consider it necessary to make these distinctions. Where it is agreed that the loss of woodlands is inevitable Policy NE2B requires mitigation measures to be provided.

Forestry Commission Scotland (08988/1/007); Scottish Natural Heritage (05211/9/002): The suggestion by both Scottish Natural Heritage and the Forestry Commission (and also mentioned by the Perth and Kinross Tree Warden Network (08556/1/001)) that there should be clarification under Policy NE2B that any tree surveys should be carried out by competent and qualified arborists is accepted, and is something which the Council would have expected.

For clarity however, should the Reporter be so minded as to include this specification, the Council would be comfortable with this as it would have no implications for any other aspect of the Plan.

It is anticipated that the Supplementary Guidance will make appropriate reference to SPP and Scottish Government's Control of Woodland Policy (S4_Doc_187); there is therefore no need to make specific reference to it in the policy itself.

No modification is proposed to the Plan.

NE2 note

Scottish Natural Heritage (05211/9/003); Forestry Commission Scotland (08988/1/007): A number of suggestions are made by the Forestry Commission in relation to the scope and content of the Supplementary Guidance. The Council has no issues with the suggestions made. The Council is unlikely to have the resources available which would be required for the identification of all trees and woodlands of high nature conservation value; however the Council is supportive of the identification of key areas where nature conservation is of primary importance. This issue is more appropriately covered by Policy NE4 Green Infrastructure (below). The Council has no objection to the other suggestions made with regard to the suggested wording.

If the Reporter is so minded to include the suggested wordings in the note which will guide the preparation of the guidance the Council would be comfortable with the suggestions made with the exception of the reference to the identification of trees and woodlands of high conservation value which the Council considers is more appropriately dealt with under Policy NE4.

NE3 Biodiversity

The Braes of the Carse Conservation Group (00391/1/004): The policy states that a survey will be required where one or more protected species is known or suspected. It would be unduly onerous to require a survey be carried out for every application. Planning applications can be required for even quite minor matters, in situations where a survey would clearly be inappropriate. The policy allows the Council to request a survey where it is deemed appropriate.

No modification is proposed to the Plan

Forestry Commission Scotland (08988/1/003): Have requested the inclusion of 'woodlands' in the preliminary comment of the policy. The policy does specify '*and habitats that support rare or endangered species*' which can of course include woodlands, and therefore it could be argued that there is no need to include woodlands in the specified list.

If the Reporter is so minded as to include woodlands in this preliminary part of the policy, the Council would be comfortable with the suggestion as it has no implications for any other part of the Plan

Scottish Natural Heritage (05211/10/001): Have suggested that NE1D could be removed from Policy NE1 and incorporated into the NE3 Biodiversity policy. The Council's comments on this suggestion were given under Policy NE1.

In addition Scottish Natural Heritage have requested the inclusion of an additional phrase after bullet point d) in policy NE3. The Council does not oppose this suggestion, although it does appear repetitious of NE1, it could be advantageous for the avoidance of doubt to restate the position with regard to protected species in the NE3 Biodiversity Policy.

If the Reporter is so minded to include this, the Council would be comfortable with this suggestion.

Dr J A T Woodford (00847/1/003): The Biodiversity Supplementary Guidance which has been prepared mentions orchards and therefore it is not considered necessary to specifically mention orchards in the biodiversity policy. A previous response given in this Schedule 4 under Policy NE2A considers the requirement to mention orchards and this is seen as the most appropriate place for their consideration in the Plan.

No modification is proposed in the Plan.

Alistair Godfrey (09941/1/008): Mr Godfrey refers to paragraph 126 of SPP (S4_Doc_079), however he does not make a specific suggestion as to how the Plan should be amended to take account of his concerns. Policy NE4 considers Green Infrastructure, and this policy seeks to protect, enhance and manage wildlife corridors etc. The Tayside Biodiversity Partnership (TBP) is to review the Local Biodiversity Action Plan (LBAP) (Core_Doc_033) in the next year or so, and this will take account of the new Scottish Biodiversity Strategy which, although not published at the time of writing is expected to have an ecosystem led approach. As Policy NE3 supports the principles of the TBP LBAP, it is anticipated this will go at least some way to allaying Mr Godfrey's concerns.

No modification is proposed to the Plan.

NE4 Green Infrastructure

Forestry Commission Scotland (08988/1/004); Scottish Natural Heritage (05211/11/001); SportScotland (03185/1/002); Scottish Environment Protection Agency (03194/17/001): The Forestry Commission, Scottish Natural Heritage and SportScotland have all made suggestions which would clarify the intentions of the Policy to require development to contribute to the creation, protection, enhancement and management of green infrastructure. The Council is not opposed to the suggested form of words in relation to the first sentence of the policy but perhaps that suggested by Scottish Natural Heritage is the clearest. The proposed additions to bullet points a) and d) also suggested by Scottish Natural Heritage would have the same implications which it would appear the Forestry Commission seek.

Should the Reporter be so minded to make these minor changes the Council would be comfortable with these changes as they would have no impact on any other aspects of the Plan.

Scottish Environment Protection Agency has requested the term '*watercourses*' be replaced by '*surface water*' in part (f) of the policy, for clarity and accuracy. The term *watercourses* is intended to include all water bodies, and the Council considers replacing this term with '*surface water*' could exclude certain water bodies, such as culverts

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/011): The Council is supportive of rural enterprises as is clearly demonstrated by Policy ED3: Rural Business and Diversification (S4_Doc_395). The list included in Policy NE4 could never be exhaustive, and the Council does not consider adding '*rural enterprises*' to subsection (c) of the policy would add clarity to its meaning.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/11/001): Have requested that the note at the end of the policy gives more detail on what the Supplementary Guidance will contain, they acknowledge that details will be included within the Supplementary Guidance.

The Council would be comfortable with the respondent's suggestions, if the Reporter is so minded to include these in the note appended to the policy.

Reporter's conclusions:

Policy NE1A International Nature Conservation Sites

1. The wording of this policy applies its three assessment criteria, (a) to (c), to all proposals which could have a significant effect on a site designated under the Habitats Directive or Birds Directive. Scottish Planning Policy (SPP), which reflects the requirements set out in the Habitats Regulations, requires an appropriate assessment to be undertaken where it is thought likely there would be significant effects in order to identify any implications for the site's conservation objectives. Only where that assessment cannot demonstrate that there would not be an adverse effect would the provisions of criteria (b) and (c) apply. The policy's more onerous requirement, which the council recognises as unintentional, should be modified in the manner suggested by Scottish Natural Heritage (SNH).

Policy NE1B National designations

2. Although no part of either the Loch Lomond and the Trossachs National Park or the Cairngorms National Park is within the plan area, either could potentially be affected by development that would be assessed against this policy. Therefore, as a national designation, it would be appropriate for national parks to be included within its scope.

Policy NE1C Local designations

3. It would improve the clarity of the policy if it were made clear that local designations are those designated by the council rather than some other body. However, it would not be appropriate for the policy to provide detail of the designation process, as that would not assist in the policy's effectiveness at considering individual development proposals. Any particular value that a locally designated site might have, for example in providing a link with a national designated site, would be recognised and adequately taken into account in the requirement within the existing policy wording to consider the objectives behind the site's designation.

Policy NE1D European Protected Species

4. The plan's clarity would be improved if protected species issues were dealt with in

Policy NE3 along with other biodiversity issues. Modifications to the wording are also required in order to differentiate between European and other levels of species protection. These are dealt with below in the consideration of Policy NE3. Policy NE1D should therefore be deleted.

Policy NE2 Forestry, Woodland and Trees general

5. It would improve the clarity of the plan if this policy confirmed the council's commitment to following the advice and guidance in the Scottish Government's Control of Woodland Removal document when considering tree removal proposals. The simplest way to incorporate this, which would also reflect the council's stated intentions for supplementary guidance, would be through an addition to the Note in Policy NE2B.

6. There would be no benefit in reorganising Policy NE2 so that it had three rather than two subdivisions, each reflecting a different aspect of the council's function with regard to trees. The purpose of the Proposed Plan is to provide a policy framework for the consideration of development proposals, which will be used in the consideration of planning applications. The council's role as a consultee on felling licence applications to Forestry Commission Scotland (FCS) is not within the scope of the Proposed Plan and should not be referred to. And it would also be unnecessary for the Proposed Plan to set out how the council, in designating conservation areas and making tree preservation orders will take account of trees. Such matters might beneficially be set out in supplementary guidance but would not be necessary or beneficial to include within the Proposed Plan itself.

Policy NE2A

7. Several modifications are proposed, which would not alter the effect of the policy but would provide greater detail on the criteria that proposals should satisfy in order to be supported. The council is not opposed to such modifications, which would improve the value of the policy to prospective developers of sites where trees are likely to be an issue.

Policy NE2B

8. There is a material difference between the issues to be considered when assessing a development proposal that might require the removal of a commercial woodland plantation and one that affected a natural or semi-natural woodland of broad leaf or mixed composition. The policy requires a tree survey whenever there are existing trees on a site, but it would be unreasonable to expect an applicant to commission a survey of a plantation that was as detailed as would be justified for a site containing trees of greater amenity and/or nature conservation value. Nevertheless some form of survey is likely to be appropriate for proposals involving the loss of plantation trees, even if simply to identify the extent of tree cover to be removed. It would be inappropriate therefore to exempt such proposals from the requirements of this policy. A minor modification is recommended to confirm that the level of detail required in any survey will be commensurate with the value of the trees in question, which should be agreed in advance with the council.

9. It would be reasonable and helpful for the policy to confirm that tree surveys should be undertaken by a competent person. It would improve the policy's clarity and its consistency with SPP if it made reference, as SPP does, to the Scottish Government Policy on Control of Woodland Removal, including the presumption in favour of protecting

woodland resources, which that document sets out. Again however, a distinction needs to be drawn between plantations and other woodland, as works involving the temporary deforestation of plantations are not regarded as woodland removal under the Scottish Government policy. For this reason, it would be inappropriate for the presumption in favour of protecting woodland resources to apply to woodland plantations which are to be felled and restocked.

Policy NE2 note

10. The note sets out the intended contents of supplementary guidance, which is not subject to this examination. However, it also highlights to users of the Proposed Plan, tree related issues that the council considers particularly important. As individual trees could potentially have significance it would be appropriate for the note to make reference to these as well as to woodlands. Although Policy NE4, which is discussed below, deals with nature conservation issues, it would be logical also to highlight the importance of this issue in relation to trees and woodlands in the note to Policy NE2. The resource constraints in identifying in the supplementary guidance all trees and woodlands of high conservation value are recognised and it would be counter-productive if such an exercise were not completed comprehensively. However, SPP is clear that woodland of high nature conservation value should be identified in development plans. The council's suggestion of identifying trees and woodland where nature conservation is of primary importance would be an appropriate compromise.

11. The various detailed changes requested by FCS are accepted by the council and would ensure that the note more closely followed SPP and offered clearer guidance for users of the plan.

Policy NE3 Biodiversity

12. In accordance with SPP, the plan should not only protect and enhance designated wildlife habitats and species but should adopt a broader approach, taking into account the ecosystems and natural processes in the area. A minor modification to the wording of the policy would more clearly confirm that this is the policy's intention. With such modification, it would be unnecessary for the policy to list examples of types of habitat that would be protected or to add woodlands or orchards to the text.

13. It would be unreasonable for the policy to expect all applications for planning permission to be accompanied by a protected species / habitats survey, as many minor proposals could not conceivably affect such interests. The effectiveness of any proposed mitigation is of great importance but the enforceability of mitigation proposals does not need to be referred to in the policy, as mitigation that could not be enforced or was otherwise unlikely to be effective would not be mitigation at all.

14. As stated above, there is logic in relocating protected species issues from Policy NE1D to Policy NE3, which deals with biodiversity in all its forms. The suggested modifications would clarify the distinction between species protected under European legislation and those which have other forms of protection. There would be no repetition of Policy NE1, as NE1D, which deals with European protected species in the proposed plan, is recommended to be deleted.

Policy NE4 Green Infrastructure

15. Modifications requested by SNH and FCS, to which the council is not opposed,

would achieve the same purpose of improving the clarity of the policy's intentions particularly in the area of "green" connections both within a site and with other land in the locality. A combination of the suggested modifications would add the most value to the policy. SPP requires development plans to identify and promote green networks where appropriate. The plan provides spatial direction to this in its identification of the Perth Lade Green Corridor, for which there is a specific policy (NE6) aimed at protecting and enhancing this asset and providing linkages into development sites at Ruthvenfield Road and Tulloch Marshalling Yards. Further direction is given in the site-specific developer requirements for the major site allocations, which require green networks to be designed into developments at the master planning stage. However, the council is content with the request to specify in the note to the policy that supplementary guidance will provide more spatial direction for the development of the network and this would further assist in its successful achievement.

16. Point (c) in the policy seeks to protect the countryside from inappropriate development while supporting certain appropriate uses such as agriculture and tourism. The term "rural enterprises", which it is requested be added to the list, is insufficiently precise as it could include any business activity that was promoted in a rural area, regardless of whether it was suited to such a location.

17. Point (f) relates to watercourses, floodplains and wetlands. The term "watercourses" would adequately cover drainage channels, which are important for flood alleviation. It was not the council's intention for the protection offered by this aspect of the policy not to apply to other water bodies such as lochs but this is the impression that could be gained from the existing wording. However, the suggested alternative term "surface water" could be interpreted to exclude culverts, which would also be undesirable. A suitable modification, which would avoid this confusion, would be the addition of "waterbodies" to the existing list of water environment features.

Reporter's recommendations:

Policy NE1A International Nature Conservation Sites

1. Modify Policy NE1A to read as follows:

"Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:

- (a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or*
- (b) there are no alternative solutions, and*
- (c) there are imperative reasons of overriding public interest, including those of social or economic nature."*

Policy NE1B National Designations

2. Modify the first sentence of the policy to read as follows:

"Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve, will only be permitted where the Council as Planning Authority is satisfied that:"

NE1C Local designations

3. Modify the first sentence of the policy to read as follows:

“Development which would affect an area designated by the Planning Authority as being of local conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that:”

NE1D European Protected Species

4. Delete the policy.

NE2 general

5. Add an additional bullet point to the Note section in NE2B to read as follows:

“apply the guidance and advice in the Scottish Government’s Control of Woodland Removal Policy when considering proposals for tree removal.”

NE2A

6. Modify the policy wording to read as follows:

“The Council will support proposals which:

- (a) deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;*
- (b) protect existing trees, woodland, especially those with high natural, historic and cultural heritage value;*
- (c) seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy;*
- (d) encourage the good management of amenity trees or groups of trees important for amenity, sport and recreation or because of their cultural or heritage interest;*
- (e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 “Trees in Relation to Construction”.*
- (f) seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy.”*

NE2B

7. Modify the policy wording to read as follows:

“Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site. The scope and nature of such surveys will reflect the known or potential amenity, nature conservation and/or recreational value of the trees in question and should be agreed in advance with the council. The Council will follow the principles of the Scottish Government Policy on Woodland Removal. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. In exceptional cases where the loss of individual trees or woodland cover is

unavoidable, the Council will require mitigation measures to be provided.

NE2 note

8. Modify the first bullet point to read as follows:

- *“promote multi-objective woodland management that delivers environmental, economic and social benefits;”*

9. Modify the sixth bullet point to read as follows:

- *“conserve and expand riparian woodlands using appropriate species for the benefit of biodiversity and flood alleviation purposes.”*

10. Modify the seventh bullet point to read as follows:

- *“promote community participation in woodland planning and management;”*

11. Modify the eighth bullet point to read as follows:

- *“promote the value of trees and woodlands as a sustainable tourism asset.”*

12. Add an additional bullet point, worded as follows:

- *“To identify trees and woodlands in the Perth and Kinross area where nature conservation is of primary importance.”*

NE3 Biodiversity

13. Modify the first paragraph of the policy to read as follows:

“The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.”

14. Modify the second paragraph to read as follows:

“The Council will apply the principles of the Tayside Biodiversity Action Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) and relevant national and European legislation relating to protected species when making decisions about applications for development.”

15. After requirement (d) insert the following text:

“European Protected Species

Planning permission will not be granted for development that would, either individually or cumulatively, be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)) unless the Council as planning authority is satisfied that:

- (a) there is no satisfactory alternative, and*
- (b) the development is required for preserving public health or public safety or for other*

imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

In no circumstances can a development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Other protected species

Planning permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation (Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act (1992)."

NE4 Green Infrastructure

16. Modify the first paragraph to read as follows:

"The Council will require all new development to contribute to the creation, protection, enhancement and management of green infrastructure by the:"

17. Modify point (a) to read as follows:

"(a) incorporation of green infrastructure into new developments, particularly where it can be used to mitigate any negative environmental impact of the development and link green infrastructure to the wider green network; "

18. Modify point (d) to read as follows:

"protection, enhancement and management of open spaces and linkages for active travel or recreation, including links between open spaces and the wider countryside and the provision of new connections where required;"

19. Modify point (f) to read as follows:

"protection, enhancement and management of watercourses, waterbodies, floodplains and wetlands which are important contributors to the network of blue and green corridors for the alleviation of flood risk, wildlife, recreation and the amenity needs of the community."

20. Modify the Note to read as follows:

"Supplementary Guidance will be prepared expanding on how development can comply with this policy. This will also define the network and provide a vision for how it will develop, provide a spatial representation of the network and identify opportunity areas where the network could be improved."

Issue 14	Green Belt	
Development plan reference:	Policy NE5 - Green Belt	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>Moira Brock (00229)</div><div>Dorothy Cyster (00273)</div><div>The Braes of the Carse Conservation Group (00391)</div><div>Mr & Mrs B Newton (00399)</div><div>Ruth Gray (00422)</div><div>Sam Morshead (00433)</div><div>Esme MacDonald (00484)</div><div>Alastair Cruickshank (00509)</div><div>Bridgend, Gannochy & Kinnoull Community Council (00667)</div><div>Annelie Carmichael (00731)</div><div>Elisabeth Burke (00734)</div><div>Deirdre A Beaton (00741)</div><div>George Beaton (00742)</div><div>John Ashworth (00789)</div><div>Ewan Scott (00805)</div><div>Kirsten Ryan (00876)</div><div>Duncan Ryan (00877)</div><div>Gregor Ryan (00878)</div><div>Rose Ryan (00879)</div></div><div><div>Iris Ryan (00880)</div><div>Joe Cairns (07045)</div><div>Molly Miller (07693)</div><div>Kinnoull Hill Woodland Park Group (07712)</div><div>Robert Burke (07758)</div><div>Charles Woodhead (07762)</div><div>A Ritchie & Son/M & S Bullough (08651)</div><div>Forestry Commission Scotland (08988)</div><div>Scone Palace & Estate (09163)</div><div>Ristol Ltd (09166)</div><div>Methven & District Community Council (09221)</div><div>SSE plc (09311)</div><div>Perth Civic Trust (09393)</div><div>James Watt (09435)</div><div>Malcolm Younger (09667)</div><div>Maurice Gray (09693)</div><div>Sophie Younger (09748)</div><div>Homes for Scotland (10214)</div><div>John Munro (10277)</div></div></div>		
Provision of the development plan to which the issue relates:	Details and general issues relating to the designation and boundaries of the Green Belt	
Planning authority's summary of the representation(s):		
<p><u>Whole Green Belt</u></p> <p>Homes for Scotland (10214/1/020 & 10214/1/032): The policy does not reflect SPP paragraph 159 (S4_Doc_078) which states that the Green Belt boundary should direct planned growth to the most appropriate suitable locations not to prevent development from happening. The boundaries around Perth and the settlements do not allow sufficient room for growth contrary to the advice contained in the SPP. The boundaries do not follow clearly identifiable features as required by the SPP. The LDP seeks to reduce need to travel (refer paragraph 4.3.17 (S4_Doc_505) but it currently conflicts with the Green Belt policy which pushes development out beyond the urban area exacerbating the requirement to travel greater distances. The Green Belt also conflicts with the spatial strategy to ensure that most growth takes place in or close to existing settlements. The maps in the Plan are not sufficiently clear to show where the Green Belt boundaries are and the larger scale maps which show other designations are also not sufficiently clear and are cluttered with other designations. The policy does not take account of the ramifications of the CTRLR to the north and south of the route.</p>		

John Munro (10277/1/002): The Plan uses a Green Belt to encircle the City which is an outdated idea from the 1950's. Green Belts are about containing cities by allowing orderly expansion rather than preserving landscapes. Planning must address the issues of managing land as well as using it and the strategy does not adequately do so.

Methven & District Community Council (09221/1/015): The Green Belt designation should apply to all settlements in the Perth Core and be extended to include Methven, Stanley and Bridge of Earn. The management plan should be extended to include these areas. This is in the interests of sound planning and to give confidence to residents and defend against speculators.

Housing in the Countryside

Molly Miller (07693/11/002): Scottish Planning Policy (Core_Doc_048) seeks to promote rural housing in all areas and the application of the Housing in the Countryside Policy would not have an adverse impact on the landscape character of the Green Belt. The Council have already approved two houses in the Green Belt at Kinfauns which were recommended for approval by the planning department.

Ristol Ltd (09166/14/001): Scottish Planning Policy (Core_Doc_048) seeks to encourage a vibrant and dynamic rural economy and this is at odds with the restrictions on housing development imposed by the Green Belt policy. The development of housing in the Green Belt is not at odds with its objectives or strategy.

New Criteria

Sam Morshead (00433/1/001): Concerned that the Green Belt policy will restrict future development at Perth Racecourse and this could have serious implications for the future of this popular leisure facility.

Forestry Commission Scotland (08988/1/008): The policy would better meet forestry needs if there was a wording change to include woodland creation and management.

SSE plc (09311/1/005): The Green Belt can accommodate renewable energy development including micro, community or of a commercial scale without compromising the objectives set out in SPP paragraph 159 (S4_Doc_078).

Scone Estate

Scone Palace & Estate (09163/4/012): The case for the Green Belt has not been proven and the policy does not reflect national guidance contained in SPP (Core_Doc_048). The designation will act as an unnecessary planning barrier to the sustainable management of Scone Palace grounds and the estate and this is at odds with the wider growth agenda set by the LDP vision and National Planning policy. The importance of the estate to the local and national economy is not recognised by the Green Belt designation. The extent of the Green Belt is out of proportion with the size of Perth and no scenic values have been attached to any of the land around Perth which in any event may be better protected by the use of landscape designations. The Green Belt designation does not offer protection against significant and adverse impact of the route chosen for the new river Tay crossing. The methodology used in choosing the Green Belt boundary is out of date and does not follow current guidance it merely replaces the existing Area of Great Landscape Value designation with a blanket Green Belt designation. The policy wording is hugely restrictive and does not apply in the local Perthshire context. The Green Belt policy will not allow the regeneration of derelict and redundant buildings such as at Balboughty and the removal of the Housing in the Countryside policy will stifle development opportunities. The stifling nature of the Green Belt policy contradicts the

stated aim of the Supplementary Guidance to develop a sustainable rural economy. The Green Belt designation makes a carefully considered management plan difficult to promote. The Green Belt boundaries are too tightly drawn to allow appropriate expansion. The designation will restrict development at Perth Racecourse which is a significant visitor attraction. The policy will also restrict development opportunities at Scone Palace in the walled garden and old sawmill and stables which are required to allow the sustainable development of the palace and to stop the decline in visitor numbers.

James Watt (09435/1/001); Kinnoull Hill Woodland Park Group (07712/1/001); Moira Brock (00229/1/001); Dorothy Cyster (00273/1/001); The Braes of the Carse Conservation Group (00391/1/002); Mr & Mrs B Newton (00399/1/001); Charles Woodhead (07762/1/001); Alastair Cruickshank (00509/1/001); Sophie Younger (09748/1/001); Maurice Gray (09693/1/001); Ruth Gray (00422/2/001 & 00422/2/002); Esme MacDonald (00484/1/001); Malcolm Younger (09667/1/001 & 09667/1/002); Gannochy & Kinnoull Community Council (00667/1/001); John Ashworth (00789/1/001); Rob Burke (07758/1/001); George Beaton (00742/1/001); Deirdre A Beaton (00741/1/001); Elisabeth Burke (00734/1/001); Ewan Scott (00805/1/001); Joe Cairns (07045/1/001); Perth Civic Trust (09393/1/003); A Ritchie & Son/M & S Bullough (08651/10/001); Iris Ryan (00880/1/001); Rose Ryan (00879/1/001); Gregor Ryan (00878/1/001); Duncan Ryan (00877/1/001); Kirsten Ryan (00876/1/001); Annelie Carmichael (00731/6/001): Support for the Green Belt Policy.

Modifications sought by those submitting representations:

Whole Green Belt

Homes for Scotland (10214/1/020 & 10214/1/032): A full review of the Green Belt taking into account strategy, policy, boundaries and presentation and to ensure that policies do not conflict with the need to reduce travel identified in paragraph 4.3.17 (S4_Doc_505).

John Munro (10277/1/002): The Green Belt should be re-designated and take the form of wedges or corridors to follow current advice and relate to natural features.

Methven & District Community Council (09221/1/015): Extend the Green Belt to include the whole core area.

Housing in the Countryside

Molly Miller (07693/11/002): Policy wording altered so that the Housing in the Countryside Policy applies in the Green Belt.

Ristol Ltd (09166/14/001) Policy wording altered so that the Housing in the Countryside Policy applies in the Green Belt or as an alternative the LDP amended to include settlement boundaries within the Green Belt where the Housing in the Countryside Policy would apply and included in these would be Kingswell.

New Criteria

Sam Morshead (00433/1/001): The policy framework should allow new built development or extensions at Perth Racecourse to deal with any increased attendance or change of public requirements in the future.

Forestry Commission Scotland (08988/1/008): In paragraph (b) delete '*woodlands or forestry*' and replace with '*woodland creation and management*'.

SSE plc (09311/1/005): An additional criterion be added to the policy supporting renewable energy development in the Green Belt.

Scone Estate

Scone Palace & Estate (09163/4/012): Give 4 alternative suggestions:

Option 1: The complete removal of the proposed Green Belt designation.

Option 2: If option 1 is not accepted then the Green Belt boundaries be altered as follows:

2.1 Completely withdrawn from the Scone Palace Designed Landscape

2.2 Withdrawn from the site to the west of North Scone (S4_Doc_370) (cross reference to schedule 4 No22)

2.3 Withdrawn from the site Pickstonhill to the south of Scone (S4_Doc_370) (cross ref to schedule 4 No 22)

2.4 Withdrawn from the area to the east of Pitcairngreen (S4_Doc_004) (cross ref schedule 4 No 25d)

Option 3: If 1 and 2 are not accepted the policy wording should be altered to state that development will only be permitted where:

- It provides a new business opportunity or supports an existing one or
- It utilises and regenerates a rural brownfield site
- It fits within the landscape in a way which does not detrimentally affect the setting of Perth
- It fits within the following selected Housing in the Countryside Policy criteria
- Building groups
- Infill sites
- New Houses; in existing walled gardens; relocated from an area of flood risk; or needed in relation to an economic activity
- Renovation or replacement of houses
- Conversion or replacement of redundant non domestic buildings
- Rural Brownfield

Option 4: A further and preferred option is for the LDP to create a special designation for Scone Palace which explicitly supports the Masterplan as a management tool for the long term protection and financial and environmental sustainability of the national resource.

Summary of responses (including reasons) by planning authority:

Whole Green Belt

Homes for Scotland (10214/1/020 & 10214/1/032); John Munro (10277/1/002); Methven & District Community Council (09221/1/015): The Green Belt designation and boundaries follow the Scottish Government's policies as set out in SPP paragraphs 159 (S4_Doc_078), paragraphs 161-162 (S4_Doc_075), and paragraph 164 (S4_Doc_102). In particular paragraph 161 states that it is for the Strategic Development Plan to establish to the need for a Green Belt and identify its broad area. The Green Belt area is shown in Policy 3 of TAYplan (S4_Doc_064), and identifies a belt around Perth rather than other shapes such as wedges it does not extend to the whole core area and the diagram shows clearly that settlements such as Stanley, Bridge of Earn and Balbeggie do not lie in the Green Belt. Policy 1 of TAYplan (S4_Doc_067) sets out the location priorities for development, and the strategy is to direct most development to the named settlements in the Perth Core. One of the purposes of the Green Belt set out in paragraph 159 of SPP (S4_Doc_078) is to direct planned growth to the most appropriate locations

and support regeneration. The Green Belt boundaries identified in the LDP conform to TAYplan and meet these aims. In particular the Green Belt does not include the strategic development area to the north and west of Perth, land to the east and north of Scone and land to the south of Luncarty. These areas are identified as the major sources of development land providing in excess of 7000 houses and 55 hectares of employment land during the life of the plan and beyond over the next thirty years (See schedule 4 No 2 on strategy and schedule 4 No 21 on Perth strategic development area). The development framework around Perth is supported by the Green Belt and as the development areas identified in the Plan have good transport links the Green Belt will not increase travel distances but rather be a component of a development framework where there are a variety of good travel links.

The detailed boundaries set out in the LDP generally follow the suggested inner boundary and suggested closer outer boundary identified in the Perth Green Belt Study (plans 1 and 2 Green Belt study S4_Doc_664). The suggested boundaries have been adjusted to take account of the need to identify additional development land and use specific geographical features such the River Earn rather than less well defined landscape features such as contour lines. The Green Belt boundaries follow the guidance set out in paragraph 162 of the SPP (S4_Doc_075), with the outer boundary following roads, tracks and the River Earn while the inner boundary is a more complex mix of property boundaries and other physical features. The Green Belt map on page 45 of the LDP clearly shows the outer boundaries while the more complex inner boundaries are shown in more detail on the settlement maps. The online version of the Plan has a zoom function which provides more detail. The Perth settlement map shows the band of search for the CTLR which runs through the Green Belt and is compatible with the policy framework of Policy NE5 which allows for essential infrastructure such as roads. The Green Belt management plan will be published at a later date as supplementary guidance

No modification is proposed to the Plan

Housing in the Countryside

Molly Miller (07693/11/002); Ristol Ltd (09166/14/001): Paragraph 163 of SPP (S4_Doc_124), indicates types of development that may be acceptable in the Green Belt, housing is not included amongst appropriate development types. If the Housing in the Countryside Policy were to apply it would seriously undermine the policy framework and mean that there was little difference with areas that were outside the Green Belt. The reason for this is that the major development pressure in the area is for housing and applying the policy would mean the Green Belt would be like all other rural areas in Perth and Kinross. Similarly there should be no small settlements excluded from the Green Belt. The policy framework does, however, allow the appropriate re-use, conversion and extension of existing Green Belt buildings. Policy 3 of TAYplan (S4_Doc_064), specifically indicates that one of the Green Belt objectives is to safeguard the countryside from encroachment. Applying the Housing in the Countryside Policy to the Green Belt would mean that the policy would not conform to TAYplan.

No modification is proposed to the Plan.

New Criteria

Sam Morshead (00433/1/001); It is considered that new development at Scone racecourse would not necessarily conflict with Policy NE5; part (c) would apply which allows recreational, outdoor sports development including modest buildings appropriate to the Green Belt location. In line with the overall objectives to create a sustainable rural economy which is contained in the Plan and further defined in the schedule 4 on

economic development. (Note see also response to Scone Estates)

No modification is proposed to the Plan.

SSE plc (09311/1/005): Major renewable energy development is not generally appropriate to a Green Belt location. It is not listed as an appropriate form of development in paragraph 163 of SPP (S4_Doc_124), and its inclusion would undermine the whole policy framework. The Green Belt area measures 10,250 ha which is less than 2% of the total land area of Perth and Kinross and there are other more appropriate locations in the area for this type of development. Micro renewable may be compatible with the objectives of Green Belt policy and will be dealt with in more detail in the supplementary guidance (Green Belt management plan).

No modification is proposed to the Plan.

Forestry Commission for Scotland (08988/1/008) The Council has no particular issues with the wording changes reflected in the representation. Consequently if the Reporter is so minded to recommend that the representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications on the wider Green Belt or other policies within the LDP.

Scone Estates

Scone Palace & Estate (09163/4/012): The Palace and grounds are shown as within the Green Belt in Policy 3 of TAYplan (S4_Doc_064) and important to the setting of Perth. Scone Palace is also shown in the Green Belt study (Core_Doc_049) as part of the Green Belt. The specific locations are dealt with in the schedule 4 No 22 on the Perth area Green Belt. Many of the Estates' aspirations are acceptable in the Green Belt policy framework but further detail will be provided in Supplementary Guidance (Green Belt management plan). The Green Belt uses the smaller of the options shown in the Green Belt study and though this is 12 years old it is still current in terms of the geography and development issues affecting the City. The Green Belt takes up only 2% of the land area of Perth and Kinross. TAYplan sets out the specific issues important to the Green Belt designation including the preservation of the setting of the City views and special character including historic cores. The Area of Great Landscape Value shown in the Adopted Perth Area Local Plan and the Green Belt follow different boundaries (for example Scone Palace and grounds were not in the AGLV (Core Doc 003). Housing is not included amongst appropriate development types for the Green Belt. If the Housing in the Countryside Policy were to apply it would seriously undermine the policy framework and mean that there was little difference with areas that were outside the Green Belt. The policy is designed to be restrictive to guide development to appropriate locations in line with the guidance set out in SPP paragraphs 159 (S4_Doc_078), paragraphs 161-162 (S4_Doc_075), and paragraph 164 (S4_Doc_102).

Reporter's conclusions:

Whole Green Belt

1. The proposed green belt boundary allows for very significant strategic land releases to the west and north west of Perth, which are intended to satisfy most of the city's requirements for housing land, and make a significant contribution towards other development needs, not just for the plan period, but over the next 30 years. In addition to specific development site allocations, significant areas of land are proposed to be excluded from the green belt, where smaller scale development might be permitted or

where the need for further development allocations could be considered in a subsequent plan. See also the conclusions in respect of Issues 21 and 22. In other settlements, such as Scone and Luncarty, the proposed green belt boundary is drawn so as to offer potential for quite significant settlement expansion during the plan period and the potential for further growth beyond that. There is no evidence to support the claim that the proposed inner green belt boundary is drawn too tightly or that it will encourage development that should take place in Perth to do so in inappropriate locations beyond the outer green belt boundary.

2. It is for local development plans (LDPs) to define the boundaries of a green belt, but where there is a strategic development plan (SDP) in place, these must be consistent with the principles established in the SDP. In this case, TAYplan has established the requirement for a green belt encircling Perth and has identified its broad area. The green belt boundaries that are proposed in the LDP are consistent with TAYplan and accord with the purposes of green designation that are set out in Scottish Planning Policy (SPP). There would be no benefit in extending the green belt to take in more distant settlements such as Bridge of Earn, Methven and Stanley as there is no risk that development there could offend the purposes of green belt designation that are set out in SPP. And such an enlargement of the green belt would be inconsistent with TAYplan.

3. Generally, the proposed green belt boundaries follow clearly identifiable features that are likely to endure in the long term. The boundary is less distinct along the western edge of site H70. However, there are other, more fundamental issues to address with site H70, which are considered under Issue 21. And any minor benefit in terms of aligning with a more easily identifiable existing landscape feature, that might be secured by moving the boundary of H70 to the west would be outweighed by the loss to development of an important element of the city's landscape setting and by the inappropriate location of that development in terms of its landscape impact and its poor connectivity with the city. This is discussed in more detail under Issue 21. There are also significant concerns over the lack of any publicity for, or any consideration under the Proposed Plan's Strategic Environmental Assessment (SEA) or Habitats Regulations Appraisal (HRA) of, such a modification. There are no grounds therefore to move the green belt boundary at this point further west.

4. There is no inconsistency in the fact that the indicated route of the Cross Tay Link Road (CTLR) crosses the proposed green belt, as SPP confirms that infrastructure projects that have a particular locational justification may still be permitted within the green belt. Proposals for essential infrastructure would be considered under Policy NE5(e).

5. The map on page 45 of the plan adequately defines the extent of the proposed green belt and this is enhanced by more detailed proposals maps of the affected settlements. There is no need for any further drawings to define its location or extent.

Housing in the Countryside

6. It has been concluded in the examination of Issue 8a that there is no justification for permitting houses within the green belt under the proposed housing in the countryside policy, as the objectives of green belt designation justify a significantly greater degree of control over such forms of development and any economic or social benefits of permitting additional development would be outweighed by the harm to the integrity and effectiveness of the green belt that such development would cause.

New Criteria

7. Perth racecourse and surrounding land is of great significance to the landscape setting of Perth and to achieving the purposes of green belt designation. Policy NE5 (c) supports proposals for modest buildings which are related to outdoor sports facilities and which are appropriately located and designed. There is therefore no reason why development at Perth Racecourse should be unreasonably restricted by green belt designation and no need to modify Policy NE5.

8. The wording of Policy NE5(b) reflects the wording in SPP and there would be no benefit in modifying it to refer to woodland creation and management. And the assessment of renewable energy proposals is adequately dealt with in Policy NE5(e), which deals with essential infrastructure.

Scone Estate

9. The case for the green belt and its general form and extent have been established in TAYplan and are not matters for the Proposed Plan to reconsider. The restrictions on inappropriate development that are conferred by green belt designation are set out in national planning policy and are also not matters that are before this examination. In the context of the Scone Estate, the issues that may be considered are: whether it is appropriate for the green belt to include the estate; and if so, whether the plan should make a policy exception that would permit development to take place there.

10. The boundaries for the green belt have been informed by the Perth Green Belt Study (PGBS) of June 2000. While this document is of some age, there is no evidence that the landscape around Perth has changed to such an extent that its findings are no longer valid. The purpose of this study was to evaluate the case for a green belt around Perth and, while this study pre-dates SPP, the national planning policy that applied at that time was not materially different in terms of the role it set out for green belt land and the issues that required to be considered prior to designation. The PGBS considered the purposes of green belt designation and assessed where the boundaries should be drawn in the light of those purposes. It considered whether the land that was proposed for green belt designation was large enough to secure the desired purposes but not so large that it would unreasonably restrict development that would be far enough away not to harm the setting of the city or any of the other attributes that the designation was designed to protect. It is concluded that there is no conflict between the PGBS and subsequent national policy and that, contrary to suggestions that have been made, it did not simply substitute green belt for the previous Area of Great Landscape (AGLV) designation.

11. Green belt purposes extend to more than merely landscape protection. Of equal importance is preservation of the character of individual settlements by, among other things, avoiding coalescence and directing growth to the most appropriate locations by resisting proposals for unplanned growth in areas of high demand. Scone Estate forms an essential part of the landscape setting of the city and provides an essentially undeveloped area between the settlements of Perth and Scone. If development of significant scale were proposed within the estate it would be likely to undermine these important objectives.

12. The need for sustainable management of Scone Palace grounds and the estate is not in doubt. Neither are the benefits the estate brings to the local and national economy. However, such benefits do not justify the exclusion of the estate, or any part of it, from the green belt. And for the same reason, it would also be inappropriate for Policy NE5 to

be modified so that many additional forms of development, including new-build housing, became acceptable in principle within the green belt. Such an approach would be contrary to SPP. The council points out that some of the estate's proposal's would, in any event, be likely to find support from Policy NE5.

13. See Issues 21 and 22 for the consideration of site-specific green belt boundary issues.

Reporter's recommendations:

No modifications.

Issue 15a	Renewable and Low Carbon Energy Generation and Electricity Transmission Infrastructure	
Development plan reference:	ER1 - Renewable and Low Carbon Energy Generation, page 47 ER2 - Electricity Transmission Infrastructure, page 47	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>Lynne Palmer (00239) RES UK & Ireland (00283) Force 9 Energy (00369) Scottish Power (00455) Mountaineering Council of Scotland (00587) Scottish Renewables Forum (00760) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) ABO Wind UK Ltd (00812) Fossway & District Community Council (00830) Loch Lomond & the Trossachs National Park Authority (00842) Cairngorms National Park Authority (00849)</div><div>Liz Hodgson (00853) Ecotricity (00884) Alexander Harley Seeds Ltd (00885) The Greenspan Agency (00886) Councillor Michael Barnacle (02633) Perthshire Chamber of Commerce (03005) SportScotland (03185) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Maureen Beaumont (07262) Forestry Commission Scotland (08988) Methven & District Community Council (09221) SSE plc (09311) Friends of the Ochils (10221)</div></div></div>		
Provision of the development plan to which the issue relates:	Policies covering the tests against which proposals for renewable and low carbon energy generating development proposals will be assessed; and highlighting the Council's support for proposals for electricity transmission infrastructure and seeks to secure appropriate mitigation in environmentally sensitive locations.	
Planning authority's summary of the representation(s):		
<div><div><div>ER1 – General Policy Changes and Supplementary Guidance (General Comments) ABO Wind UK Ltd (00812/1/001): Agree with general principle of the Policy ER1A but it should be noted there are a wide range of economic, social, environmental, technical and transport issues to be considered when assessing the suitability of renewable energy developments, by both the planning authority and the developer. Proposals for renewable energy developments should therefore be assessed against other general LDP policies and supplementary guidance on renewable energy.</div><div>Liz Hodgson (00853/1/002): Despite all that is known about climate change and peak oil and gas some developments still ignore these issues. Suggests that for any new development over a certain size encouragement or reward is available where suitable areas of land are set aside to allow for the future development of biomass district heating. Ideally this should be statutory.</div><div>ER1 – Detail for Supplementary Guidance Scottish Power (00455/1/002): The LDP should refer to the Scottish Government target to generate the equivalent of 100% electricity demand from renewable energy by 2020 and</div></div></div>		

Policy ER1 should set out how Perth and Kinross will contribute towards this target (2020 Routemap for Renewable Energy in Scotland) (S4_Doc_450).

Welcome Supplementary Guidance on the appropriate siting of onshore wind but it should reflect SPP and targets for renewable energy generation. These must also be key to the determining of applications under 50 megawatts (MW) or applications under Section 36 of the Electricity Act (S4_Doc_451). Welcome the commitment that new proposals will be supported where they are well related to resources needed for their operation, in line with SPP (Core_Doc_048). Supplementary Guidance must reflect SPP (Core_Doc_048) in promoting schemes in appropriate locations where cumulative impacts can be addressed. Any spatial framework should provide guidance on constraints but not treat protected or designated areas as '*no-go areas*' for wind farms; designated landscapes are not automatically sensitive by definition, as this would depend on the specific character of the landscape, and the reasons for designation may not be compromised by wind farm development.

The LDP should recognise the economic, social and environmental benefits and impacts of renewables on a local and regional/national scale to ensure that decisions are made within the correct policy framework.

Forestry Commission Scotland (08988/1/005): Welcome the commitment to the production of Supplementary Guidance on renewable and low carbon energy generation etc. but note that there is no reference to this in Policy ER1. Supplementary Guidance should cover all types of renewable energy production including that from woody biomass, and the wording of Policy ER1 should make it clear this is the intention.

Scottish Natural Heritage (05211/8/001): Policy ER1A should include the following additional points:

- (i) Their fit within the Council's spatial framework for onshore wind energy development to ensure the spatial framework for wind farms is a fundamental consideration in assessing new proposals (SPP paragraph 189) (S4_Doc_112)
- (j) Their effects on natural river flow regimes and migratory fish in recognition of the potential impacts of hydro-electric schemes on river systems and particularly in relation to the extent of freshwater Special Areas of Conservation in Perth and Kinross.

SportScotland (03185/1/003): Policy ER1A should make reference to impacts on outdoor sport and recreation interests as per SPP paragraph 187 (S4_Doc_303). The respondent makes reference to the example of the River Braan hydro scheme which was refused on the basis of impact on outdoor sport interests.

Mrs Maureen Beaumont (07262/1/001): In the absence of up to date Supplementary guidance and the uncertainty as to when such guidance will be available, the respondent suggests the inclusion of the following in Policy ER1A:

- i) Aviation and telecommunications impacts
- j) Noise and shadow-flicker

As these issues are addressed in SPP paragraph 187 (S4_Doc_303) and should be addressed in the LDP.

Ecotricity (00884/1/001): Policy ER1 is not precise enough and does not give clarity as to where onshore wind developments would be acceptable. It is therefore inconsistent with SPP (Core_Doc_048).

Fossway & District Community Council (00830/1/014): Concerned that the LDP contains no guidance on the location of small scale wind development. A coherent policy is needed now, not a statement mainly concerned with large-scale developments as in Policy ER1A.

The Greenspan Agency (00886/1/001): The representation refers to the definition of sustainable development in SPP (paragraph 35) (S4_Doc_101), and continues that renewable energy development contributes to the objectives of living within environmental limits, and achieving a sustainable economy. Highlights that the Council has a statutory duty to advance these goals in the LDP. As such the role of renewables should be more clearly and positively emphasised in Policy ER1A and throughout the LDP.

Refers to page 6 of the 2020 Routemap for Renewable Energy in Scotland (S4_Doc_205) which clarifies the Scottish Government's approach to renewables since SPP (Core_Doc_048) and the Climate Change Act 2009 (Core_Doc_104). Recognises that although renewable energy deployment has been successful in recent years, the rate of deployment will need to increase if the 2020 key target of 100% electricity generated by renewables is to be met. Therefore, the need for faster deployment of renewable energy should be reflected in the tone of Policy ER1A and throughout the LDP.

ER1A New Proposals – Comments on the First Paragraph

RES UK & Ireland (00283/1/001): Policy ER1A wording is unclear and an explanation is required as to what is meant by '*well related*' in first paragraph, and how this will be assessed.

SSE plc (09311/1/006): The first paragraph of Policy ER1 is unclear as to what is to be considered when determining whether the proposed development is '*well related to the resources that are needed for their operation*'. This could be seen as a viability test or sequential approach, criterion (h) in particular. This is inconsistent with the reality of the development process; it is rare to have a choice of suitable sites that meet a developer's requirements; normally interest is secured on one site which is then progressed through the development process.

Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): The first paragraph of Policy ER1A '*where they are well related to the resources that are needed for their operation*' needs clarification; asking for justification sets a negative tone, and project viability is not a planning concern.

ER1A New Proposals - Wind Energy Development Proposals

Friends of the Ochils (10221/1/005): Essential that Policy ER1 and the Supplementary Guidance address the risks associated with wind farms below 20 megawatts (MW) as well as those above. Supplementary Guidance must not only be applicable to developments above 20MW, as much landscape damage can also be done by smaller developments. There is a need to protect against developers splitting applications so that they stay below 20MW.

Need to develop a specific policy for turbines erected under the Feed-in Tariff Scheme (Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 as amended by the Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment) Order 2011) (S4_Doc_453) and (S4_Doc_454) as considerable landscape damage will be caused by a number of these individual turbines in an area.

Policy ER1 and the Supplementary Guidance should address these issues.

Kinross-shire Civic Trust (06950/1/005): The LDP does not specifically mention wind farm policy. This is a major omission and must be included. The existing wind farm policy has not been adhered to and some wind farms are now seeking further extensions. There is also a proliferation of smaller single and double wind turbines (in Kinross-shire) with no policy for these. The respondent has been continually against wind farms as it has not been demonstrated they are capable of providing the renewable energy claimed. Wind farms should not be relied on as a dependable source of renewable energy as another source of energy will always be required when there is insufficient wind.

Carse of Gowrie Sustainability Group (00788/1/005): Considers that Policy ER1 mainly deals with large-scale facilities such as wind turbine installations; argues that there is a role for smaller scale energy generation, such as anaerobic digesters, linked to local buildings e.g. schools or care homes, to provide combined heat and power, if there are sufficient 'local' fuel sources. The respondent is fully supportive of the findings of the recent Fife, Perth & Kinross Heat Mapping Project (Core_Doc_178), *'which emphasises the synergy between some sites in the study area with surplus heat and adjacent sites with a heat demand.'*

Fiona Ross (00786/1/006): Considers that Policy ER1 mainly deals with large-scale facilities. There is a role for smaller scale energy generation such as anaerobic digesters linked to local buildings to provide combined heat and power if there are sufficient local fuel sources. Supports the findings of the Fife, Perth & Kinross Heat Mapping Project (Core_Doc_178), and believes there is a need for Council policy to enable a move away from fossil fuel.

ER1A – Criterion (a)

RES UK & Ireland (00283/1/001): Concerned about the inclusion in policy wording of terms 'wildness qualities', 'tranquil qualities' and 'visual integrity' with no definitions or indication as to how any effects on these from a development proposal will be measured. These are not concepts which are capable of definition in a scientific assessment or objective classification but are more about personal judgement.

Perthshire Chamber of Commerce (03005/1/003): Suggests an amendment to Policy ER1A (a) to include 'commercial' after the word 'residential' to ensure that any impact on existing businesses affected by proposals would be regarded as material considerations in respect of the proposal.

ER1A – Criterion (b)

Force 9 Energy (00369/2/001): National energy policy is focussed on increasing the contribution of renewable energy generation capacity. Projections currently point towards a shortfall in meeting the installed capacity target of 100% gross electricity consumption through renewable sources by 2020. However even if the 2020 target is met this is not a cap, Scotland has significant generation potential and opportunities will arise in the future to export electricity to England and Ireland. 2020 Routemap for Renewable Energy in Scotland (Core_Doc_103).

SPP (paragraph 184) (S4_Doc_111) requires planning authorities to ensure an areas' renewable energy potential is realised and optimised. Development Plan policies should therefore be supportive of all opportunities whilst being suitably caveated to ensure regard is had to potential impacts on the natural and cultural heritage and on socio-economic factors. SPP (Core_Doc_048) does not ask for proposals to assess the

contribution they may make to meeting energy targets, presumably because all suitable proposals will make a contribution. Many decisions by the Directorate for Planning and Environmental Appeals (DPEA) acknowledge the contribution renewable energy proposals will make to meeting energy targets; even in negative decisions e.g. Abercairney.

Wind farms can only be constructed where there is suitable wind resource and where impacts are either negligible, can be mitigated or are acceptable. How much the proposals contribution to meeting carbon reduction targets is largely irrelevant in the consideration and determination of a planning application. Policy ER1A (b) should therefore be deleted.

ER1A – Criterion (c)

Scottish Renewables Forum (00760/1/001): ‘*Object*’ to ER1A criterion (c) as it is considered to be contrary to SPP paragraph 191 (S4_Doc_113) which states that grid constraints should not be used as a development constraint.

Alexander Harley Seeds Ltd (00885/1/003): Comments that the issue of connection is usually dealt with by the district network operator under a separate application process and there is unlikely to be any certainty as to the form of the connection at the time of submitting a planning application. Continues that an indication of the likely connection route could be given but suggests that the requirement for this should be in Supplementary Guidance not the policy.

ABO Wind UK Ltd (00812/1/001): Disagrees that connection to electricity distribution or transmission system should be used to assess renewable energy proposals, as available grid capacity is a technical aspect dealt with by developers and should not impact upon the planning merits of a proposal. Also comments that it is contrary to SPP paragraph 191(S4_Doc_113).

The Greenspan Agency (00886/1/001): Comments that the issue of connection is usually dealt with by the district network operator under a separate application process and there is unlikely to be any certainty as to the form of the connection at the time of submitting a planning application. Continues that an indication of the likely connection route could be given but suggests that the requirement for this should be in Supplementary Guidance not the policy.

Ecotricity (00884/1/001): Policy ER1A criterion (c) is contrary to SPP paragraph 191 (S4_Doc_113) which states that grid constraints should not be used as a development constraint. Suggests that criterion (c) should therefore be removed.

ER1A – Criterion (d)

SSE plc (09311/1/006): The intention of Policy ER1A (d) is unclear. It is presumed to be to examine the potential greenhouse gas emissions and the effects on air quality associated with transportation as part of the development assessment process. Criterion (d) should be more specific.

ER1A – Criterion (f)

Scottish Environment Protection Agency (03194/14/001): ER1A (f) should be expanded so the policy offers protection to the carbon rich soil resource in areas where renewable or low carbon energy generation are proposed.

Disruption of carbon rich soil by development results in the loss of the stored carbon and releases greenhouse gases, which is contrary to the Climate Change (Scotland) Act 2009 (Core_Doc_104) target of reducing greenhouse gas emissions and efforts to mitigate climate change by reducing emissions at source.

The respondent refers to the provisions within various documents, including:

- Scotland's Land Use Strategy – Principle c (S4_Doc_287) regarding recognising the value of land suitable for a primary use, and Principle f (S4_Doc_287) on reducing greenhouse gas emissions associated with land use.
- SPP paragraph 42 (S4_Doc_120) regarding taking into account the impacts on climate change in decision-making, and paragraph 133 (S4_Doc_121) relating to the release of stored carbon as a result of development.
- National Planning Framework 2 paragraph 47 (S4_Doc_288) on requirement for Development Plans to include policies to contribute towards mitigation/adaptation to climate change.
- TAYplan Policy 2 (S4_Doc_066) which requires LDPs to build in climate change resilience, and Policy 3 (S4_Doc_064) on safeguarding carbon sinks

Recommends that the wording of the policy should be expanded to ensure that carbon rich soils in locations proposed for renewable and low carbon energy proposal are protected. This would be in keeping with duties under the 2009 Climate Change Act (Core_Doc_104) to contribute to the delivery of targets to reduce emissions by minimising loss of stored carbon through renewable and low carbon energy generation developments.

The Greenspan Agency (00886/1/001): Policy ER1A (f) gives too much focus to a misunderstood issue. Renewable energy developments are not as much of a threat to CO₂ stores as suggested. The carbon-payback period of a renewable energy development is unlikely to be significantly affected by the carbon emissions caused by construction on peat. Over the 25 year lifespan of a wind energy development the overall carbon saving compared with conventional fossil fuel generation is overwhelmingly favourable. Peat could be referred to in Supplementary Guidance as a matter for possible consideration but should not be included in the policy.

ER1A – Criterion (g)

Force 9 Energy (00369/3/001): It is difficult to define the economic implications of a wind farm development. A series of Directorate for Planning and Environmental Appeals (DPEA) decisions have shown discussions on economic impact are inconclusive. The respondent makes reference to research undertaken by Glasgow Caledonia University (Economic Impacts of Windfarms on Scottish Tourism (2008) (Core_Doc_151), highlighting that the issue appears to be that as wind farms are in rural locations they will impact on peoples' enjoyment of those areas, which may impact on visitor numbers; but the research concluded the impact on tourism was small i.e. less than 1% in Perth and Kinross.

Accepts that it is reasonable to consider such impacts in an application but argues that the difficulties that would arise from seeking to quantify in detail all economic impacts, beyond high level assessment, would suggest an explicit policy expectation is overstated. Comments that impacts on natural and cultural heritage and socio-economic impacts would be considered in an application's supporting Environmental Statement, and continues that the consideration of landscape impact could be extrapolated to give an indication of effect on tourism numbers. The respondent believes that consideration through the Environmental Statement should be sufficient to have due regard to the

largely indefinable and insignificant economic impacts without the need for a specific policy criteria. Policy ER1A (g) should therefore be deleted.

ER1A – Criterion (h)

RES UK & Ireland (00283/1/001): ER1A criterion (h) should be deleted as there is no requirement in Environmental Impact Assessment Regulations (Core_Doc_150) or national planning policy to demonstrate why a site is preferable to other alternative sites or prove there is no alternative site which has lesser environmental effects. Criterion (a) of the policy already covers cumulative impact.

Ecotricity (00884/1/001): The Environmental Impact Assessment (EIA) Regulations (Schedule 4, Part 2) (S4_Doc_281) do not require applicants to consider alternatives. The Regulations recognise that technical and economic criteria have to be given weight. The respondent also makes reference to PAN 58 (paragraphs 69 and 71) (S4_Doc_282) and (S4_Doc_278) which requires the assessment of planning applications on their own merits and not on the merits of potential alternatives. Comments that renewable energy development is different from most other Environmental Impact Assessment developments in that multiple sites will come forward and the policy framework anticipates this. The national and international need for wind farms mean it would be illogical to suggest one proposal is an alternative for another. As wind farms can only be established where the resource is available, and other constraints can be met, the approach must be to allow development given the overall policy imperative. Therefore this section of the policy should be deleted.

Scottish Renewables Forum (00760/1/001): ‘Object’ to ER1A criterion (g). Comments that preparing applications takes considerable time and resource and each should be considered on its own merits. Continues that there is no clear signal within SPP (Core_Doc_048) in terms of the need to consider alternatives, and also makes reference to the contents of PAN 58 paragraph 71 (S4_Doc_278) in respect of the need for planning authorities to determine planning applications on the merits of the proposal before them and not on the merits of possible alternatives, but recognises for some projects the existence or otherwise of a feasible alternative may be a material consideration in the determination of an application.

The respondent comments that renewable energy development is different from most other forms of Environmental Impact Assessment development where consideration of alternatives may be relevant, in that multiple sites will come forward and the policy framework anticipates this. Therefore the consideration of alternatives should not be included within the LDP.

SSE plc (09311/1/006): The sequential approach under criterion (h) is inconsistent with SPP (Core_Doc_048), and the criterion should therefore be re-drafted or only applied in limited circumstances.

Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): Policy ER1A criterion (h) introduces a sequential test at odds with SPP (paragraph 39) (S4_Doc_114), and is almost impossible for applicants to meet. Reporters often disregard sequential test in policies for renewable energy at appeal.

ER1A – Definition of Community, and Community-Led Proposals

RES UK & Ireland (00283/1/001): Clarification is required as to the definition of ‘community’ and what will constitute a community proposal (ER1A last paragraph), as the understanding and definition can vary widely.

Force 9 Energy (00369/4/001): In relation to the last paragraph of Policy ER1A, the respondent argues that it is the use which is relevant, not the operator. SPP (paragraph 3) (S4_Doc_304) does not draw distinction between different promoters; all proposals whether community-led or otherwise must be subject to the same development management regime.

Assessment of the effects of a community-led scheme may only show adverse impacts on a particular community but that does not automatically make the scheme otherwise acceptable. Changes will take place over time within the community that will alter the context of impacts such that community benefit may not remain available to all.

Planning authorities can take cognisance of material considerations in development management decisions and in that context it may be appropriate to accord due weight to community benefits outweighing community impact.

The final paragraph of the policy should therefore be revised to state general support for community led schemes, in line with Scottish Government policy, but any consideration must follow the same approach as any other proposal.

Scottish Renewables Forum (00760/1/001): The final paragraph of Policy ER1A is contrary to principles of the planning system which operates in the public interest rather than to protect the interests of one person or business. The respondent makes reference to SPP paragraph 23 (S4_Doc_076) and Circular 04/09 paragraph 6 (S4_Doc_277) in support of their representation.

ER1A – Protection for National Parks

Loch Lomond and the Trossachs National Park Authority (00842/2/001): Renewable energy proposals surrounding the Loch Lomond and the Trossachs National Park's boundary have the potential to have a visual impact on the Park's setting this should not be exacerbated by inappropriately sited development. This concerns wind energy proposals in particular with an increase in development pressure in the areas adjacent to the Park's boundary. Policy ER1 should be amended or specific reference added to the policy notes to recognise these concerns. The respondent makes reference to the relevant policies within the adopted Local Plan for the National Park, and also the approved and draft National Park Plans, which form the basis for the Park Authority's response to consultations from neighbouring planning authorities.

Loch Lomond and the Trossachs Local Plan Policy REN5 (S4_Doc_279)

Loch Lomond and the Trossachs National Park Plan Policy R3 (S4_Doc_280)

Cairngorms National Park Authority (00849/2/001): Renewable energy proposals surrounding the Cairngorms National Park's boundary have the potential to have a visual impact on the Park's setting this should not be exacerbated by inappropriately sited development. This concerns wind energy proposals in particular with an increase in development pressure in the areas adjacent to the Park's boundary. Policy ER1 should be amended or specific reference added to the policy notes to recognise this possible cross-boundary impact.

ER1 – Timescales for Supplementary Guidance

SSE plc (09311/1/006): Timescales for the preparation of the Supplementary Guidance (a spatial framework for wind energy development) should be an appendix to the LDP. As the Supplementary Guidance is unlikely to be subject to formal examination its aims and objectives should be set out in the LDP so these matters can be subject to Examination.

ABO Wind UK Ltd (00812/1/001): Concerned that Policy ER1 is reliant on Supplementary Guidance not yet available and the existing Guidance on Wind Energy Developments (2005) (Core_Doc_155) is out of date. This provides uncertainty as to the procedures and policies upon which applications will be determined, particularly while the Supplementary Guidance is being consulted upon and approved.

ER1 – Other Comments

Lynne Palmer (00239/10/007): Highlights that *‘the River Tay is not mentioned in the proposed LDP’*; continues that *‘maybe it isn’t necessary to mention it, but [that] reference could be made as the LDP is for many years up to 2024 [and] in that time tidal energy might become a reality for the Tay.’* The respondent would be supportive of the use of the River Tay for tidal energy developments but believes that other current river users might also wish to see it mentioned in the Plan.

ER1 – Protection of the Rural Countryside and Landscapes around Major Tourism Resorts

Methven & District Community Council (09221/1/017): Priority should be given to landscape conservation of traditional rural countryside as a basic resource that brings visitors to Perthshire. Damaging wind farms at Abercairney and Logiealmond have been successfully opposed. In advance of Supplementary Guidance on wind farms, which it is understood may be drafted in 2012, the respondent asks that the landscape setting of Gleneagles, gWest and Crieff Hydro be protected by a wind farm free zone, including Strathearn and its flanking hill slopes, to protect these major tourism resorts against *‘industrial intrusions’*.

ER1B – Extension to Existing Facilities

ABO Wind UK Ltd (00812/1/001): Agrees with the principle of establishing a separate policy on extensions but concerned these will be assessed in a disproportionate manner. Current policy wording would mean the assessment of a single turbine development, or an extension to an existing development, would be on the basis that the landscape and visual cumulative impact would be as significant as that of an entirely separate development of a much larger scale. Argues that there may be scope for sensitively designed and appropriate sized developments to be accommodated alongside consented/constructed wind farms, which could also help to reduce the proliferation of separate developments elsewhere. Continues that the *‘broad brush approach’* proposed through the policy does not take account of individual site characteristics and could unnecessarily restrict suitable sites capable of accommodating additional development.

ER1 – No Changes to the Policy

Lynne Palmer (00239/10/001): Supports Policy ER1.

Mountaineering Council of Scotland (00587/1/002): Supports Policy ER1 and the broad criteria used which provide a clear development management framework. Makes reference to a number of documents in support of this, including SPP paragraph 189 (S4_Doc_112), paragraphs 10 and 18 of SNH’s guidance on ‘Assessing the cumulative impacts of onshore wind energy developments (March 2012) (S4_Doc_274) and (S4_Doc_275), and Schedule 4 of the EIA (Scotland) Regulations (S4_Doc_276).

Loch Lomond and the Trossachs National Park Authority (00842/2/001): Supports the aims of Policy ER1, particularly the inclusion of landscape and wildness, and welcomes consideration of biodiversity, landscape character and visual integrity.

Cairngorms National Park Authority (00849/2/001): Support the aims of Policy ER1, particularly the inclusion of landscape and wildness, and welcomes consideration of biodiversity, landscape character and visual integrity.

ER2 – Changes to Policy Wording

Scottish Power (00455/1/003): Welcome the recognition in the policy that *‘proposals for electricity infrastructure will be supported’* but are concerned that the wording of the rest of Policy ER2 may be overly precautionary. Suggests modification to the policy to read: *‘In environmentally sensitive locations appropriate mitigation will be considered as part of the preparation of any proposal. Where impacts are shown to have a significant negative impact, alternatives such as underground should be considered where appropriate. Where new infrastructure...’*

ER2 – No Changes to the Policy

Lynne Palmer (00239/10/002): Supports Policy ER2.

Mountaineering Council of Scotland (00587/1/003): Supports Policy ER2 *‘and the requirement for appropriate mitigation for infrastructure proposed in environmentally sensitive locations.’* Comments that it would be helpful to have within the Supplementary Guidance links to Policy ER6 a definition of what is meant by *‘environmentally sensitive locations’*.

Councillor Michael Barnacle (02633/1/014): The policy is welcomed and supported and will be beneficial for residents in Blairingone and Crook of Devon.

Friends of the Ochils (10221/1/003): Policy has been written with the presumption that the expected method of transmission will be by way of overhead powerlines. In general the respondent does not welcome the intrusion of overhead powerlines on the landscape and therefore supports, as a minimum, the policy that appropriate mitigation should be carried out in environmentally sensitive areas such as the Ochil Hills. Such appropriate mitigation would be achieved by undergrounding power lines in the Ochils. Underground power lines protect the natural beauty of the environment as well as avoiding the disruption and associated cost that occurs when adverse weather conditions causes powerlines to collapse.

Modifications sought by those submitting representations:

ER1 – General Policy Changes and Supplementary Guidance (General Comments)

ABO Wind UK Ltd (00812/1/001): Policy ER1A should recognise that proposals for renewable energy developments should be assessed against other general LDP policies and Supplementary Guidance on renewable energy.

Liz Hodgson (00853/1/002): Encouragement or reward should be given to developments which set aside suitable land for the future development of biomass district heating.

ER1 – Detail for Supplementary Guidance

Scottish Power (00455/1/002): The LDP should refer to the Scottish Government’s target to generate the equivalent of 100% electricity demand from renewable energy by 2020, and Policy ER1 should set out how Perth and Kinross will contribute towards this target.

The LDP should recognise the economic, social and environmental benefits and impacts of renewables on a local and regional/national scale to ensure decisions are made within the correct policy framework.

Forestry Commission Scotland (08988/1/005): Policy ER1 should make it clear that the Supplementary Guidance will cover all types of renewable energy production including that from woody biomass.

Scottish Natural Heritage (05211/8/001): Policy ER1A should include the following additional points:

- (i) Their fit within the Council's spatial framework for onshore wind energy development to ensure the spatial framework for wind farms is a fundamental consideration in assessing new proposals.
- (j) Their effects on natural river flow regimes and migratory fish in recognition of the potential impacts of hydro-electric schemes on river systems and particularly in relation to the extent of freshwater Special Areas of Conservation in Perth and Kinross.

SportScotland (03185/1/003): Policy ER1A should make reference to impacts on outdoor sport and recreation interests.

Maureen Beaumont (07262/1/001): Policy ER1A should include the following additional points:

- i) Aviation and telecommunications impacts.
- j) Noise and shadow-flicker.

Ecotricity (00884/1/001): Policy ER1 should be revised to be more precise and give clarity as to where onshore wind development will be acceptable.

Fossoway and District Community Council (00830/1/014): Policy ER1A should include guidance on the location of small scale wind development.

The Greenspan Agency (00886/1/001): The need for faster deployment of renewable energy to meet the 2020 target of 100% electricity from renewables should be reflected in the tone of Policy ER1A.

ER1A New Proposals – Comments on the First Paragraph

RES UK & Ireland (00283/1/001): Further explanation and clarification of policy wording is required in terms of what is meant by *'well related'* and how this will be assessed.

SSE plc (09311/1/006): Greater clarity as to what is meant by *'well related to the resources that are needed for their operation.'*

Alexander Harley Seeds Ltd (00885/1/003): It is not explicitly stated within the representation but it is implied that the phrase *'where they are well related to the resources that are needed for their operation'* should be removed.

The Greenspan Agency (00886/1/001): It is not explicitly stated within the representation but it is implied that the phrase *'where they are well related to the resources that are needed for their operation'* should be removed. The Policy should more clearly and positively emphasise the role of renewables in meeting the goals of sustainable development.

ER1 New Proposals - Wind Energy Development Proposals

Friends of the Ochils (10221/1/005): Policy ER1 and the Supplementary Guidance must address the risks associated with windfarms below 20 megawatts (MW) as well as those above.

Supplementary Guidance must not only be applicable to developments above 20MW. A specific policy should be developed for turbines erected under the Feed in Tariff Scheme.

Kinross-shire Civic Trust (06950/1/005): Wind farms should be specifically mentioned in the LDP Policy.

Carse of Gowrie Sustainability Group (00788/1/005); Fiona Ross (00786/1/006): It is not explicitly stated but it is implied that Policy ER1 should cover smaller scale energy generation schemes.

ER1A – Criterion (a)

RES UK & Ireland (00283/1/001): Further explanation and clarification of policy wording is required: the terms *'wildness qualities'*, *'tranquil qualities'* and *'visual integrity'* in (a) should be explained or deleted.

Perthshire Chamber of Commerce (03005/1/003): Policy ER1A (a) should be reworded to read: *'...and the residential (commercial) amenity of the surrounding area.'*

ER1A – Criterion (b)

Force 9 Energy (00369/2/001): Policy ER1A (b) should be deleted

ER1A – Criterion (c)

Scottish Renewables Forum (00760/1/001): It is not explicitly stated but it is implied that policy ER1A (c) should be deleted.

Alexander Harley Seeds Ltd (00885/1/003); ABO Wind UK Ltd (00812/1/001); The Greenspan Agency (00886/1/001); Ecotricity (00884/1/001): Policy ER1A (c) should be deleted.

ER1A – Criterion (d)

SSE plc (09311/1/006): Policy ER1A (d) should be more specific as to what is being assessed.

ER1A – Criterion (f)

Scottish Environment Protection Agency (03194/14/001): ER1A (f) should be reworded: *'the need to minimise the impact on carbon rich soils.'*

The Greenspan Agency (00886/1/001): Policy ER1A (f) should be deleted.

ER1A – Criterion (g)

Force 9 Energy (00369/3/001): Policy ER1A (g) should be deleted.

ER1A – Criterion (h)

RES UK & Ireland (00283/1/001); Ecotricity (00884/1/001); Scottish Renewables Forum (00760/1/001); Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): Policy ER1A criterion (h) should be deleted.

SSE plc (09311/1/006): Policy ER1A criterion (h) should be re-drafted or only applied in limited circumstances.

ER1A – Definition of Community, and Community-Led Proposals

RES UK & Ireland (00283/1/001): The term *'community'* needs to be defined and

clarification provided as to what will constitute a community proposal (ER1A last paragraph).

Force 9 Energy (00369/4/001): The last paragraph of Policy ER1A should be revised to state that there will be general support for community-led schemes but any consideration of such proposals must follow the same approach as any other proposal.

Scottish Renewables Forum (00760/1/001): It is not explicitly stated but it is implied that the last paragraph of Policy ER1A should be deleted.

ER1A – Protection for National Parks

Loch Lomond & the Trossachs National Park Authority (00842/2/001); Cairngorms National Park Authority (00849/2/001): Policy ER1 should be amended to recognise that the impact of this type of development could extend outwith the LDP area to areas designated as National Parks, which have particular landscape qualities. Alternatively this could be contained within the Supplementary Guidance.

ER1 – Timescales for Supplementary Guidance

SSE plc (09311/1/006): The aims and objectives of the Supplementary Guidance and the timescale for its preparation should be set out in the LDP.

ABO Wind UK Ltd (00812/1/001): No explicit change sought.

ER1 – Other Comments

Lynne Palmer (00239/10/007): Suggests that the River Tay is referred to in the LDP given the possible potential for tidal energy within the Plan period and also for the benefit of other river users.

ER1 – Protection of the Rural Countryside and Landscapes around Major Tourism Resorts

Methven & District Community Council (09221/1/017): Priority should be given to landscape conservation of traditional rural countryside and in advance of Supplementary Guidance on wind farms, which we understand may be drafted in 2012, we ask that the landscape setting of Gleneagles, gWest and Crieff Hydro be protected by a wind farm free zone, including Strathearn and its flanking hill slopes to protect these major tourism resorts against 'industrial intrusions'. However, no form of proposed wording is provided.

ER1B – Extension to Existing Facilities

ABO Wind UK Ltd (00812/1/001): Policy ER1 should be less restrictive on the assessment of extensions to existing development.

ER2 – Changes to Policy Wording

Scottish Power (00455/1/003): Proposed modification to policy wording to read '*In environmentally sensitive locations appropriate mitigation will be considered as part of the preparation of any proposal. Where impacts are shown to have a significant negative impact, alternatives such as underground should be considered where appropriate. Where new infrastructure...*'.

Summary of responses (including reasons) by planning authority:

General Note to the Reporter on Supplementary Guidance

Please note that throughout a number of the Council's responses below reference is made the future preparation of Supplementary Guidance documents on a '*Spatial*

Strategy for Wind, *Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction*, and *Landscape Guidance*. In the interest of avoiding repetition in this Schedule 4, it is highlighted that these documents are programmed for production as a priority during 2013, and the relevant core document references are: Draft Action Programme (page 14) (S4_Doc_458) and Perth and Kinross Enterprise and Infrastructure Committee Report: Priorities for Supplementary Guidance – A Work Programme 2012-2014, 7 November 2012 (page 65) (S4_Doc_468).

Clarifying the Detail of Supplementary Guidance

Forestry Commission Scotland (08988/1/005); Fossoway & District Community Council (00830/1/014); Friends of the Ochills (10221/1/005); Kinross-shire Civic Trust (06950/1/005); Carse of Gowrie Sustainability Group (00788/1/005); Fiona Ross (00786/1/006): A number of the respondents have raised the matter that there is uncertainty as to what topics the Supplementary Guidance documents linked to Policy ER1 will address. As such, if the Reporter is minded to amend the policy to provide greater clarity, the Council would be content with the following amended wording for the 'Note' section at the end of Policy ER1:

'Note: Supplementary Guidance will provide a spatial framework for wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications, for a range of other renewable and low carbon energy generating developments, including: hydro-schemes, woody biomass, landfill gas, energy from waste, anaerobic digestion, energy storage, large photovoltaic arrays, and microgeneration.'

ER1 – General Policy Changes and Supplementary Guidance (General Comments)

ABO Wind UK Ltd (00812/1/001): The Council is in agreement with the respondent's statement; the Plan's policy suite provides the framework against which all proposals should be assessed, and all of the relevant policies which apply to a proposal should be considered by the applicant in their submission, and will be considered by the planning authority through the development management process. Applicants are also expected to take into account all relevant policies in the Local Development Plan in the formulation of their proposals.

No modification is proposed to the Plan.

Liz Hodgson (00853/1/002): It is not within the Council's power or remit to provide rewards for such developments; however, for major strategic development sites within the Plan e.g. H7: Berthapark on page 77 (S4_Doc_408), the site specific developer requirements seek *'investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.'*

Further detailed guidance on different types of renewable and low carbon energy generating developments will be provided through Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

ER1 – Detail for Supplementary Guidance

Scottish Power (00455/1/002): It was considered by the Council that the level of detail sought by the respondent related to national targets for all renewables would be better set out in the Supplementary Guidance to Policy ER1.

These documents will reflect the national agenda, aims, objectives and policies in respect of renewable energy generation, including that the 100% target is to meet Scotland's demand, 2020 Routemap for Renewable Energy in Scotland, page 4 (S4_Doc_450). Nonetheless it is recognised that the energy market transcends Council boundaries, and some council areas will have the potential to generate more energy than others, and also that there is no cap on the amount of electricity to be generated from renewable sources to contribute to the UK Government target. Consideration will also be given to the other key issues associated with such developments in line with SPP paragraph 185 (S4_Doc_305), which states that *'factors relevant to the consideration of applications will depend on scale of development and its relationship with the surrounding area, but are likely to include impact on landscape, historic environment, natural heritage, and water environment, amenity and communities and any cumulative impacts that are likely to arise.'*

The 2020 Routemap for Renewable Energy in Scotland (paragraph 2.3.4) (S4_Doc_459) recognises that *'There remains a need to ensure that, as renewable penetration increases onshore in particular, environmental and land use considerations are not compromised.'*

In terms of the respondent's comments relating to wind farms and designated landscapes, the Supplementary Guidance documents on landscape, and renewable and low carbon energy generating developments, like Policy ER1 and the rest of the Plan's policy framework, will seek to secure the right development in the right location; reflecting SPPs (paragraph 127) (S4_Doc_126) acknowledgement that *'different landscapes have different capacity to accommodate new development'*, and also paragraph 33 (S4_Doc_091) which requires *'a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances the quality of the natural and built environment as an asset for that growth'* in the pursuit of sustainable economic growth.

The Council's programmed Spatial Strategy for Wind Supplementary Guidance will meet the requirements on planning authorities set out in SPP paragraph 189 (S4_Doc_112) to identify:

- *'areas requiring significant protection because they are designated for their national or international landscape or natural heritage value, are designated as green belt or are areas where the cumulative impact of existing and consented wind farms limits further development,*
- *areas with potential constraints where proposals will be considered on their individual merits against identified criteria, and*
- *areas of search where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria.'*

It will also be informed by the David Tyldesley Associates Capacity for Wind Energy Study (Core_Doc_199) commissioned by the Council, the Tayside Landscape Character Assessment (Core_Doc_035), the review of Landscape Character Areas currently being undertaken by Scottish Natural Heritage (SNH), and the existing and new landscape capacity studies for the area, including those for Kinross-shire (Core_Doc_053) and Perth (Core_Doc_162). It will also take account of the most recent guidance from Scottish Natural Heritage.

No modification is proposed to the Plan.

Forestry Commission Scotland (08988/1/005): It is recognised that it may not be obvious from the 'Note' section at the end of Policy ER1 that the Supplementary Guidance to be developed in association with this policy will deal with other types of renewable energy generation developments, including 'woody biomass'. However, it is considered that this is implied by the title given to the relevant guidance document in Appendix 1 of the Plan i.e. *'Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction'*. (S4_Doc_409)

It is considered that no modification is necessary to the Plan, however, if the Reporter is minded to amend the policy to provide greater clarity, the Council would be content with the suggested form of amended words for the 'Note' at the end of Policy ER1, which was provided at the beginning of this 'Summary of responses (including reasons) by planning authority' section.

Scottish Natural Heritage (05211/8/001); SportScotland (03185/1/003); Maureen Beaumont (07262/1/001); Ecotricity (00884/1/001): It is considered that Scottish Natural Heritage's suggested additional criterion (i) in respect of the Council's spatial framework for onshore wind energy is not necessary as the requirement is already implicit within the Policy. Suggested criterion (j) is deemed to already be covered by criterion (a) of the Policy.

Furthermore, the specific topics of wind energy developments and hydro-electric schemes; the issue of impacts of renewable and low carbon energy generation developments on outdoor sport and recreation interests, and also aviation and telecommunication impacts and the issues of noise and shadow flicker, raised through representations Scottish Natural Heritage (05211/8/001); SportScotland (03185/1/003); Maureen Beaumont (07262/1/001); and Ecotricity (00884/1/001); are matters of detail which it is more appropriate to expand upon through Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

Fossoway & District Community Council (00830/1/014): As per the first sentence of the policy, the criteria will be applicable to all proposals for renewable and low carbon energy generation, not just large-scale developments. Furthermore, as referred to in the 'Note' section at the end of Policy ER1, the Council intends to produce Supplementary Guidance which *'will provide a spatial framework for wind energy developments and further explain the locational, technological, environmental and design requirements for developers to consider in making their applications.'*

No modification is proposed to the Plan.

The Greenspan Agency (00886/1/001): The Scottish Government's target to generate the equivalent of 100% electricity demand from renewable energy by 2020 is acknowledged. However, it is also noted that national policy and the 'Routemap for Renewable Energy in Scotland' (Core_Doc_103), as referred to by the respondent, still contain an emphasis on getting the right development in the right place. The 'Routemap' document recognises *'the importance of ensuring that Scotland's ambitions for renewable energy are not pursued at the expense of the wider environment...'* (page 19) (S4_Doc_460) and recognition that *'there remains a need to ensure that, as renewable penetration increases onshore in particular, environmental and land use considerations are not compromised'* (paragraph 2.3.4) (S4_Doc_459); whilst SPP (paragraph 33) (S4_Doc_091) highlights that the achievement of sustainable economic growth relies on *'a planning system that*

enables the development of growth enhancing activities ...and protects and enhances the quality of the natural and built environment as an asset for that growth.' SPP also continues in paragraph 184 (S4_Doc_111) to state that *'planning authorities should...guide development to appropriate locations...'*

In terms of the respondents comments regarding the need to increase the rate of renewable energy deployment, the Council, through Policy ER1, sets a positive framework for renewable and low carbon energy generation proposals, and whilst meeting the 100% target may require the acceleration of projects across Scotland, it is for the development industry to deliver upon this; the planning authority is unable to determine the rate at which applications come forward.

No modification is proposed to the Plan.

ER1A – Comments on the First Paragraph

RES UK & Ireland (00283/1/001); SSE plc (09311/1/006); Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): The policy is applicable to a range of renewable and low carbon energy generating developments and the reference to *'well related to the resources that are needed for their operation'* in the first paragraph of Policy ER1A relates more to biomass technologies, where the Council will support such developments which are close to their source e.g. woodfuel developments within or close to forests or on-farm anaerobic digesters. However, further details on the locational, technological, environmental and design requirements for developers to consider will be provided within Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

ER1A New Proposals - Wind Energy Development Proposals

Friends of the Ochils (10221/1/005): Paragraph 189 of SPP (S4_Doc_112) requires planning authorities to *'set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity'*, and continues that authorities may, if considered appropriate, *'incorporate wind farms of less than 20 megawatts generating capacity'* in that framework. There will be a suite of guidance, including the *'Spatial Strategy for Wind'*, *'Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction'*, and *'Landscape Guidance'*. At this stage it is not clear if the spatial framework will concentrate on onshore windfarms of over 20 megawatts capacity, or if it will look to provide advice on smaller scale developments. Nonetheless, the supplementary on Renewable and Low Carbon Energy Generation etc. will, as noted at the end of Policy ER1, *'further explain the locational, technological, environmental and design requirements for developers to consider in making their applications'* which will not be restricted to wind farms of 20 megawatts capacity and above.

In terms of the respondents concerns regarding the Plan addressing the issue of smaller windfarms (including those erected under the Feed-in Tariff Scheme) and the splitting of applications/proposals by developers, as per the first sentence of the policy, the criteria will be applicable to all proposals for renewable and low carbon energy generation, not just large-scale, and criterion (a) specifically states that the individual or cumulative effects of proposals on a range of environmental considerations will be assessed. However, the issue of smaller wind energy developments will be dealt with in more detail in the Supplementary Guidance to accompany the Plan.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (06950/1/005): Policy ER1 provides the policy framework for assessing a range of renewable and low carbon sources of energy, not just wind, and as new technologies may come on stream during the lifetime of the Plan, it is not considered necessary to specifically mention all of the different types of energy generating developments. Furthermore, additional detail in relation to wind energy developments will be provided through Supplementary Guidance, as noted at the end of Policy ER1 on page 47.

In terms of the respondent's comments relating to the *'proliferation of smaller single and double wind turbines...with no policy for these'*; criterion (a) of the policy requires the individual and cumulative impacts of new proposals and extensions to existing facilities to be considered in the assessment of any such proposals.

Routemap for Renewable Energy in Scotland' (Core_Doc_103) makes it clear that the Scottish Government considers that wind energy has a significant role to play in helping to achieve the 2020 target of 100% electricity demand from renewable energy, and this is further supported by SPP (paragraph 182) (S4_Doc_110), which recognises that *'hydro-electric and on-shore wind power are currently the main sources of renewable energy supplies... [and although] this is expected to continue... [they] will increasingly be part of a wider renewables mix as other technologies become commercially viable.'* It is therefore considered that Policy ER1 is in line with SPP as it provides the framework for assessing different types of renewable and low carbon energy generating proposals, including wind.

No modification is proposed to the Plan.

Carse of Gowrie Sustainability Group (00788/1/005); Ms Fiona Ross (00786/1/006): It is not accepted that Policy ER1 deals mainly with large-scale facilities, the first sentence of the policy addresses all proposals for the *'utilisation, distribution and development of renewable and low carbon sources of energy, including large-scale ...installations...'*, and the criteria to follow will be applied as appropriate, depending on the details of individual proposals.

As per the note at the end of Policy ER1, the Supplementary Guidance to be produced in association with this policy will provide further detail in terms of the requirements for developers, and this will be for a range of energy generation development types, including Combined Heat and Power. The Perth and Kinross Heat Map (Core_Doc_178) will be used to inform this guidance and also proposals submitted to the development management process, where appropriate.

No modification is proposed to the Plan.

ER1A – Criterion (a)

RES UK & Ireland (00283/1/001): Further explanation as to what is meant by the terms *'wildness'* and *'tranquil'* qualities and how these will be measured for a development will be provided in Supplementary Guidance to the Plan. Scottish Natural Heritage's methodology for identifying relative wildness will be used to define these terms and inform the Supplementary Guidance. (Identifying Relative Wildness Non –Technical Methodology, SNH, January 2012) (S4_Doc_469).

No modification is proposed to the Plan.

Perthshire Chamber of Commerce (03005/1/003): It is considered that criterion (g) of the Policy already covers this issue.

No modification is proposed to the Plan.

ER1A – Criterion (b)

Force 9 Energy (00369/2/001): The need to consider the contribution of development proposals towards meeting carbon reduction targets under criterion (b) is to assist the Council in providing decision-makers with all the information needed to make an informed decision. It is accepted that renewable energy developments will contribute to the reduction of greenhouse gas emissions. Indeed most planning applications submitted provide that sort of information in their Planning Statements or Environmental Statements; having it as a criterion in the policy will ensure that all applicants are treated in the same way. The information will assist in understanding the overall balance of benefits or disbenefits associated with a proposal. Policy ER1 does not state that applications will be refused if they do not contribute to carbon reduction targets.

No modification is proposed to the Plan.

ER1A – Criterion (c)

Scottish Renewables Forum (00760/1/001); Alexander Harley Seeds Ltd (00885/1/003); ABO Wind UK Ltd (00812/1/001); The Greenspan Agency (00886/1/001); Ecotricity (00884/1/001): Criterion (c) of the policy is referring to the visual effect on all of the elements listed under criterion (a) of a distribution/transmission line, it does not relate to grid capacity.

No modification is proposed to the Plan.

ER1A – Criterion (d)

SSE plc (09311/1/006): Criterion (d) of the policy does not only relate to air quality and CO₂ as presumed by the respondent. This is considered to be explicit within the policy as it also refers to site access, road capacity and road safety.

No modification is proposed to the Plan.

ER1A – Criterion (f)

Scottish Environment Protection Agency (03194/14/001): It is considered that criterion (f) provides the necessary 'hook' within in the Plan for the protection of carbon rich soils and this matter will be expanded upon further, in line with national and regional policy, through Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

The Greenspan Agency (00886/1/001): The disruption of areas of carbon rich soil by development results in the loss of the stored carbon resulting in greenhouse gases being released into the atmosphere. Part 1 of the Climate Change (Scotland) Act 2009 (Core_Doc_104) sets a target of reducing the emission of greenhouse gases and efforts to mitigate climate change through reducing these emissions at source. This is further supported by Principle f of Scotland's Land Use Strategy (S4_Doc_287) which states that *'land-use decisions should be informed by an understanding of the opportunities and threats brought about by the changing climate. Greenhouse gas emissions associated with land use should be reduced and land should continue to contribute to delivering climate change adaptation and mitigation objectives.'* Additionally, SPP (paragraph 42)

(S4_Doc_120) states that development plans should require the siting, design and layout of all new development to limit the likely emissions of greenhouse gases. SPP continues at paragraph 133 (S4_Doc_121) that *'the disturbance of some soils, particularly peat, may lead to the release of stored carbon, contributing to greenhouse gas emissions. Where peat and other carbon rich soils are present, applicants should assess the likely effects associated with any development work.'* Finally TAYplan policies 2 and 3 (S4_Doc_066) and (S4_Doc_064) require LDPs to protect the carbon storage capacity of soils and to safeguard carbon sinks.

In addition, the Scottish Government in association with Scottish Natural Heritage, the Scottish Environment Protection Agency and The James Hutton Institute have prepared a document which provided the key principles for surveying peatland and carbon rich soils to help inform 'carbon payback calculations'. (Developments on Peatland: Site Surveys) (S4_Doc_461)

It is therefore considered that the inclusion of criterion (f) within Policy ER1A is in line with national and regional policy requirements, and this issue will be expanded upon further within Supplementary Guidance.

No modification is proposed to the Plan.

ER1A – Criterion (g)

Force 9 Energy (00369/3/001): It is firstly important to note that Policy ER1 is about all renewable projects, not just wind energy. It is not accepted that criterion (g) of Policy ER1A should be deleted, as it requires the consideration of both positive and negative effects on the local or Perth and Kinross economy, and as such is not intended as a constraint on development; it is a factor to be considered and also provides an opportunity to demonstrate any positive benefits of wind energy and other renewable and low carbon energy generation proposals. This will help decision-makers reach a fully informed decision.

This could be done through the production of a Tourism Impact Assessment (TIA) as part of the Environmental Impact Assessment to accompany an application; as recommended through the study carried out by Glasgow Caledonia University (The Economic Impacts of Wind Farms on Scottish Tourism, March 2008, Section 13.4, page 269) (S4_Doc_462).

The planning recommendations coming out of the 2008 study suggested that planning authorities in assessing wind energy development proposals may wish to consider the following factors (Section 13.3, page 269) (S4_Doc_463):

- The number of tourists travelling past *en route* to elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local to national
- The potential positives associated with the development i.e. information provision
- The views of tourist organisations i.e. local tourist businesses or VisitScotland
- Outdoor Activity in the area of the development

It was recommended that in some cases these considerations by the Council would be greatly assisted if developers provided this information via a Traffic Impact Assessment. Finally, as the key findings of the study identified that the largest local effect was estimated for the '*Stirling, Perth & Kinross*' case study area, where the forecasted (worst case scenario) impact on tourism would mean that the Gross Value Added in these two economies will be £6.3 million lower in 2015 than it would have been in the absence of

any wind farms (at 2007 prices); and with the majority of this activity being expected to be displaced to other areas of Scotland; it is thought prudent that the Council gives some consideration to this factor in assessing applications for such proposals, particularly given the recognised importance of tourism to the economy of Perth and Kinross. (Perth & Kinross Proposed LDP, paragraphs 2.2.4 and 3.3.6 (S4_Doc_410), and (S4_Doc_411)

No modification is proposed to the Plan.

ER1A – Criterion (h)

RES UK & Ireland (00283/1/001); Ecotricity (00884/1/001); Scottish Renewables Forum (00760/1/001); SSE plc (09311/1/006); Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): The assessment of cumulative effects as required under criterion (a) of the policy is different from the consideration of alternative sites for proposals. Cumulative effects are effects that result from changes caused by a project, plan, programme or policy in association with other past, present or reasonably foreseeable future plans and actions. Cumulative impact can result from individually minor, but collectively significant actions taking place over a period of time. The consideration of alternative sites allows for *'the environmental merits of practicable alternatives [to the proposal which is the subject of the planning application, to be] ...properly considered.'* (Planning Circular 03/2011: The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, paragraph 95) (S4_Doc_464).

Whilst it is acknowledged in the Circular that *'the Directive and the Regulations do not expressly require the applicant to study alternatives, [it continues that] the nature of certain developments and their location may make the consideration of alternative sites a material consideration... [and in] such cases, the ES [environmental statement] must record this consideration of alternative sites.'* (paragraph 95) (S4_Doc_464).

This recognised need to consider alternatives through the Environmental Impact Assessment (EIA) process is supported by the European Commission's recent Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, October 2012 (proposed amendment to paragraph 1 of Article 5 of Directive 2011/92/EU, page 16) (S4_Doc_465), which proposes to introduce amendments in terms of the quality and analysis of the Environmental Impact Assessment, including specifying the content of the Environmental Impact Assessment report to ensure the mandatory assessment of reasonable alternatives to the proposed project. This has specifically come about because evidence of practice since the Directive came into force suggests that alternatives have not been looked at through the Environmental Impact Assessment process.

In response to the reference made to Planning Advice Note (PAN) 58 (Core_Doc_154) in representations Ecotricity(00884/1/001) and Scottish Renewables Forum (00760/1/001), paragraph 69 (S4_Doc_282) of that document states that it has *'always been good practice for the Environmental Statement to report on the alternatives considered by the applicant and it is a requirement of the 1999 Regulations. The reporting has not amounted to a full Environmental Statement on each alternative, even where they have been significantly different, but has given an outline of them and explained how the choice between them was made'*, which is what the Council would expect to see in an Environmental Statement for a proposal. Furthermore, as per paragraph 71 (S4_Doc_278), the Council would not expect applicants to *"invent" alternatives when none has been considered'*. However, a lack of alternatives should be explained, as per

the advice under this same paragraph of the Planning Advice Note.

No modification is proposed to the Plan.

ER1A – Definition of Community, and Community Led Proposals

RES UK & Ireland (00283/1/001): Agree with the respondent that the '*understanding and definition of what constitutes a community can vary widely*', and add that it may depend on individual circumstances. However, it is intended to provide a definition and expand further on this matter in Supplementary Guidance to the policy.

No modification is proposed to the Plan.

Force 9 Energy (00369/4/001); Scottish Renewables Forum (00760/1/001): It is firstly important to note that Policy ER1 is about all renewable projects, not just wind energy. The second paragraph of the policy which refers to community-led proposals was developed for circumstances where the potential effects of a proposal will be contained within a locality, and if that community who will be affected by it are not opposed to it, and if it is not affecting anyone else or anywhere else, the Council would be supportive of the proposal; '*provided it has been demonstrated that there will be no significant environmental effects...*'.

However, Force 9 Energy's (00369/4/001) comment regarding the tightening of the policy for community-led proposals does have merit. Therefore, if the Reporter is so minded to amend the second paragraph of Policy ER1A so that it reflects a more general support for such projects, but still requires that criteria (a)–(h) are met, the Council would be comfortable with this amendment. This approach should also address the comment made under representation by Scottish Renewables Forum (00760/1/001).

ER1A – Protection for National Parks

Loch Lomond & the Trossachs National Park Authority (00842/2/001); Cairngorms National Park Authority (00849/2/001): The comments made by both national park authorities with regards to the potential visual impact of renewable energy proposals outwith their boundaries on the setting of the parks are acknowledged; however, it is highlighted that there are no buffers in place around the parks and as such proposals for such developments will be determined using the policy framework provided by the Local Development Plan. This includes Policy ER1 which requires the assessment of the individual and cumulative effects of proposals on a number of elements including landscape character and visual integrity. Furthermore, it is intended that the Council's spatial framework for wind energy developments, to be provided through Supplementary Guidance will expand further upon this topic.

No modification is proposed to the Plan.

ER1 – Timescales for Supplementary Guidance

SSE plc (09311/1/006): The draft timescales for Supplementary Guidance are provided through the Draft Action Programme (Core_Doc_172) which was published on the Council's website alongside the Proposed Plan for a period of representation. Any outstanding representations made in respect of the Draft Action Programme during that time will also be submitted to the Scottish Ministers for Examination. The updated and adopted Action Programme will then be published within three months of the adoption of the LDP, in line with Part 2, Section 21(8) of the Planning etc. (Scotland) Act 2006 (S4_Doc_466).

Although, the draft programme (page 14) (S4_Doc_458) identified the delivery of the Guidance on a spatial strategy for wind energy developments during 2012, due to resource constraints it has not been possible to complete the process in that timeframe. However, following an update to the Draft Action Programme, which was agreed by Council, it is now a recognised priority for 2013.

All of the Council's programmed draft Supplementary Guidance documents will go through formal engagement and consultation processes, and the Council will consider any representations made to them before they are finalised. A copy of proposed Supplementary Guidance will then be submitted to the Scottish Ministers for at least a period of 28 days before it will be adopted and issued by the Council, in line with Part 2, Section 22 of the Planning etc. (Scotland) Act 2006 (S4_Doc_266).

Finally, the overall aim of the policy is to encourage renewable and low carbon energy generation developments in the right locations and in the right circumstances, which is considered to be implicit within the policy. In light of the scope and scale of issues that are likely to be considered under this policy it was considered appropriate to provide the necessary level of detail through Supplementary Guidance. This approach is believed to reflect the advice at paragraph 96 of Circular 1/09: Development Planning (S4_Doc_467) which states that '*Scottish Ministers' intention is that much detailed material can be contained in Supplementary Guidance, allowing the Plans themselves to focus on vision, the spatial strategy, overarching and other key policies, and proposals.*'

No modification is proposed to the Plan.

ABO Wind UK Ltd (00812/1/001): The respondent's concerns are acknowledged, however, unfortunately due to time and resource constraints, and the scope and scale of work involved in producing the Supplementary Guidance linked to Policy ER1, it was not possible to complete a draft of the document for consulting upon alongside the period for representations on the Proposed Plan. It is however programmed as a priority for 2013, and is expected to come on stream alongside the adoption of the Local Development Plan. Assessment of wind energy development proposals in the interim will be made using the Development Plan's policy framework, the David Tyldesley Associates Capacity for Wind Energy Study (Core_Doc_199) commissioned by the Council to help inform the Supplementary Guidance, the existing landscape capacity studies for Kinross-shire (Core_Doc_053) and Perth (Core_Doc_162), the Tayside Landscape Character Assessment (Core_Doc_035), the Kinross-shire Landscape Character Assessment (Core_Doc_053) and any others which may be developed.

No modification is proposed to the Plan.

ER1 – Other Comments

Lynne Palmer (00239/10/007): The respondent correctly notes that there is no reference to the River Tay in the Plan in relation to its potential for tidal energy generation or its use for leisure/recreational purposes. Whilst it is agreed that a general mention of the river throughout the Plan would provide a useful commentary it is not considered a necessary inclusion. Furthermore, due to the sensitivity of the River Tay as a Special Area of Conservation and the potential impact on navigation of the river, it is considered unlikely that tidal energy will be a future reality for the river.

No modification is proposed to the Plan.

ER1 – Protection of the Rural Countryside and Landscapes around Major Tourism Resorts

Methven & District Community Council (09221/1/017): It is the intention of the Council to designate 'Local Landscape Areas' in line with SPP (paragraphs 139 and 140) (S4_Doc_085) and (S4_Doc_127) through Supplementary Guidance to the Plan on landscape in order to protect the most important landscapes in Perth and Kinross.

It was considered by the Council that given the likely scope, scale and detail involved in identifying such areas, and also to ensure their protection and enhancement through the development management processes, that the issue would be best dealt with through Supplementary Guidance. This Guidance is programmed for production and consultation during 2013 as a priority (Draft Action Programme, page 14) (S4_Doc_458), and will be informed by the Tayside Landscape Character Assessment (Core_Doc_035), the Kinross-shire Landscape Character Assessment (Core_Doc_053), the review of Landscape Character Areas currently being undertaken by Scottish Natural Heritage (SNH), existing and new landscape capacity studies, including those for Kinross-shire (Core_Doc_053) and Perth (Core_Doc_162), and various community engagement and consultation exercises in order to help identify the most locally important landscapes within Perth and Kinross, which will then be designated by the Council as Local Landscape Areas. Furthermore, the '*Spatial framework for wind energy developments*' Supplementary Guidance will direct wind energy developments to the most appropriate locations.

The second sentence of Policy ED5 (S4_Doc_391) already states in respect of major tourism resorts that '*the landscape setting which is integral to their tourism offer will be protected from developments with the potential to adversely impact upon it.*' Furthermore, it specifically identifies Gleneagles Hotel, gWest and Crieff Hydro; therefore it is considered that this issue is covered within that Policy.

No modification is proposed to the Plan.

ER1B – Extension to Existing Facilities

ABO Wind UK Ltd (00812/1/001): It is contested that Policy ER1B is a '*broad brush approach*' as per the respondent's comments, as it is considered that it will allow for the individual circumstances of proposals to be assessed through the development management process by applying the policy framework contained within the LDP.

Whilst it is acknowledged that there may be scope to accommodate sensitively designed and appropriate sized developments alongside existing wind farms, it is argued by the Council that until the necessary assessment of the potential effects of any such proposals, on the elements listed in criterion (a) of Policy ER1A, has been undertaken it is not known whether or not their will be a significant impact.

No modification is proposed to the Plan.

ER2 – Changes to Policy Wording

Scottish Power (00455/1/003): The proposed alternative policy wording is not considered acceptable as changing the current wording in the policy to that suggested in the representation would remove the onus on the applicant to provide appropriate mitigation in respect of their proposals at environmentally sensitive locations, and would create some ambiguity as to where the responsibility for considering any such measures during the proposal development stage lies i.e. it seems that the alternative wording as suggested would place the burden on the Council as the planning authority to develop

mitigation, when it should be for the applicant to develop any such measures for the deliberation of the Council during the decision-making process. In addition it could have the effect of downgrading the issue of mitigation to just being a consideration as part of proposal preparation stage rather than a requirement.

The suggestion that the policy is '*overly precautionary*' is also not accepted. SPP (paragraph 37) (S4_Doc_128), under the '*Sustainable Development*' section, states that '*the planning system has an important role in supporting the achievement of sustainable development through its influence on the location, layout and design of new development*' and continues that decision making should protect and enhance the cultural heritage and natural environment (including biodiversity and landscape). This is further supported through a number of the subject policies contained within SPP (Core_Doc_048), including those on the Historic Environment (paragraph 112) (S4_Doc_306), and Landscape and Natural Heritage (paragraph 132) (S4_Doc_307). The policy highlights underground alternatives to overhead route proposals as an example of an appropriate mitigation measure in environmentally sensitive locations.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy ER1 - General Policy Changes

1. A number of representations provide support for policy ER1. In response to the request that the Proposed Plan should include a reference to the Scottish Government target for meeting electricity demand from renewable energy and how Perth and Kinross will contribute towards this target, the planning authority considers that the national agenda, aims, objectives and policies in respect of renewable energy generation, including the Scottish Government's 100% target, would be better set out in the supplementary guidance on '*Renewable and Low Carbon Energy Generation*'. The planning authority confirms that consideration will be given in preparing supplementary guidance to the key issues associated with renewable energy development set out in SPP. The planning authority's programmed '*Spatial Strategy for Wind*' Supplementary Guidance will meet the requirements set out in paragraph 189 of SPP.

2. Unlike other sections of the Proposed Plan, there is no policy context to section 3.10 Environmental Resources to provide a background to subsequent policies ER1-ER6. Consequently, it is considered that the Proposed Plan suffers from a lack of clarity in the positioning of the policies in section 3.10 in relation to Scottish Government Strategy, SPP (2010) and TAYplan. Notwithstanding the planning authority's intention to set out the national policy context in detail in supplementary guidance, it is considered that the Proposed Plan would benefit from the addition of a short introduction to section 3.10 referencing, amongst other things, the national agenda, aims, objectives and policy in relation to renewable and low carbon energy generation.

Policy ER1A - General Changes

3. In relation to the request that policy ER1A should include a reference indicating that proposals for renewable energy developments require to be assessed against other general policies, it is a matter of planning principle that all proposals require to be assessed against all relevant development plan policies. It is not considered necessary, therefore, to make explicit reference to this requirement in policy ER1A.

4. As to the suggestion that policy ER1A should include a reference to providing encouragement or reward for developments of a certain size that set aside land for the provision of biomass district heating systems, it is noted that, in relation to specific major strategic development sites in the Proposed Plan, site specific developer requirements include the investigation of the provision of district heating systems and combined heat and power infrastructure utilising renewable resources. It is considered that this is the more appropriate approach to encouraging sustainable development.
5. In relation to the request that policy ER1A should include an additional criterion relating to effects on natural river flow regimes and migratory fish, it is considered that these effects are already included in criterion (a) by reference to biodiversity and water resources. In relation to the request that policy ER1A should include a reference to aviation and telecommunications impacts, in the light of the advice provided in paragraph 187 of SPP, it is considered that it would be prudent to include a reference to such impacts in criterion (a). In relation to the request that policy ER1A should include a reference to noise and shadow-flicker, it is considered that these effects are already included in criterion (a) by reference to the effect on residential amenity. In relation to the request that policy ER1A should include a reference to impacts on sport and recreation interests, in the light of the advice provided in paragraph 187 of SPP, it is considered that it would be prudent to include a reference to tourism and recreation interests in criterion (g).
6. In relation to the comment that policy ER1A should provide more clarity as to where onshore wind developments would be acceptable, paragraph 189 of SPP states that planning authorities should set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity. In this instance, the planning authority intends to provide this in supplementary guidance which, when adopted, will form part of the development plan. In response to the request that Policy ER1A should include an additional criterion relating to fit with the council's spatial framework for onshore wind energy development, the council suggests that this requirement is implicit within the policy and the note attached to policy ER1 simply states that proposed supplementary guidance will provide such a spatial framework. The planning authority's desire for brevity is recognised but, in view of the importance attached to the spatial framework in the determination of applications for wind farms in SPP, it is considered that it would be prudent to indicate in policy ER1A that fit with the spatial framework will be a factor taken into consideration in assessing proposals for large-scale onshore wind developments.
7. In relation to the concern that policy ER1A contains no specific guidance on the location of small scale wind developments, the planning authority points out that the first sentence of the policy relates to all renewable energy proposals irrespective of scale. The note attached to policy ER1 indicates that supplementary guidance will provide a spatial framework for wind energy developments, which is in accordance with the advice in paragraph 189 of SPP. However, paragraph 189 of SPP only requires a spatial framework for onshore wind farms of over 20 megawatts generating capacity. The inclusion of wind farms of less than 20 megawatts generating capacity is discretionary and it is unclear as to whether the spatial framework proposed by the planning authority will include wind energy developments of less than 20 megawatts capacity. Small-scale wind energy developments, including individual wind turbines, have different locational, technological, environmental and design requirements to large scale developments and it is considered that, should the spatial strategy only relate to wind farms of over 20 megawatts generating capacity, the supplementary guidance should include separate guidance for small-scale wind farms and individual wind turbines. An appropriate

reference to this should be made in the note at the end of policy ER1 (see paragraph 11 below).

Policy ER1A – Comments on the first paragraph

8. In relation to the comments on the first paragraph of policy ER1A, including the request for a more positive support for renewable energy developments and for clarification of the phrase in the first sentence, which indicates support for proposals only 'where they are well related to the resources that are needed for their operation', the planning authority draws attention to the 'Routemap for Renewable Energy in Scotland' which places emphasis on getting the right development in the right place. The 'Routemap' also refers to paragraph 184 of SPP, which encourages planning authorities to support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are addressed. In relation to onshore wind, Paragraph 187 of SPP requires planning authorities to support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.

9. The first sentence of policy ER1A attempts to reflect the policy framework set out in the 'Routemap' and paragraph 184 of SPP. As indicated above, it is considered that Section 3.10, which includes policy ER1A, would benefit from the addition of a short introduction referencing, amongst other things, the national agenda, aims, objectives and policy in relation to renewable and low carbon energy generation. This would provide the policy context for policy ER1A and provide the positive support, in principle, for renewable energy technologies. In relation to the first sentence of policy ER1A itself, the planning authority confirms that it relates to all renewable and low carbon energy proposals, including wind energy developments, irrespective of scale. However, the response from the planning authority in relation to the inclusion of the phrase 'where they are well related to the resources that are needed for their operation' is that it relates more to biomass technologies than to other forms of development. The proposed supplementary guidance will provide guidance on the locational requirements for a range of renewable and low carbon energy generating developments, including biomass technologies, and it is considered that the inclusion of the offending phrase in the first sentence, which relates to all forms of renewable energy developments, is both confusing and un-necessary.

Clarifying the content of related Supplementary Guidance

10. A number of representations refer to the detail of the note at the end of policy ER1, which relates to the subsequent provision of supplementary guidance. A number of representations have been made in relation to the timescale for supplementary guidance. The council has confirmed that supplementary guidance documents on a '*Spatial Strategy for Wind*', '*Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction*', and '*Landscape Guidance*' are programmed for production as a priority during 2013. The planning authority has also confirmed that all programmed draft supplementary guidance will go through formal engagement and consultation processes prior to submission to the Scottish Ministers and formal adoption in accordance with Part 2, Section 22 of the Planning etc. (Scotland) Act 2006.

11. In response to the concerns that there is uncertainty as to the content of the proposed supplementary guidance linked to policy ER1, the planning authority has

suggested amended wording for the note. This indicates that the supplementary guidance will include locational, technological, environmental, and design requirements for a range of renewable and low carbon energy generating developments in addition to wind energy developments. It is considered that the concerns raised are satisfied by the amended wording suggested by the planning authority subject to further amendment to clarify the position on smaller scale wind energy developments.

Policy ER1A – Criterion (a)

12. In relation to the inclusion of terms ‘visual integrity’, wildness qualities’ and ‘tranquil qualities’ in criterion (a), it is expected that these terms will be defined in supplementary guidance. SNH’s methodology for identifying relative wildness will be used to inform the supplementary guidance. In relation to the addition of a reference to impact on existing businesses, the planning authority confirms that criterion (g) covers this issue.

Policy ER1A – Criterion (b)

13. In relation to the request that criterion (b) be deleted on the grounds that a proposal’s contribution to carbon reduction targets is largely irrelevant in the determination of wind energy proposals, the council acknowledges that all renewable energy developments contribute to the reduction of greenhouse gas emissions. However, most planning applications provide information on the proposal’s contribution to carbon reduction targets and it is considered that contribution to these targets is an appropriate factor to be taken into account in weighing up the benefits and dis-benefits of a particular proposal.

Policy ER1A – Criterion (c)

14. In relation to the views expressed that criterion (c) does not accord with paragraph 191 of SPP, the planning authority indicates that it is the effects of the connection to the electricity distribution or transmission system on the elements listed in criterion (a) that is referred to rather than the capacity of the grid connection. It is considered that this should be clarified in the wording of criterion (c).

Policy ER1A – Criterion (d)

15. In relation to the request for clarification of criterion (d), the council confirms that it relates to the implications of the traffic generated for both the provision of site access, road capacity and road safety issues and for the potential greenhouse gas emissions and air quality. It is not considered that any change to the wording is required.

Policy ER1A – Criterion (f)

16. In relation to the request to expand criterion (f) to offer more protection to carbon rich soils, such protection is provided by recommended new policy EP1A (see Issues 15c and 16). In relation to the request to delete criterion (f), renewable energy developments have the potential to disrupt carbon rich soils resulting in the release of greenhouse gases to the atmosphere. As indicated in the planning authority’s response, Part 1 of the Climate Change (Scotland) Act 2009 sets a target of reducing the emission of greenhouse gases and paragraph 133 of SPP indicates that where peat and other carbon rich soils are present, applicants should assess the likely effects associated with any development work. It is considered, therefore, that criterion (f) is entirely appropriate.

Policy ER1A – Criterion (g)

17. In relation to the request to delete criterion (g), the planning authority points out that this criterion provides the opportunity to demonstrate the positive economic benefits of renewable and low energy carbon proposals to the local or Perth and Kinross economy as well as identifying any dis-benefits. Although, as the respondent suggests, it may be difficult to quantify in detail all economic impacts, SPP (paragraph 184) suggests that economic as well as social, environmental and transport issues are relevant considerations in ensuring that an area's renewable energy potential is realised. It is considered, therefore, that criterion (g) is entirely appropriate. In relation to the potential impact on tourism, tourism and recreation interests are an integral component of rural economies and should not be discounted in any assessment. As indicated in paragraph 5 above, in the light of the advice provided in paragraph 187 of SPP, it is considered that it would be prudent to include a reference to tourism and recreation interests in criterion (g).

Policy ER1A – Criterion (h)

18. In relation to the objections to criterion (h), there is no suggestion in SPP that the consideration of alternatives is a factor to be taken into account in the appraisal of renewable energy developments. Reference is made by the planning authority to the Environmental Impact Assessment Regulations which indicates that where alternative approaches to development have been considered, paragraph 4 of Part II of Schedule 4 requires the applicant to include in the ES an outline of the main alternatives. The planning authority acknowledges that neither the European EIA Directive nor the Scottish Regulations expressly require the applicant to study alternatives, only that the consideration of alternative sites may be a material consideration in some cases. Whilst the consideration of alternatives may be relevant to some renewable energy developments, and where these have been investigated they should be included in the ES, it is not a pre-requisite for all renewable energy developments. It would not be appropriate, therefore, to require an applicant to justify the favoured choice of site over other alternative sites, as a matter of course, and use this as a factor in the assessment of renewable and low carbon energy developments.

Policy ER1A – Comments on last paragraph

19. In relation to the request for clarification of the term 'community', the planning authority indicates that it is intended to expand further on this matter in supplementary guidance. In relation to the comment that community-led schemes should be subject to the same considerations as any other scheme, the planning authority accepts that, whilst community-led schemes should be supported, in line with Scottish Government policy (paragraph 183 of SPP), such schemes should be subject to the same considerations as any other proposal. It is agreed that the last paragraph should be amended accordingly.

Policy ER1A – Other comments

20. In relation to the request by the two National Park Authorities that policy ER1A should be amended to recognise that renewable and low carbon energy developments have the potential to have a visual impact beyond the boundaries of the Proposed Plan to areas designated as National Parks, the planning authority acknowledges these concerns but points out that criterion (a) of policy ER1A requires the assessment of individual and cumulative impacts on a number of elements, including landscape character and visual integrity of the surrounding area. This would include the landscape character and visual

integrity of adjoining areas outwith the Proposed Plan area where appropriate. It is considered that no further change to policy ER1A is required.

21. In relation to the comment that priority should be given to the landscape conservation of traditional rural countryside and the protection of the landscape setting of major tourist resorts, it is the intention of the planning authority to designate 'Local Landscape Areas' in supplementary guidance, in accordance with paragraphs 139 and 140 of SPP, to protect the most important local landscapes in Perth and Kinross. Policy ED5 of the Proposed Plan protects the landscape setting of major tourist resorts.

22. In relation to the lack of any reference to the River Tay having potential for tidal energy, the planning authority confirms that it is unlikely that tidal energy will be a future reality for the river. In these circumstances it would not be appropriate to refer to any such potential in policy ER1A or elsewhere in the Proposed Plan.

Policy ER1B – Extension to Existing Facilities

23. In relation to the comment that policy ER1B, which requires extensions to existing facilities to be assessed against the same factors as apply to new proposals, is overly restrictive, the planning authority argues that individual proposals, whether for new facilities or for extensions to existing facilities, require to be assessed against the same factors in order to identify the relevant impacts. It is refuted that this policy approach would unnecessarily restrict suitable extensions to existing wind farms. It is agreed that the correct approach to extensions to existing facilities has been adopted in policy ER1B for it would be invidious not to apply the same principles to the extension of existing developments as those applied to new developments.

Policy ER2 – Electricity Transmission Infrastructure

24. A number of respondents welcome and support policy ER2. In relation to the request for clarification of the term 'environmentally sensitive locations', this is a matter for supplementary guidance. In relation to the concern that the support for electricity infrastructure may be overly precautionary and the request that policy ER2 be amended, the suggested wording downgrades the requirement for appropriate mitigation in environmentally sensitive locations to simply a matter that requires to be considered in drawing up any proposal. The existing wording is less ambiguous although it still leaves the determination of the level of mitigation required, including undergrounding, as a matter of judgement. It is considered that the existing wording provides sufficient support for electricity transmission infrastructure balanced by the requirement to provide appropriate mitigation in environmentally sensitive locations.

Reporter's recommendations:

Policy ER1 - General Policy Changes

1. Add a short introduction to section 3.10 referencing, amongst other things, the national agenda, aims, objectives and policy in relation to renewable and low carbon energy generation. The specific wording to be decided by the planning authority.

Policy ER1A – Comments on the First Paragraph

2. Replace the opening paragraph of policy ER1A with the following words: 'Proposals for the utilisation, distribution and development of renewable and low carbon sources of

energy will be supported subject to the following factors being taken into account:’.

Clarifying the content of related Supplementary Guidance

3. Replace the note at the end of policy ER1 to read as follows:

Note: Supplementary Guidance will provide a spatial framework for large-scale wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications for a range of other renewable and low carbon energy generating developments, including: small-scale wind energy developments and single turbines, hydro-schemes, woody biomass, landfill gas, energy from waste, anaerobic digestion, energy storage, large photovoltaic arrays, and micro-generation.’

Policy ER1A – Criterion (a)

4. Insert the following words between ‘water resources’ and ‘and’: ‘aviation and telecommunications’.

Policy ER1A – Criterion (c)

5. Insert between ‘The’ and ‘connection’, the following words: ‘effects on the elements listed in criterion (a) of the’.

Policy ER1A – Criterion (g)

6. Insert after the word ‘economy’: ‘,including tourism and recreation interests,’.

Policy ER1A – Criterion (h)

7. Replace the words: ‘The reasons why the favoured choice over other alternatives sites has been selected’ with the words: ‘In the case of large-scale onshore wind energy developments, their fit with the spatial framework for wind energy developments’.

Policy ER1A – Last paragraph

Replace with the following words: ‘Proposals for the development of renewable and low carbon sources of energy by a community will be supported provided it has been demonstrated that the factors (a) –(h) itemised above have been fully considered.

Issue 15b	Minerals and Other Extractive Activities	
Development plan reference:	ER4 - Minerals and Other Extractive Activities – Supply, page 48	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (00239) The Coal Authority (00286) Confederation of UK Coal Producers (00875) SportScotland (03185) Scottish Environment Protection Agency (03194) Forestry Commission Scotland (08988) Friends of the Ochils (10221) Scottish Natural Heritage (05211)		
Provision of the development plan to which the issue relates:	Sets out the approach for the consideration of minerals proposals in Perth and Kinross.	
Planning authority's summary of the representation(s):		
<p>The Coal Authority (00286/1/002): Objects to Policy ER4 because it seeks to impose unduly restrictive criteria in relation to determining whether or not proposals are acceptable. In particular criteria (a) which requires proposals to '<i>demonstrate that there are local, regional and/or national market requirements for the mineral that cannot be satisfied by greater efficiency at existing workings or other alternative sources</i>' is considered to be more onerous than Scottish Planning Policy.</p> <p>In relation to coal, SPP paragraph 239 (S4_Doc_115) makes it clear that the continuing supply of coal extraction is '<i>necessary and important in the national interest</i>', it goes on to make it clear that it is for planning authorities to only determine the acceptability of individual proposals. SPP paragraphs 225 – 247 (S4_Doc_116).</p> <p>Confederation of UK Coal Producers (00875/1/001): Minerals extraction operations have the potential to have relatively high impacts but these can generally be mitigated by appropriate measures. This is an important consideration, reference to which should be included in the Plan.</p> <p>Policy ER4A would benefit if, in qualification of the paragraph referring to the impact on local communities, the phrase '<i>taking into account appropriate mitigation measures</i>' were to be included.</p> <p>Forestry Commission Scotland (08988/1/006): In Policy ER4B (Restoration of Mineral Workings) reference should be made to positively and proactively consider alternative after uses which will deliver environmental improvements, rather than simply restoring the site to the previous use, when preparing restoration plans. This would be in line with paragraph 235 of the SPP (S4_Doc_117). There are strong links to be made here to the proposed policies NE2 (Forestry, Woodlands and Trees) (S4_Doc_500) and NE4 (Green Infrastructure) (S4_Doc_415).</p>		

SportScotland (03185/1/004): SPP paragraphs 235 (S4_Doc_117) and 247 (S4_Doc_118) state that mining operators are encouraged to consider after uses of extraction sites that result in environmental improvement rather than simply restoring land to its previous state. Sport and recreation can form a particularly suitable and positive after use for former mineral extraction and potentially surface coal mining sites. This could be an appropriate addition to Policy ER4B.

Friends of the Ochils (10221/1/004): Policy states '*Financial bonds for restoration will be required*'. Whilst agreeing with the need for this, the policy should be amended so as to state that '*Adequate financial bonds for restoration will be required*'. Unless adequate bonds are required and taken the Council has not addressed the risk of a company going into liquidation.

Scottish Environment Protection Agency (03194/15/001): ER4 Part A: To comply with the Management of Extractive Waste (Scotland) Regulations 2010 (Core_Doc_158), mineral planning applications must include a site Waste Management Plan exclusively for extractive waste. The planning authority must decide whether the requirements of the Regulations are met by the planning decision. This will ensure that potential adverse impacts on human health and the environment are limited.

In accordance with this guidance, it is recommended that the requirement for a site Waste Management Plan is included as part of this policy.

Scottish Natural Heritage (05211/25/007): Whilst it was not possible to identify specific Natura site(s) which may be impacted upon as a result of implementing Policy ER4A, the policy acknowledges the potential for significant environmental effects. As a consequence the HRA (S4_Doc_141) implications need to be considered and applicants need to be aware of that requirement.

Lynne Palmer (00239/10/004): Supports Policy ER4.

Scottish Environment Protection Agency (03194/15/002): Welcome the requirement under ER4C for extractive activities to minimise the production of waste, and the encouragement to use recycled aggregate/other materials where possible. This is a positive step in the delivery of the Zero Waste Plan aims and targets.

Modifications sought by those submitting representations:

The Coal Authority (00286/1/002): Policy ER4 should be amended by the deletion of criterion (a) because it seeks to impose a burden on energy mineral development proposals.

Confederation of UK Coal Producers (00875/1/001): Policy ER4A should be amended by adding '*taking into account appropriate mitigation measures*' immediately following '*And in all cases, their impact on communities and the environment...*'

Forestry Commission Scotland (08988/1/006): Considers that reference should be made to the need to positively and proactively consider alternative after uses which will deliver environmental improvements when preparing restoration plans.

SportScotland (03185/1/004): Considers that additional wording should be added to Policy ER4B to recognise that sport and recreation can provide a suitable and positive after use for former mineral extraction and surface coal mining sites.

Friends of the Ochils (10221/1/004): The policy should be amended by adding '*Adequate*' before '*financial bonds for restoration will be required...*' to ensure there are sufficient funds available over the lifetime of the workings to restore the site.

Scottish Environment Protection Agency (03194/15/001): Recommends that the requirement for a site Waste Management Plan is included as part of this policy.

Scottish Natural Heritage (05211/25/007): In line with the outcome of the HRA and Appropriate Assessment processes it is considered prudent that the following criteria should be added to the policy on page 48 to ensure that there are no significant impacts on the qualifying interests of European sites as a result of mineral workings:
'(vi) *ensuring there are no adverse effects on the integrity of a European designated site(s).*'

Summary of responses (including reasons) by planning authority:

The Coal Authority (00286/1/002): It is not accepted that criterion (a) imposes an '*unduly restrictive criteria*' and should be deleted. The criterion applies to all minerals and recognises that there can be reasons of national importance why a particular mineral (including coal) can be extracted at a particular location. However, SPP recognises that '*planning authorities are responsible for determining the acceptability of individual development proposals*'. SPP paragraph 239 (S4_Doc_115) The Council has not identified a broad area of search for coal as the area identified in the Coal Authority map Map of Local Government Authorities and Coalfields (S4_Doc_283) falls within the Loch Leven Catchment which is sensitive to development due to the proximity of the Loch Leven Special Protection Area, Ramsar site and National Nature Reserve. Consequently, any proposal would have to be carefully considered. As it has not been identified as an area of search the SPP states that '*There is a general presumption against extraction outwith areas of search identified in the development plan*'. SPP paragraph 240 (S4_Doc_119) The SPP also recognises that '*It is essential that areas of search provide realistic opportunities for surface coal extraction, providing communities with an appropriate level of certainty and the industry with reasonable access to available coal resources*' SPP paragraph 240 (S4_Doc_119).

No modification is proposed to the Plan.

Confederation of UK Coal Producers (00875/1/001): The matter raised is noted and accepted as it would be helpful to recognise that environmental effects can be mitigated when considering individual proposals. However, it is important that mitigation measures can be implemented and that any residual effects are acceptable.

Consequently, if the Reporter is so minded the text in bold could be added to Policy ER4A as suggested by the respondent '*... And in all cases, their impact on local communities and the environment has been assessed and does not have an adverse residual effect after appropriate mitigation having regard to...*'. This is supported by the approach to be adopted by planning authorities as outlined in SPP paragraphs 232, 233, 240, 242, and 245 (S4_Doc_116)

SportScotland (03185/1/004); Forestry Commission Scotland (08988/1/006): The issue raised is noted however the terms of the policy and others within the Plan give scope for the Planning Authority to seek to achieve the outcome sought by the respondents. It is accepted clarity would be added by including the type of after uses suggested in SPP paragraphs 235 (S4_Doc_117) and 247 (S4_Doc_118). If the Reporter is so minded the

following text '*Operators are encouraged to consider after uses that result in environmental improvement which should add to the cultural, recreational or environmental assets of the area detailed in the previous section.*' could be added to Policy ER4B as suggested by the respondents.

Friends of the Ochils (10221/1/004): The issue raised is noted. However, it is not considered that the suggested amendment clarifies matters. Any financial bond or other financial instrument will be based on the restoration scheme submitted as part of the planning application and will reflect the scale and type of mineral extraction proposed. SPP recognises that the financing could come from '*an established and properly funded industry guarantee scheme*' paragraphs 235 (S4_Doc_117) and 247 (S4_Doc_118).

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/15/001): The requirement for future mineral planning applications to include a site Waste Management Plan (WMP) was introduced by the Management of Extractive Waste (Scotland) Regulations 2010 (Core_Doc_158). The associated Guidance explains the general need for future mineral planning applications/decisions to include a site WMP and the deadline of 1 May 2012 for operators of existing sites to have a WMP approved by the planning authority. Given there is a statutory requirement for applicants to prepare and submit a WMP it is not considered necessary to replicate this requirement in Policy in the interests of brevity and concision.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/007): It is considered that amending Policy ER4A to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) of the Proposed Plan (S4_Doc_141), and detailed in the previous section will provide greater clarity and transparency for applicants as to what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply and it also sets out what will be expected of them in making their planning application. Further Habitats Regulations Appraisal or Environmental Impact Assessment may be required at the planning application stage for any proposals.

If the Reporter is so minded the additional clause '*(vi) ensuring there are no adverse effects on the integrity of a European designated site(s)*' suggested by Scottish Natural Heritage should be added to Policy ER4A.

Reporter's conclusions:

Policy ER4A

1. Policy ER4 is an all-encompassing policy and relates to all mineral activities, including surface coal extraction. Scottish Government policy on mineral activity in SPP (paragraph 225) emphasises that an adequate and steady supply of minerals is essential to support sustainable economic growth and paragraph 239 of SPP indicates that coal extraction is necessary and important in the national interest.

2. In relation to the wording of criterion (a) of policy ER4A, it is Government policy that planning authorities should have regard to the availability, quality, accessibility and requirement for mineral resources in their area when preparing development plans (see

paragraph 226 of SPP). In relation to surface coal extraction, paragraph 242 of SPP states that development plans should aim to minimise significant negative impacts from surface coal extraction on the amenity of local communities, the natural heritage and historic environment. Similar considerations apply to minerals extraction (see paragraph 231 of SPP).

3. In the light of the above aims, it is considered that it is a legitimate requirement of the Proposed Plan that, when considering individual development proposals, including surface coal extraction, the planning authority must be satisfied that there is a justifiable need for the mineral that cannot be met from existing workings or from renewable, recycled or secondary sources. Accordingly, it is not agreed that criterion (a) of policy ER4 imposes an unnecessary burden on energy mineral development.

4. In relation to the reference in policy ER4A to the need to assess the impact on local communities and the environment, no mention is made of the part that mitigation measures can play in reducing adverse effects. The planning authority agrees that the relevant part of policy ER4A should be modified to take account of appropriate mitigation measures.

5. In relation to the lack of a reference in policy ER4A to the need for a Waste Management Plan, it is a requirement of the Management of Extractive Waste (Scotland) Regulations 2010 that mineral planning applications include a site Waste Management Plan exclusively for extractive waste. Whilst the planning authority considers that it is unnecessary to replicate this requirement in policy ER4A, it would be prudent to include an explanatory note at the end of the policy to remind operators of this requirement.

6. In relation to the possible effects of mineral working on Natura site(s), it is agreed that it would be prudent to amend policy ER4A to incorporate an additional criterion to ensure that there are no adverse effects on the integrity of a European designated site(s).

Policy ER4B

7. In relation to the restoration of mineral workings, paragraph 235 of SPP suggests that planning authorities should encourage after-uses which add to the cultural, recreational or environmental assets of an area. It is agreed that policy ER4B would benefit from a more positive and proactive approach to restoration and that the policy should provide encouragement to operators to consider after-uses that would bring environmental improvements rather than simply restoring the land to its previous state. In relation to the requirement for financial bonds, clearly any bond would require to be adequate and related to the particular circumstances of the proposal. Paragraph 235 of SPP suggests that planning authorities should ensure that consents are associated with an appropriate financial bond unless the operator can satisfactorily demonstrate that finance is available from other sources such as an established and properly funded industry guarantee scheme. It is considered that the final sentence of policy ER4B would benefit from additional wording to emphasise the need for appropriate funding.

Reporter's recommendations:

Policy ER4A

1. In the sentence beginning '*And in all cases, their impact on local communities....*' replace the words '*adverse effect having regard to all the following*' with the words '*adverse residual effect after appropriate mitigation having regard to*'.

2. Add additional criterion: *'(vi) ensuring there are no adverse effects on the integrity of a European designated site(s).'*
3. Add at end of policy ER4A the following words: *'Note: A Waste Management Plan must be submitted as part of any application for planning permission.'*

Policy ER4B

4. Insert between the first and second sentences, the following words: *'Operators are encouraged to consider after-uses that would add to the cultural, recreational and environmental assets of the area.'*
5. Insert the following word at the beginning of the third sentence: *'Appropriate'*.

Issue 15c	Prime Agricultural Land	
Development plan reference:	ER5 - Prime Agricultural Land, page 49	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (00239) Portmoak Community Council (00638) Fossoway & District Community Council (00830) Councillor Michael Barnacle (02633) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Forestry Commission Scotland (08988) Jim Pritchard (09104) Scone Palace Estate (09163)		
Provision of the development plan to which the issue relates:	Policy on prime agricultural land and related matters	
Planning authority's summary of the representation(s):		
<p>Forestry Commission Scotland (08988/1/009): Additional wording to support the Scottish Forestry Strategy <i>'woodland creation using the right tree in the right place that supports the Scottish Forestry Strategy will be supported'</i></p> <p>Kinross-shire Civic Trust (06950/1/006): The policy should make it clear that there is a long term policy to retain all good agricultural land. There is a need to return to self sufficiency in food supply and not rely on 40% import for food. The policy gives a number of vague reasons where development on prime land should be permitted and these will be exploited by developers.</p> <p>Scone Palace Estate (09163/4/013): The Macaulay land use classification maps are broad brush and more detailed investigation may reveal that the land is not prime.</p> <p>Scottish Natural Heritage (05211/12/001): Broadly pleased with the protection given to agricultural soils but concerned about the level of protection given in the plan to other soil types particularly carbon rich soils. Policy ER1 does not give sufficient protection. The suggested wording complies with paragraphs 133 (S4_Doc_121) and 230 of SPP (S4_Doc_122) in relation to carbon rich soils and peatland protection.</p> <p>Scottish Environment Protection Agency (03194/16/001): The wording does not recognise the broader functionality of soils and their important role as a carbon store. The disturbance of some carbon rich soils particularly peat may release stored carbon contributing to greenhouse gas emissions. This position is supported by government policy see SPP paragraphs 42 (S4_Doc_120) and 133 (S4_Doc_121) and by TAYplan Policies 2 (S4_Doc_066) and 3 (S4_Doc_064). The expansion of the policy would be in keeping with the authority's duties under the climate change act to reduce greenhouse gas emissions. Part 1 of the Climate Change (Scotland) Act 2009 (Core Doc 104).</p>		

Scotland's Land Use Strategy - Principles for Sustainable Land Use Principle 3 and 6 (S4_Doc_287), National Planning Framework paragraph 48 (S4_Doc_288).

Councillor Michael Barnacle (02633/1/015): The policy is not robust enough; prime agricultural land should be retained for food production and not be compromised by development.

Fossoway & District Community Council (00830/1/015): Policy ER5 is less specific than the existing provision in the Kinross Area Plan. We would strongly advocate the use of a less subjective base-line such as the Land Use Capability (MLCA) class 3.1 (Kinross Area Local Plan Policy 50).

Lynne Palmer (00239/10/005); Jim Pritchard (09104/1/009); Portmoak Community Council (00638/2/009): Support for policy.

Modifications sought by those submitting representations:

Forestry Commission Scotland (08988/1/009): Woodland creation using the right tree in the right place added to the end of the main paragraph.

Kinross-shire Civic Trust (06950/1/006): The policy should state that there is a long term policy to retain all good agricultural land.

Scone Palace Estate (09163/4/013): Addition to policy to indicated that if detailed studies show that the land is not prime then the policy will be waived.

Scottish Natural Heritage (05211/12/001): Policy renamed Prime Agricultural Land and Carbon Rich Soils and wording added to protect peatland and soils which are valuable as carbon stores from development and mitigate the effects (complete wording suggested).

Scottish Environment Protection Agency (03194/16/001): The policy is expanded to minimise the disturbance and loss of carbon rich soils and indicates that development will only be permitted on undisturbed carbon rich soils if there is no viable alternative. Where development is allowed there must be a soil survey to demonstrate that the deepest soil has been avoided and a soil management plan must be submitted.

Councillor Michael Barnacle (02633/1/015): The policy should not allow the development of any prime land.

Fossoway and District Community Council (00830/1/015): Replace policy with Kinross Area Local Plan policy 50 (S4_Doc_284);

'The Council will support agriculture remaining as a major land use and source of employment in the Plan area. The best quality agricultural land which is important in a local context, generally MLCA Class 3.1 and above, will be protected from irreversible development'

Summary of responses (including reasons) by planning authority:

Forestry Commission Scotland (08988/1/009); Kinross-shire Civic Trust (06950/1/006); Scone Palace Estate (09163/4/013); Scottish Natural Heritage (05211/12/001); Scottish Environment Protection Agency (03194/16/001); Councillor Michael Barnacle (02633/1/015); Fossoway & District Community Council (00830/1/015): The policy relates

to prime quality agricultural land which is defined (glossary of SPP page 55 (S4_Doc_125)) as land which is class 1, 2 or 3.1 as defined by the Macaulay Land Use Research Institute (Now James Hutton Institute). The Council holds paper maps which show the land use classifications. There are significant areas of prime land in Perth and Kinross generally in the flatter areas adjacent to existing settlements which are subject to the most development pressure. Prime land is a specific topic of SPP and paragraph 97 (S4_Doc_108) sets out the general terms of government policy for its protection. Policy 3 of TAYplan (S4_Doc_064) reiterates that prime land should be protected in the LDP's settlement strategy. Policy ER5 sets detailed criteria which will be used to give the required protection to prime land when dealing with development proposals and complies with national and strategic guidance and by definition prime land is the best quality.

The policy does not deal with woodland which is dealt with in a separate section of the plan and in general terms prime quality agricultural land is too valuable to be used for tree planting. Policy 50 of the Kinross Area Local Plan (S4_Doc_284) was not designed to deal with current guidance and contains less detail than ER5 the policy is therefore less robust and useful.

The introduction of a separate subsection dealing with carbon rich soils would have a negative impact on the policy and reduce its precision and clarity. The issues raised are dealt with either through policies on mineral extraction ER3 (S4_Doc_516) and ER4 (S4_Doc_517) or ER1 (S4_Doc_392). If a more general statement were required, it would be better located in the policy on climate change EP1 (S4_Doc_413). However the Council does not have access to the necessary data to implement a detailed policy which related to the protection of carbon rich soils and it does not seem likely that the Council will have access to this data during the life of the Plan. Consequently, the policy framework cannot be as detailed as that for prime land.

No modification is proposed to the Plan.

Reporter's conclusions:

1. This policy relates solely to prime agricultural land and properly reflects both the general terms of Government policy in paragraph 97 of SPP and the terms of Policy 3 of TAYplan. The definition of prime agricultural land in the Glossary in the Proposed Plan accords with the definition in the glossary on page 55 of SPP. Maps showing the land classified as prime agricultural land by the Macaulay Land Use Research Institute (now James Hutton Institute) are held by the council. The detailed interpretation of these maps on a case by case basis is a matter for the council.
2. In relation to the need for support for the Scottish Forestry Strategy in this policy, woodland creation is more appropriately dealt with under Policy NE2 of the Plan.
3. In relation to the requests by SNH and SEPA that this policy be expanded to include the protection of carbon rich soils, including peatland, Policy ER1 requires the assessment of the effects of proposals for renewable and low carbon energy generation on carbon rich soils but this policy does not apply to all development. Policy EP1 requires all new development to uphold sustainable construction principles and to contribute to mitigating and adapting to climate change in order to reduce carbon dioxide emissions. It does not explicitly require the protection of carbon rich soils. As pointed out by both SNH and SEPA, SPP (paragraphs 133 and 230) draws attention to the potential effects of the disturbance of some soils, particularly peat, on the release of stored carbon and its contribution to greenhouse gas emissions. Paragraph 230 of SPP indicates that

carbon rich soils should be protected through development plans. The Proposed Plan does not fully recognise the importance of protecting such soils from all development and a change to the Proposed Plan is, therefore, required.

4. Policy ER5 relates specifically to prime agricultural land and its precision and clarity would be diluted if it were expanded to include a reference to the protection of carbon rich soils. The planning authority suggests that, if a general statement on the protection of carbon rich soils were required, it would be better located in policy EP1. Whilst the planning authority suggests that it does not have access to the necessary data to implement a detailed policy on the protection of carbon rich soils, it is noted that SNH has produced a methodology for identifying this soil type to assist the council.

5. It is considered that, in light of the Scottish Government's recognition of the need to mitigate the causes of climate change and protect soils, including peatland, that are of value as carbon stores, specific reference should be made in the Proposed Plan to the need to protect carbon rich soils. Section 3.11 'Environmental Protection and Public Safety' would be an appropriate location for such a reference and it is recommended that an additional policy, policy EP1A, is added to that section to address carbon rich soils. SNH and SEPA have both suggested a suitable wording for such a policy and the reasoning to support the policy. It is recommended that a wording based on that suggested by these two bodies be adopted for policy EP1A, which would provide adequate safeguards for carbon rich soils (see Issue 16).

Reporter's recommendations:

1. No modification to policy ER5.

Issue 15d	Managing Future Landscape Change	
Development plan reference:	ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes, page 49	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (00239) Force 9 Energy (00369) Mountaineering Council of Scotland (00587) Scottish Renewables Forum (00760) Fossoway & District Community Council (00830) Alexander Harley Seeds Ltd (00885) The Greenspan Agency (00886)		Councillor Michael Barnacle (02633) SportScotland (03185) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) The Gleneagles Hotel (09004) Jim Pritchard (09104) Kevin Borthwick (09777) Friends of the Ochils (10221)
Provision of the development plan to which the issue relates:	Policy sets the criteria against which development proposals will be assessed to ensure that development and land use change is compatible with the distinctive characteristics and features of the area's landscapes.	
Planning authority's summary of the representation(s):		
<p><u>Changes to Policy Wording/Emphasis</u></p> <p>Force 9 Energy (00369/5/001): Whilst the aspiration to conserve and enhance landscapes is worthy, national policy is not so narrow in setting the policy context as Policy ER6 (first paragraph specifically). Refers to paragraph 127 of SPP (S4_Doc_126) which sets out the obligation to facilitate change i.e. development where this does not prejudice the maintenance and enhancement of the character but does not obligate that change to deliver the enhancements.</p> <p>Many windfarm developments will require Environmental Impact Assessment (EIA). EIA is required where there is potential for significant impact (Regulation 2) (Core_Doc_150). Consideration is therefore limited to the identification of significant effects (Schedule 4) (S4_Doc_276). Key for the decision-making process is to weigh up the significant adverse impacts against any positive impacts. EIA process also considers the means to mitigate any significant impacts. How the significance of impacts is assessed distils down to an assessment of the sensitivity of the receptor and magnitude of impact arising. In considering the effects of a development the task is to balance various factors and offer a reasonable and justified conclusion. Position presented by Policy ER6 is exact and inherently limiting to every development proposal in that they will be generally incapable of demonstrating the maintenance and enhancement of landscape character. This combined with criteria (c) and (d) of Policy ER6 makes the whole policy very negative and restrictive and is therefore contrary to SPP. Revised policy wording therefore suggested such that the key policy test is to have no significant adverse impact on the landscape qualities of Perth and Kinross.</p> <p>Scottish Natural Heritage (05211/13/001): As worded Policy ER6 (a) assumes all landscape experience is positive but this is sometimes not the case. Amended policy wording suggested.</p>		

The Greenspan Agency (00886/1/002): Recognises that the landscapes of Perth and Kinross are amongst its greatest assets and should be protected from inappropriate development, but any development will introduce changes into the landscape. Policy ER6 places too much emphasis on an aversion to change. SPP paragraph 127 (S4_Doc_126) aims to facilitate positive change. Criterion (d) could instead read: *‘any change to the area’s relatively wild landscapes should be of an acceptable magnitude given the type of development proposed’* which would place landscape effects in context with the overall benefits of a proposal. Some local authorities are inclined to apply landscape policies in isolation which can mean the environmental and economic benefits of renewable energy proposals are not given fair consideration. Many members of the public regard the appearance of renewable energy developments as a welcome sign of a move away from finite energy resources.

Alexander Harley Seeds Ltd (00885/1/004): Development of any kind will introduce a change into a landscape. Policy ER6 places too much emphasis on an aversion to change. SPP paragraph 127 (S4_Doc_126) aims to facilitate positive change. Criterion (d) could instead read: *‘any change to the area’s relatively wild landscapes should be of an acceptable magnitude given the type of development proposed’* which would place landscape effects in context with the overall benefits of a proposal. The Council appears inclined to apply landscape policies in isolation which can mean that the benefits of renewable energy proposals are not given fair consideration. Many members of the public regard the appearance of renewable energy developments as a welcome sign of a move away from finite energy resources.

Local Landscape Areas and Supplementary Guidance

SportScotland (03185/1/006): Need for a policy on local landscape areas as advised on by SPP paragraph 140 (S4_Doc_127); crucial to protecting outdoor sport.

Scottish Renewables Forum (00760/1/002): SPP paragraph 189 (S4_Doc_112) requires development plans to set out a spatial framework for onshore windfarms over 20MW. Therefore it is disappointing that the LDP does not do this other than to make reference to supplementary guidance in Policies ER1 and ER6. The purpose of a spatial framework is to guide developments to appropriate locations, to maximise renewable energy potential and minimise wasted effort in inappropriately located proposals. Clearer guidance should therefore be set for the development of onshore wind taking account of Scottish Government guidance which requires timetables for the preparation of spatial frameworks to be prepared as a matter of priority.

Regional Park Designation for the Ochils

Kinross-shire Civic Trust (06950/1/008): Policy ER6 should allow the extension of existing established regional parks on the outside of Bishophill, Benarty and the Ochil Hills down to the edge of Loch Leven. Consideration could be given to making the Cleish Hills a regional park.

Refer to the Lomonds Living Landscape (S4_Doc_470) project. Policy ER6 should extend the existing regional park to cover the study area (Lomonds to Loch Leven).

Friends of the Ochils (10221/1/006): The longer term aim should be to achieve a high level designation such as a regional park for the entire Ochils.

Councillor Michael Barnacle (02633/1/017): Hopefully the landscape protection that replaces the existing Areas of Great Landscape Value (S4_Doc_176) and (S4_Doc_177) will include a regional park for the Ochil Hills.

Greater Protection for the Ochils & Loss of/Replacement for AGLVs

Friends of the Ochils (10221/1/006): The Ochils are a vital recreational and landscape resource yet they are not mentioned in the LDP or supplementary guidance. The limiting safeguards in Policy ER6 will expose the Ochils to many risks and allow serious damage to occur. The Ochils warrant significant protection and the wording of Policy ER6 and related note should be amended to provide that protection. This must be done in conjunction with Clackmannanshire and Stirling Councils whose boundaries also include a part of the Ochils. There should also be consistency within Perth and Kinross i.e. under the existing local plans the Ochils in Kinross-shire are protected but the parts in Strathearn area are not.

Kinross-shire Civic Trust (06950/1/007): The existing Areas of Great Landscape Value (AGLVs) (S4_Doc_176) and (S4_Doc_177) are a vital element in the conservation of the landscape of Kinross-shire and a properly identified landscape policy for Kinross-shire is a major omission from the LDP. It is a major factor which will affect all future proposals for development in the countryside and as such must be incorporated properly into the LDP. As a minimum the current Areas of Great Landscape Value should be retained under the new proposed landscape protection.

If no new landscape policy is established by the time the LDP is presented for consideration the current AGLV policy (S4_Doc_176) and the areas it refers to in Kinross-shire need to be continued into the new LDP.

Councillor Michael Barnacle (02633/1/017): Policy ER6 only mentions National Scenic Areas for safeguarding against development. Dismayed that Areas of Great Landscape Value (AGLVs) (S4_Doc_176) and (S4_Doc_177) are lost from the LDP with no discussion on what can replace them and with guidance to be published later. LDP should state AGLVs continue until landscape protection that replaces them has been finalised which hopefully will include a regional park for the Ochil Hills.

Fossoway & District Community Council (00830/1/013): Concerned there are no proposals for a policy to replace existing Areas of Great Landscape Value policy (S4_Doc_176) and (S4_Doc_177). Seek reassurance the current policy will remain until a new policy is in place, that the new policy will be consulted on and will be as effective as the existing policy.

Jim Pritchard (09104/1/010): Concerned at loss of Areas of Great Landscape Value (S4_Doc_176) and (S4_Doc_177). Equivalent measures should be taken to afford the same level of protection to the landscape value of Perth and Kinross. The natural landscape is one of our most precious resources and must be stringently protected.

Kevin Borthwick (09777/1/009): Areas of Great Landscape Value (S4_Doc_176) and (S4_Doc_177) should be kept until there is an alternative proposal for their replacement.

Geodiversity and Physical Qualities of the Landscape

SportScotland (03185/1/006): Impact on the scenery is crucial to people's enjoyment of the outdoors, recreation can also be affected by impacts on the physical qualities of the landscape e.g. gradients, vegetation, cover, and rock formations. Should be increased emphasis in Policy ER6 (f) on the physical qualities of landscape and the need to protect them.

Friends of the Ochils (10221/1/006): Geodiversity is an important feature of the landscape and warrants protection but there is little reference to it in the LDP.

No Changes to the Plan

Lynne Palmer (00239/10/006): Support Policy ER6

The Gleneagles Hotel (09004/5/001): Support Policy ER6 because non-designated landscapes also carry value which must be managed and if necessary protected from inappropriate development.

Mountaineering Council of Scotland (00587/1/004): Support Policy ER6 particularly the requirement to safeguard tranquil qualities and relative wildness.

Modifications sought by those submitting representations:**Changes to Policy Wording/Emphasis**

Force 9 Energy (00369/5/001): Policy ER6 first paragraph should be revised as follows: *'...Accordingly, the development proposals will be required to demonstrate they have no significant adverse impacts on the landscape qualities of Perth and Kinross....'*

Scottish Natural Heritage (05211/13/001): Policy ER6 (a) should be amended as follows: *'...Scenic qualities of the landscape, or the positive qualities of landscape experience'*.

The Greenspan Agency (00886/1/002); Alexander Harley Seeds Ltd (00885/1/004): No explicit change sought other than Policy ER6 should be less averse to change. Suggestion that criterion (d) could instead read: *'any change to the area's relatively wild landscapes should be of an acceptable magnitude given the type of development proposed'*

Local Landscape Areas and Supplementary Guidance

SportScotland (03185/1/006): Need for a policy on local landscape areas

Scottish Renewables Forum (00760/1/002): No explicit modification sought other than a request for clearer guidance on the development of onshore wind.

Regional Park Designation the Ochils

Kinross-shire Civic Trust (06950/1/008): Extend the established regional parks on the outside of Bishophill, Benarty and the Ochil Hills down to the edge of Loch Leven and consider making the Cleish Hills a regional park also.

Friends of the Ochils (10221/1/006): The longer term aim should be to achieve a high level designation such as a regional park for the entire Ochils.

Councillor Michael Barnacle (02633/1/017): LDP should state that the existing AGLVs (S4_Doc_176) and (S4_Doc_177) continue until landscape protection that replaces them has been finalised.

Greater Protection for the Ochils & Loss of/Replacement for AGLVs

Friends of the Ochils (10221/1/006): Policy ER6 should be amended to provide significant protection to the Ochil Hills. This must be done in conjunction with Clackmannanshire and Stirling Councils whose boundaries also include a part of the Ochils.

Kinross-shire Civic Trust (06950/1/007): LDP must incorporate a landscape policy for Kinross-shire. As a minimum the current Areas of Great Landscape Value (AGLVs) (S4_Doc_176) and (S4_Doc_177) should be retained under the new proposed landscape protection. If no new landscape policy is established by the time the LDP is presented for

consideration the current AGLV policy and the areas it refers to in Kinross-shire need to be continued into the new LDP.

Councillor Michael Barnacle (02633/1/017): LDP should state Areas of Great Landscape Value (S4_Doc_176) and (S4_Doc_177) continue until landscape protection that replaces them has been finalised.

Fossway and District Community Council (00830/1/013): LDP should contain a new policy to replace the existing policy on Areas of Great Landscape Value.

Jim Pritchard (09104/1/010): No explicit change sought other than to afford the same protection to those areas currently identified as AGLVs (S4_Doc_176) and (S4_Doc_177).

Kevin Borthwick (09777/1/009): Areas of Great Landscape Value (S4_Doc_176) and (S4_Doc_177) should be kept until there is an alternative proposal for their replacement.

Geodiversity and Physical Qualities of the Landscape

SportScotland (03185/1/006): Policy ER6 (f) should have more emphasis on the physical qualities of landscape and the need to protect them.

Friends of the Ochils (10221/1/006): A specific review should be carried out to ensure geodiversity is adequately addressed in the LDP.

Summary of responses (including reasons) by planning authority:

Changes to Policy Wording/Emphasis

Force 9 Energy (00369/5/001): The respondents' comment that the policy is '*very negative and restrictive*' and as such '*contrary to SPP*' is not accepted, as it is considered that it is implicit within the policy that change can happen, but Policy ER6 seeks to ensure that any development and land use change is compatible with the distinctive characteristics and features of the area's landscapes.

SPP (paragraph 37) (S4_Doc_128) describes the important role the planning system has in supporting the realising of sustainable development through its influence on '*the location, layout and design of new development*', and it requires decision-making to not only '*contribute to reducing energy consumption and to the development of renewable energy generation opportunities*', but also to '*protect and enhance the natural environment, including ... landscape*'. It is acknowledged as per the respondents' representation that the first sentence of paragraph 127 of SPP (S4_Doc_126) identifies the aim as being '*to facilitate positive change whilst maintaining and enhancing distinctive character*.' However, the final sentence of the same paragraph goes on to state that '*different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character*.' It is therefore deemed that SPP (Core_Doc_048) supports the approach followed in Policy ER6 in this respect.

It is important to achieve a balanced decision through weighing up all of the key considerations for proposals, and the list of criteria in Policy ER6 are there to protect and enhance the landscapes of Perth and Kinross and will set the tests against which the decision-maker will decide whether, on balance, that the change being proposed is acceptable in terms of those tests. In addition there are other elements of the Plan which are supportive of renewable energy generating developments i.e. paragraph 2.4.10 of the

Strategy (S4_Doc_412), and Policies ER1: Renewable and Low Carbon Energy Generation (S4_Doc_392), EP1: Climate Change, Carbon Reduction and Sustainable Construction (S4_Doc_413), and EP9B: New Waste Management Infrastructure (S4_Doc_388).

It is not considered that the modification proposed by the respondent is required. However, if the Reporter is so minded to recommend a change to the policy, in the interests of providing greater clarity, the Council would be comfortable with the removal of the following text from the second and third sentences: *'...will be required to conserve and enhance the landscape qualities of Perth and Kinross. They...'*

Scottish Natural Heritage (05211/13/001): It is considered that the inclusion of the suggested amendment to criterion (a) of the policy is not necessary as paragraph 37 of SPP (S4_Doc_128) identifies that *'the planning system has an important role to play in supporting the achievement of sustainable development through its influence on the location, layout and design of new development'*, and it requires decision-making to *'protect and enhance the natural environment'*; and paragraph 127 (S4_Doc_126) recognises that *'opportunities for enhancement or restoration of degraded landscapes ... should be promoted through the development plan where relevant.'* Policy ER6 is considered to be in line with SPP (Core_Doc_048) as criterion (a) requires applicants to demonstrate that their proposal will not erode the quality of landscape experience in Perth and Kinross, and criterion (e) requires developers to include landscape enhancement and mitigation schemes; thereby seeking to address negative landscape experiences in association with development.

No modification is proposed to the Plan.

The Greenspan Agency (00886/1/002); Alexander Harley Seeds Ltd (00885/1/004): It is not considered that Policy ER6 does place too much emphasis on an aversion to change; it is implicit in the policy that change can happen but it seeks to ensure that any development and land use change is compatible with the distinctive characteristics and features of the area's landscapes. This approach is considered to be in line with SPP (paragraph 127) (S4_Doc_126) which states that *'the aim is to facilitate positive change whilst maintaining and enhancing distinctive character'*. Criterion (d) closely reflects paragraph 128 (S4_Doc_129) of SPP which states that *'...planning authorities should safeguard the character of... areas [of wild land] in the development plan'* due to the sensitivity of these areas to any form of development or intrusive human activity. The Plan contains a suite of policies against which proposals will be assessed through the development management process, and decisions will be taken in line with the development plan, and taking into account any other material considerations, including the capacity of the landscape to accept the proposed development. It will therefore be for the decision-maker to determine whether the proposed change is acceptable in light of the facts before them.

The Council will also be producing and consulting on supplementary guidance on landscape and a spatial framework for wind energy developments in 2013 (Draft LDP Action Programme 2012-2024, page 14 (S4_Doc_458) which will allow the acceptability of development proposals to be assessed in landscape terms and will provide further detail in terms of the locational, technological, environmental and design requirements for applicants.

No modification is proposed to the Plan.

Local Landscape Areas and Supplementary Guidance

SportScotland (03185/1/006): It is acknowledged that SPP (paragraph 139) (S4_Doc_085) highlights that local landscape designations should be identified and protected through the development plan and the reasons for their designation clearly explained, alongside the factors which will be taken into account in development management decision-making, and also that the designating of these areas should be to safeguard and promote important settings for outdoor recreation and tourism locally. However, it was considered by the Council that given the likely scope, scale and detail involved in identifying such areas, and also to ensure their protection and enhancement through the development management processes, that the issue would be best dealt with through supplementary guidance to the Plan. Unfortunately, there were insufficient resources available to produce the guidance and the necessary environmental assessments and other studies required to inform and accompany the document in advance of the publication of the Proposed Plan. It is however a priority for the Council during 2013 to produce and consult on supplementary guidance linked to Policy ER6 of the Plan (Draft LDP Action Programme 2012-2024, page 14 (S4_Doc_458). The guidance will be developed in line with Scottish Government policy and guidance, and once adopted by the Council it will form part of the Development Plan and will be used to assess the acceptability of development proposals.

Notwithstanding the above, the Plan does recognise the importance of protecting outdoor sport through its policies on Open Space Retention and Provision (CF1) (S4_Doc_414); Residential Areas (RD1) (S4_Doc_405), which states that *'small areas of private and public open space will be retained when they are of recreational or amenity value. Changes away from ancillary uses such as...community facilities will be resisted...'*, and also the policy on Green Infrastructure (NE4) (S4_Doc_415), which seeks to ensure that development contributes to the *'creation, protection, enhancement and management of green infrastructure.'*

No modification is proposed to the Plan.

Scottish Renewables Forum (00760/1/002): As per the note section at the end of Policy ER1 (page 47 of the Proposed Plan) (S4_Doc_392), it is the intention of the Council as a priority during 2013 to produce and consult on supplementary guidance which will provide a spatial framework for wind energy developments and further explain the locational, technological, environmental and design requirements for developers to consider in making their applications (Draft LDP Action Programme 2012-2024, page 14 (S4_Doc_458). This approach is considered to be in line with the advice at paragraph 96 of Circular 1/09: Development Planning (S4_Doc_467) which states that *'Scottish Ministers' intention is that much detailed material can be contained in supplementary guidance, allowing the plans themselves to focus on vision, the spatial strategy, overarching and other key policies, and proposals.'* As with the supplementary guidance on landscape, due to the likely scope, scale and detail of such guidance and the necessary associated environmental assessments and other studies which would be required to inform and accompany it, there were insufficient resources available to produce it in advance of the publication of the Proposed Plan. In developing this supplementary guidance the Council will take into account the relevant Scottish Government policies and guidance and the document will also be informed by the landscape capacity for wind energy study (Core_Doc_199) and other studies undertaken to produce the supplementary guidance for landscape linked to Policy ER6 of the Plan. Once it has been adopted by the Council the guidance will form part of the Development Plan (paragraph 93, Circular 1/09: Development Planning) (S4_Doc_471) and will be used to assess the acceptability of development proposals, including those for onshore

windfarms.

No modification is proposed to the Plan.

Regional Park Designation for the Ochils

Kinross-shire Civic Trust (06950/1/008); Friends of the Ochils (10221/1/006); Councillor Michael Barnacle (02633/1/017): A regional park is an extensive area of land, part of which is devoted to the recreational needs of the public (Section 48A(1) of the Countryside (Scotland) Act 1967 as amended by Section 8 of the Countryside (Scotland) Act 1981) (S4_Doc_291). They have been created in order to provide the coordinated management of recreation alongside other land uses such as farming and forestry, and due to their nature often include landscapes which are considered to be of regional importance. They are formally designated by local authorities, with support from Scottish Natural Heritage (SNH).

Although it is not explicitly stated within the representations, reading between the lines it appears that the respondents want the Ochil Hills protected for landscape reasons rather than for recreational purposes. However, it is considered that a regional park designation is not the right means of achieving this. As highlighted above, the designating of a regional park is most appropriate where the recreational pressures in an area require proactive management, and also where a leisure needs analysis justifies its requirement. At present there is insufficient evidence to justify it. However, as previously highlighted in this Schedule 4, it is the intention of the Council to identify local landscape areas, which may include the Ochil Hills, through supplementary guidance to the Plan. Unfortunately, there were insufficient resources available to produce the guidance and the necessary associated environmental assessments and other studies which would be required to inform and accompany it in advance of the publication of the Proposed Plan; however, it is a priority for the Council during 2013 to produce and consult on supplementary guidance linked to Policy ER6. (Draft LDP Action Programme 2012-2024, page 14 (S4_Doc_458))

The guidance will be informed by the Tayside Landscape Character Assessment (LCA) (Core_Doc_035), the review of Landscape Character Areas currently being undertaken by SNH, existing and new landscape capacity studies, including those for Kinross-shire (Core_Doc_053) and Perth (Core_Doc_162), and various community engagement and consultation exercises/events, in order to help identify the most locally important landscapes within Perth and Kinross which will then be designated by the Council as Local Landscape Areas. Once the necessary studies have been undertaken and local designations identified, and if it is considered appropriate in the future using the outcome of that work, the Council could consult SNH as to the appropriateness of, and necessity for, designating a regional park(s) in this area. However, given the current financial climate, it is thought to be highly unlikely that the possibility of a regional park(s) for the area will be investigated within the lifetime of this LDP. Therefore, it is considered that if it were to be included as a proposal within the Plan, the Council would not meet the test set under Regulation 10(1)(a) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (S4_Doc_247), which requires planning authorities in preparing a LDP *'to have regard to – the resources available or likely to be available for the carrying out of the policies and proposals set out in the local development plan'*, or the Council's obligation under Regulation 26(c) (S4_Doc_472) to set out the timescale for the conclusion of the list of actions required to deliver each of the policies and proposals contained within the Plan.

No modification is proposed to the Plan.

Greater Protection for the Ochils & Loss of/Replacement for AGLVs

Kinross-shire Civic Trust (06950/1/008); Friends of the Ochils (10221/1/006); Councillor Michael Barnacle (02633/1/017); Fossoway & District Community Council (00830/1/013); Jim Pritchard (09104/1/010); Kevin Borthwick (09777/1/009): Once adopted, the Local Development Plan and any supplementary guidance will replace the existing six local plans covering the Council area (Core_Docs_003 - 008) which will provide greater consistency across Perth and Kinross. However, when the current Local Plans are superseded the existing Area of Great Landscape Value (AGLV) designations (S4_Doc_176) and (S4_Doc_177), such as the one covering the Ochils in the 2004 Kinross Area Local Plan (KALP) (Core_Doc_008) will no longer exist. It is therefore the intention of the Council to designate 'Local Landscape Areas' in line with SPP (paragraphs 139 and 140) (S4_Doc_085) and (S4_Doc_127) through supplementary guidance to the Plan on landscape, in order to protect the most important landscapes in Perth and Kinross.

Due to the volume of work involved in identifying such areas, it was considered by the Council that the issue would be best dealt with through supplementary guidance. This guidance is programmed for production and consultation (including with neighbouring authorities where appropriate) during 2013 as a priority (Draft LDP Action Programme 2012-2024, page 14 (S4_Doc_458), and will be informed by the Tayside Landscape Character Assessment (Core_Doc_035), the review of Landscape Character Areas currently being undertaken by Scottish Natural Heritage (SNH), existing and new landscape capacity studies, including those for Kinross-shire (Core_Doc_053) and Perth (Core_Doc_162), and various community engagement and consultation exercises in order to help identify the most locally important landscapes within Perth and Kinross, which will then be designated by the Council as Local Landscape Areas.

In the interim, as outlined in Policy ER6, development proposals will be required to satisfy criteria (a) to (g), which require applicants to demonstrate to the satisfaction of the Council as planning authority that their proposal(s) will not individually, and/or cumulatively with other existing or proposed developments, detrimentally impact upon the area's landscapes. This protection will be further strengthened in future through the detailed landscape supplementary guidance. Outwith National Scenic Areas the Tayside Landscape Character Assessment (Core_Doc_035) will be used for assessing development proposals, along with other material considerations, including the studies mentioned in the previous paragraph. The landscape capacity studies, (Core_Doc_053) and (Core_Doc_162), will provide guidance on what is and is not acceptable, and the Kinross-shire study was used to inform the extent of the AGLV boundary designated in the 2004 KALP.

In response to comment reference (02633/1/017) regarding the lack of discussion on what will replace AGLVs, the Main Issues Report (MIR) highlighted the need to identify new local landscape designations (MIR Key Issue 16, (S4_Doc_211) and a workshop was held at Perth Concert Hall on Saturday 22 January 2011 on landscape issues, at which attendees were given the opportunity to help inform what approach the Council would take on the matter.

It is considered that no modification is required to the Plan; however, if the Reporter is so minded, an option would be to retain the existing AGLVs (S4_Doc_176) and (S4_Doc_177) in the short interim period until the new local landscape areas have been designated. This could be done through an amendment to the 'Note' section at the end of the Policy which could state that the existing AGLVs remain as a material consideration until they are replaced by the new local landscape area designations. The

Council would be comfortable with this approach, as it is believed that SPP (paragraph 139) (S4_Doc_085) provides a degree of flexibility to planning authorities to designate other types of local landscape and nature conservation designations through the statement that they are *'encouraged to limit non-statutory designations to two types – local landscape areas and local nature conservation sites.'*

Geodiversity and Physical Qualities of the Landscape

SportScotland (03185/1/006): It is considered that the reference in the policy to protecting and enhancing *'geological'* and *'geomorphological'* elements of the landscape under criterion (f) covers the issue of *'physical qualities of landscape and the need to protect them'* which was raised through the representation. In addition, this topic will be further expanded upon in the supplementary guidance to accompany Policy ER6.

No modification is proposed to the Plan.

Friends of the Ochils (10221/1/006): The statutory conservation of geological and geomorphological features is part of the remit of National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSIs). There are a number of National Nature Reserves and geological SSSIs across Perth and Kinross, and these sites formed part of the environmental baseline for the Strategic Environmental Assessment (SEA) of the LDP (Appendix B of the Environmental Report) (Core_Doc_087) and were taken into account through that assessment process. Proposed Plan Policy NE1B: National Designations (S4_Doc_389) seeks to ensure that development will not adversely affect the integrity of NNRs, SSSIs and National Scenic Areas or the qualities for which they have been designated. In addition, criterion (f) of Policy ER6 requires applicants to incorporate measures for the protection and enhancement of a number of elements of the landscape, including *'geological'* and *'geomorphological'* ones. This approach is considered to be in line with SPP (paragraph 137) (S4_Doc_130).

It is acknowledged that it is important to recognise the value of geodiversity as a resource to be conserved (SPP paragraph 141 (S4_Doc_292), so that people can enjoy and find out more about it. Locations can contribute to the quality of local environments and provide opportunities for recreation and informal education. Geodiversity helps maintain natural processes, supports ecosystems as well as the link with the areas distinctive cultural landscapes. It will also assist in ensuring we adapt to climate change and sea level rise. Given the importance of geodiversity to the area's landscapes, the potential for protecting and maintaining geodiversity through the designation of regionally important sites will be considered as part of the supplementary guidance on landscape programmed for 2013. (Draft LDP Action Programme 2012-2024, page 14 (S4_Doc_458) This may be done through the involvement of the Tayside RIGS (Regionally Important Geological and Geomorphological Sites) Group which the Council is a member of.

No modification is proposed to the Plan.

Reporter's conclusions:

Changes to wording of policy ER6

1. Paragraph 126 of SPP indicates that planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species. SPP recognises that landscape in both the countryside and urban areas is constantly changing and the aim should be to facilitate positive change while maintaining and enhancing distinctive character. The introductory paragraph of policy

ER6 is intended to reflect this approach. The respondent's comment that, when combined with criteria (c) and (d), the policy as a whole is very negative and restrictive and, as such, wholly contrary to Scottish Government policy, is considered to be a gross over-statement. The respondent's suggested revision certainly changes the emphasis of the first paragraph but it is debatable as to whether the revised paragraph better reflects Scottish Government policy. The planning authority has suggested a further revision, in order to provide greater clarity on the intentions of policy ER6.

2. The main issue here is similar to policy ER1 (see Issue 15a), in that there is no national policy context for the approach to managing landscape change adopted in the LDP. The planning authority's suggested revision removes any reference to the need to ensure that the qualities of the landscape are conserved and enhanced, a key element of national policy. It is considered that this would be a retrograde step. In the absence of any background policy context, it is considered that the first paragraph of policy ER6 should more accurately reflect the policy set out in paragraphs 125-127 of SPP by making specific reference to the need to adopt a positive approach to facilitating change whilst maintaining and enhancing the distinctive landscape characteristics and features of Perth and Kinross.

3. In relation to the request to amend the wording of criterion (a), it is not considered that the replacement of the words 'quality of landscape experience' with the words 'positive qualities of landscape experience' adds anything to this policy. Clearly, the intention of criterion (a) is to ensure that proposed developments do not erode the quality of landscape experience; the word 'quality' equating to the nature, character or attributes of the landscape experience. Perhaps in drafting the proposed supplementary guidance '*Landscape Guidance*', the meaning of 'quality' could be clarified.

4. In relation to the requests to amend the wording of criterion (d), paragraph 128 of SPP indicates that planning authorities should safeguard areas of wild land character that are sensitive to development or intrusive human activity. It is considered that criterion (d) is in entire accord with this Scottish Government guidance.

5. In relation to the request for more emphasis in criterion (f) on the physical qualities of the landscape and the need to protect them, the planning authority's position is that these qualities are covered by the terms 'geological' and 'geomorphological'. This position is accepted.

Designation of Local Landscape Areas

6. Paragraph 139 of SPP supports local designations, which protect, enhance and encourage the enjoyment and understanding of locally important landscapes and natural heritage. Such designations should be clearly identified and protected through the development plan. The planning authority has not included local landscape designations in the Proposed Plan but intends to pursue this issue through supplementary guidance. When adopted by the planning authority, it will form part of the development plan.

Greater protection for the Ochils and other designated Areas of Great Landscape Value

7. In relation to the concerns that when the current local plans are superseded by the Proposed Plan, the existing AGLVs will no longer offer protection for the Ochils and the hills around Loch Leven, the planning authority acknowledges that this issue has not been dealt with in the Proposed Plan but has been left for the production of supplementary guidance on landscape, which it intends to prepare as a matter of priority.

This guidance will be informed by a number of studies and involve community engagement and consultation exercises in order to help identify the most locally important landscapes. Until such time as the supplementary guidance is prepared and adopted, when it will become part of the development plan, development proposals within previously designated AGLVs will be required to satisfy the criteria in policy ER6.

8. It is unfortunate that more detailed guidance on managing landscape change is not yet available but policy ER6 clearly identifies a number of important factors designed to safeguard the landscape from inappropriate developments. In accordance with Government policy in SPP, policy ER6 requires development proposals to be compatible with the aim of maintaining and enhancing the distinctive characteristics of the area's landscape. Criterion (a) of policy ER6 requires applicants to demonstrate that proposals do not erode the local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, criterion (b) safeguards views and landmarks from inappropriate development. The Tayside Landscape Character Assessment will be used to assist in the assessment of proposals outwith National Scenic Areas. It is considered that criteria (a) to (g) provide sufficient protection for the areas previously designated as AGLVs in the Kinross Area Local Plan 2004.

9. In relation to the planning authority's suggestion that the note at the end of policy ER6 could include a reference to the superseded AGLVs remaining as a material consideration, it is difficult to see what weight could be attached to a local plan designation that no longer exists. Indeed, it is considered that policy ER6 provides a far better framework for managing the landscape in the superseded AGLVs than policy 54 in the Kinross Area Local Plan 2004 and nothing would be served by incorporating a reference to the superseded AGLVs in the note.

10. In relation to the request that consideration should be given to designating the Cleish Hills a Regional Park and that a longer term goal should be to achieving Regional Park status for the entire Ochils, the planning authority indicates that, given the current financial climate, it is highly unlikely that the possibility of a Regional Park or Parks will be investigated during the lifetime of the Proposed Plan. In these circumstances, it would not be appropriate to include a reference to the possible designation of Regional Park(s) in this local development plan.

Geodiversity and Physical Qualities of the Landscape

11. In relation to the request for a specific review of geodiversity, the planning authority acknowledges the importance of geodiversity to the area's landscapes and points out that policy NE1B provides safeguards for national designations in accordance with paragraph 137 of SPP. Criterion (f) of policy ER6 ensures that development proposals incorporate measures for protecting and enhancing the geological and geomorphological elements of the landscape. The planning authority indicates that the potential for protecting and maintaining geodiversity through the designation of regionally important sites will be considered within the proposed supplementary guidance on landscape. It is considered that this is an appropriate approach to take.

Reporter's recommendations:

Policy ER6

1. Replace the second sentence of the introductory paragraph with the words: 'Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.'

Issue 16	Climate Change	
Development plan reference:	EP1 - Climate Change, Carbon Reduction and Sustainable Construction, page 50-51	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) TACTRAN (09203) SSE plc (09311) G S Brown Construction Ltd (09817) Stewart Milne Homes (10080) Homes for Scotland (10214)		
Provision of the development plan to which the issue relates:	Sets out the environmental protection policy framework in relation to climate change	
Planning authority's summary of the representation(s):		
<p><u>Sustainability Statement and Labelling</u> Scottish Government (00092/4/001): The first paragraph implies only those buildings subject to a Sustainability Statement should be accompanied by a sustainability label. As worded this does not meet the requirement in Section 3F Town & Country Planning (Scotland) Act 1997 (S4_Doc_190) requiring all new buildings to be subject to Low and Zero-Carbon Generating Technology (LZCGT). The table in the policy does not require all developments to be subject to 'Active' sustainability levels which are the only ones to include Low and Zero-Carbon Generating Technology. To ensure all levels of sustainability labelling will result in a specified proportion of emissions being avoided through use of Low and Zero-Carbon Generating Technology, reference should be made to Low and Zero-Carbon Generating Technology in the table and where possible should be made first to the 'Active' sustainability levels.</p> <p>The proportion of greenhouse gas emissions to be avoided through use of Low and Zero-Carbon Generating Technology can be specified in the table. Initially a small proportion of savings can be apportioned to Low and Zero-Carbon Generating Technology. Section 72 of the Climate Change (Scotland) Act 2009 (S4_Doc_190) is to be implemented in accordance with building regulations but development plan policy doesn't have to exceed these in relation to greenhouse gas emissions: 2% emissions reduction from Low and Zero-Carbon Generating Technology would be 2% of the overall emissions reduction achieved by Scottish building regulations. Text revision suggested which reduces number of steps before reaching Platinum level.</p> <p>Scottish Natural Heritage (05211/14/001): The aspects listed under the Domestic category for Gold Standard in the table are the same as those listed for Silver Standard - question whether this is a formatting error.</p>		

Carse of Gowrie Sustainability Group (00788/1/006); Fiona Ross (00786/1/007): Strongly support recognition that planning must take account of climate change but Policy EP1 is unclear as to which applications will require a Sustainability Statement. Disappointed that many desirable aspects of the new building requirements do not come into effect until 2016 or later.

G S Brown Construction Ltd (09817/3/003): Sustainability Statements are for Building Standards not the LDP. The ever increasing building standards are expensive and have little impact on CO₂ output. More sensible to improve the efficiency of existing housing stock.

Homes for Scotland (10214/1/021); Stewart Milne Homes (10080/18/001): Support policy as written.

Storage and Collection of Refuse

SSE plc (09311/1/007): Policy EP1 refers to the policy requirements applying to all development proposals. Policy wording should be amended to recognise there will be some forms of development the policy should not apply to, e.g. a commercial scale wind farm or electrical substation. Such uses do not always have person users other than maintenance so it would be inappropriate to require the development to provide storage for refuse collection and recyclable materials.

Homes for Scotland (10214/1/022): Policy wording should be amended to determine when it will be appropriate for communal recycling and waste collection facilities to be provided in major developments. As worded there is insufficient information for developers to design their sites. Supplementary Guidance also required to provide information on specifications etc. The sentence *'New homes and workplaces should allow for the provision of high-speed broadband access to enable provision of next generation broadband'* does not relate to Policy EP1 and should be moved to Policy ED2 (S4_Doc_510).

Overall Comments

TACTRAN (09203/13/001): Policy statements on Environmental Protection should make specific reference to the need for development to encourage walking, cycling and the use of public transport in preference to journeys by private car. LDP should also refer to the implications which types and patterns of development may have in relation to travel and transport choices and behaviour which in turn impact on carbon emissions and sustainability as part of an overall climate change and sustainability policy.

Scottish Environment Protection Agency (03194/2/001): Support policy as written.

Modifications sought by those submitting representations:

Sustainability Statement and Labelling

Scottish Government (00092/4/001): Policy EP1 should require Low and Zero-Carbon Generating Technology (LZCGT) to be applied to all new buildings.

First paragraph should be revised to: *'New buildings should also include low and zero-carbon generating technologies (LZCGT) to off-set a proportion of emissions arising from the use of the buildings, as specified in the table below. Some relevant buildings must be accompanied by a sustainability statement and all buildings must receive an appropriate sustainability label as per the Building Standards Technical Handbook Section 7 - Sustainability'* (Core_Doc_036 and Core_Doc_037).

Policy should specify a proportion of greenhouse gases to be avoided through the use of Low and Zero-Carbon Generating Technology and this specified proportion should rise over time. Specific amendments to the table suggested:

- 2012 Domestic - rename 'Bronze Active' and insert following text at end: '*and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2012 Non-domestic - rename 'Bronze Active' and insert following text at end: '*and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2014 - delete
- 2016 Domestic - rename 'Silver Active' and insert following text at end of first sentence: '*and includes Low and Zero-Carbon Generating Technology*'; insert following text at end: '*New buildings should include a minimum 3% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2016 Non-domestic - rename 'Silver Active' and insert following text at end: '*A minimum 3% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology*'.
- 2018 - delete
- 2020 Domestic - insert following text at end: '*New buildings should include a minimum 5% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2020 Non-domestic - insert following text at end: '*a minimum 5% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology*'.
- 2022 - amend to cover both domestic and non-domestic; insert following text at end: '*including a minimum 6% carbon dioxide abatement through the use of Low and Zero-Carbon Generating Technology*'.
- In first point of the note delete the word 'development' and replace with 'building'

Scottish Natural Heritage (05211/14/001): The table needs to be revised to clarify which aspects of the Domestic Gold Standard are different or additional to Domestic Silver Standard.

Carse of Gowrie Sustainability Group (00788/1/006); Fiona Ross (00786/1/007): Clarity sought on which applications will require a Sustainability Statement.

G S Brown Construction Ltd (09817/3/003): The requirement for a Sustainability Statement for some planning applications should be deleted from Policy EP1. The policy should concentrate on improving the efficiency of the existing housing stock rather than new build.

Storage and Collection of Refuse

SSE plc (09311/1/007): Policy EP1 should be amended to recognise there will be some forms of development it will not be applied to i.e. non waste generating uses.

Homes for Scotland (10214/1/022): Policy wording should be amended to determine when it will be appropriate for communal recycling and waste collection facilities to be provided in major developments. Supplementary guidance should also provide information on specifications etc.

The sentence *'New homes and workplaces should allow for the provision of high-speed broadband access to enable provision of next generation broadband'* should be moved to Policy ED2 (S4_Doc_510).

Overall Comments

TACTRAN (09203/13/001): Policy EP1 should make specific reference to the need for development to encourage walking, cycling and the use of public transport in preference to journeys by private car. It should also refer to the implications which types and patterns of development may have in relation to travel and transport choices and behaviour.

Summary of responses (including reasons) by planning authority:

Sustainability Statement and Labelling

Scottish Government (00092/4/001): There are significant implications for the development industry in meeting the full requirements of Section 3F of the Town & Country Planning (Scotland) Act 1997 (S4_Doc_190). The LDP therefore takes a gradual approach to meeting the requirements with the expectation that full compliance will be sought through the next review of the Plan.

However if the Reporter is minded to recommend that the proposed modification is adopted in order to fully comply with the requirements of the Act in this LDP, the Council would be comfortable with this modification as it would not have any implications for any other aspect of the Plan.

Scottish Natural Heritage (05211/14/001): The aspects are the same but the standards to be reached within each aspect are higher at Gold level than at Silver e.g. aspect 1 CO₂ emissions to be 21.4% lower for Silver Domestic Standard but 42.8% lower for Gold.

If the Reporter was so minded the Council would not object to amending the wording of the Silver and Gold Domestic levels as follows in order to add clarity:

Silver Domestic – amend the sentence after *“Silver”* to read: *“Where the dwelling complies with the Silver level in each of the 8 aspects below”*

Gold Domestic – add after *“Gold”* the following sentence: *“Where the dwelling complies with the Gold level in each of the 8 aspects below”*

Carse of Gowrie Sustainability Group (00788/1/006) and Fiona Ross (00786/1/007): The forthcoming supplementary guidance, due for completion during 2013, will advise which applications will require a Sustainability Statement.

No modification proposed to the Plan.

G S Brown Construction Ltd (09817/3/003): Section 3F of the Town & Country Planning (Scotland) Act 1997 (S4_Doc_190) requires all new buildings to be subject to Low and Zero-Carbon Generating Technology (LZCGT). Improving the existing building stock is certainly desirable and there are already schemes in place or coming forward, such as the Scottish Government National Retrofit Programme (S4_Doc_630) and the UK Government's Green Deal (S4_Doc_631), which are designed to look at existing residential and commercial properties. However the Act requires Planning Authorities to take action in respect of new buildings, furthermore existing buildings are largely outwith the control of the planning system unless the subject of a planning application. Whilst

Sustainability Statements are not a requirement of the Act they are considered a good way of demonstrating that the requirements have been met.

No modification proposed to the Plan.

Storage and Collection of Refuse

SSE plc (09311/1/007): The forthcoming Supplementary Guidance will advise.

No modification proposed to the Plan.

Homes for Scotland (10214/1/022): The forthcoming Supplementary Guidance will determine when communal waste recycling and waste collection is to be provided. Policy EP1 is about allowing for future improvements within building design to allow the provision of high-speed broadband whereas Policy ED2: Communications Infrastructure (S4_Doc_510) is about the siting and design of the infrastructure itself. It is therefore considered appropriate that this requirement remains within Policy EP1.

No modification proposed to the Plan.

Overall Comments

TACTRAN (09203/13/001): This is covered by LDP Policy TA1 (S4_Doc_387) already. LDP policies should not duplicate each other.

No modification proposed to the Plan.

Reporter's conclusions:

Sustainability Statement and Labelling

1. The planning authority indicates that it would be comfortable with the extensive modification to policy EP1 proposed by the Scottish Government. The planning authority would also be content to amend the wording of the Silver Domestic and Gold Domestic boxes in the table, in response to the comments of SNH, in order to clarify the differences between the Silver Domestic and Gold Domestic Standards. In relation to the request that further clarity be provided on the types of applications that will require a sustainability statement, the council intends to include further guidance in forthcoming supplementary guidance. In relation to the need for sustainability statements, Section 3F of the Town and Country Planning (Scotland) Act 1997, as amended, requires all new buildings to be subject to Low and Zero-Carbon Generating Technology (LZCGT). Some relevant buildings must be accompanied by a sustainability statement and all buildings must receive an appropriate sustainability label. As indicated by the council, sustainability statements are considered a good way of demonstrating that the requirements of the Act have been met.

Storage and Collection of Refuse

2. The council indicates that supplementary guidance will provide advice on the forms of development to which policy EP1 applies and on those developments where communal facilities for waste collection and recycling would be appropriate.

High-speed broadband access

In relation to the request that the requirement for high-speed broadband access should

be moved to policy ED2, it is considered that policy EP1 is the appropriate policy for this requirement. Policy ED2 relates to the provision of communications infrastructure outwith buildings whereas policy EP1 relates to the provision within new homes and workplaces.

Overall Comments

3. In relation to the request that policy EP1 should make specific reference to the need for development to encourage walking, cycling and the use of public transport, these requirements are referred to in policy TA1B. It is neither necessary nor appropriate to duplicate these requirements in policy EP1.

Proposed policy EP1A

4. It is indicated in the representations received from SNH and SEPA in respect of policy ER5 (see Issue 15c) that specific reference should be made in the Proposed Plan to the need to protect carbon rich soils, including peatland. It is considered that an additional policy, policy EP1A, should be added to address the concerns of SNH and SEPA. SNH and SEPA have both suggested a suitable wording for such a policy and the reasoning to support the policy. It is recommended that a wording based on that suggested by these two bodies be adopted for policy EP1A, which would provide adequate safeguards for carbon rich soils, including peatland.

Reporter's recommendations:

Policy EP1

1. In first paragraph, delete the third sentence and replace with the following words: *'New buildings should also include low and zero-carbon generating technologies (LZCGT) to off-set a proportion of emissions arising from the use of the buildings, as specified in the table below. Some relevant buildings must be accompanied by a sustainability statement and all buildings must receive an appropriate sustainability label as per the Building Standards Technical Handbook Section 7 - Sustainability'.*

2. The policy should specify a proportion of greenhouse gases to be avoided through the use of Low and Zero-Carbon Generating Technology and this specified proportion should rise over time. Specific amendments to the table are as follows:

- 2012 Domestic - rename *'Bronze Active'* and insert following text at end: *'and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology '.*
- 2012 Non-domestic - rename *'Bronze Active'* and insert following text at end: *'and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology '.*
- 2014 - delete
- 2016 Domestic - rename *'Silver Active'*. Replace first sentence with the following words: *'Where the dwelling complies with the Silver Active level in each of the 8 aspects below'* and insert following text at end of first sentence: *'and includes Low and Zero-Carbon Generating Technology';* insert following text at end: *'New buildings should include a minimum 3% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology '.*
- 2016 Non-domestic - rename *'Silver Active'* and insert following text at end: *'A minimum 3% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology '.*

- 2018 - delete
- 2020 Domestic – add after ‘Gold’ the following sentence: *Where the dwelling complies with the Gold level in each of the 8 aspects below.* Insert the following text at end: *'New buildings should include a minimum 5% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology'.*
- 2020 Non-domestic - insert following text at end: *'a minimum 5% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology'.*
- 2022 - amend to cover both domestic and non-domestic; insert following text at end: *'including a minimum 6% carbon dioxide abatement through the use of Low and Zero-Carbon Generating Technology'.*
- In first point of the note delete the word ‘development’ and replace with ‘building’.

Proposed policy EP1A (to follow policy EP1)

3. Add the following policy wording: *The council is committed to ensuring that development minimises disturbance to, and the loss of, carbon rich soils, including peatland, which are of value as carbon stores. Development will only be permitted on areas of undisturbed carbon rich soils, including peatland, where it has been clearly demonstrated that there is no viable alternative, or where the economic and social benefits of the development outweigh any potential detrimental effect on the environment.*

Issue 17a	New Development and Flooding	
Development plan reference:	EP2 - New Development and Flooding, page 51-53	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Portmoak Community Council (00638) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) Councillor Michael Barnacle (02633) Perthshire Chamber of Commerce (03005) Scottish Environment Protection Agency (03194)		Methven & District Community Council (09221) SSE plc (09311) Arklay Guthrie (09692) Dr Peter Symon (09723) G S Brown Construction Ltd (09817) Homes for Scotland (10214)
Provision of the development plan to which the issue relates:	Policy relates to flood risk in relation to new development	
Planning authority's summary of the representation(s):		
<p>G S Brown Construction Ltd (09817/3/004): Any development taking place on land between 1:200 and 1:1000 year risk as shown on LDP should NOT require Flood Risk Assessment, assume this assertion made on the basis of costs.</p> <p>Homes for Scotland (10214/1/023): Contradictions between text and diagram are confusing and should be amended for clarity. Any development taking place on land with anything greater than a 1:200 year flood risk should not require a Flood Risk Assessment.</p> <p>SSE plc (09311/1/008): This policy goes beyond the policy position as set out within SPP (S4_Doc_109), (paragraph 203), SPP is far less restrictive.</p> <p>Carse of Gowrie Sustainability Group (00788/1/009); Fiona Ross (00786/1/008): Less than adequate attention to drainage of agricultural land has contributed to the flooding of the low-lying clay soils in the Carse. Climate change may mean that flooding of the Carse becomes a more regular event, SEPA flood maps do not accurately represent the extent of flooding in the Carse in recent winters.</p> <p>Perthshire Chamber of Commerce (03005/1/004): The quality of mapping used to implement the policy falls well short of being accurate, several members of the Chamber have had experience of incurring considerable additional cost (consultancy work) simply to demonstrate that the flood risk areas indicated on the 1:480,000 map annexed to this policy extend into areas which are not at risk, an error of one millimetre in drafting of a 1:480,000 scale map represents just under one third of a mile in real terms.</p> <p>Dr Peter Symon (09723/4/001): The present definition of flooding is too narrow with respect to risk of water logging of development land, especially on low lying estuarine clay lands such as the Carse. Inadequately maintained drainage systems make development susceptible to flood. Agricultural areas should be kept as such.</p>		

Arklay Guthrie (09692/2/001); Councillor Michael Barnacle (02633/1/018); Methven & District Community Council (09221/1/018); Portmoak Community Council (00638/2/010); Scottish Environment Protection Agency (03194/3/001): The policy accords with the principles set out in the Risk Framework of the Scottish Planning Policy (S4_Doc_109) and takes account of the need to adapt to climate change, and we therefore support the policy wording. Support for the Plan.

Modifications sought by those submitting representations:

G S Brown Construction Ltd (09817/3/004): Any development taking place on land between 1:200 and 1:1000 year risk as shown on LDP should NOT require Flood Risk Assessment. No specific wording suggested.

Homes for Scotland (10214/1/023): The flood diagram and subsequent text on page 52 requires clarification and should be amended so that *'any development taking place on land with anything greater longer than a 1:200 year flood risk, should NOT require a flood risk assessment'*. No specific wording suggested.

SSE plc (09311/1/008): The policy should be amended and brought in line with the policy position as set out within SPP (S4_Doc_109). No specific wording is suggested.

Fiona Ross (00786/1/008); Perthshire Chamber of Commerce (03005/1/004); Carse of Gowrie Sustainability Group (00788/1/009): SEPA flood maps (S4_Doc_350) need to have their accuracy improved.

Dr Peter Symon (09723/4/001): *'In the sentence beginning 'There will be a general presumption against...' add text(1) to expand the explicit definition of "flooding" beyond the implicit meaning of inundation by rising water levels in watercourses, rivers or bodies of water, to include any case of the creation of or reversion to boggy, marshy or otherwise excessively damp land due to an excess of water in or on the land: and (2) add an explicit statement of policy that there will be a presumption against development of land that depends for its viability on intensive systems of field drainage or other groundwork systems in order to maintain suitable levels of land dryness'*.

Summary of responses (including reasons) by planning authority:

G S Brown Construction Ltd (09817/3/004); SSE plc (09311/1/008); Homes for Scotland (10214/1/023): The representations by GS Brown and Homes for Scotland state that there should be no requirement for a flood Risk Assessment (FRA) in areas where the flood risk is below 1:200 year event. SSE state that the policy should reflect the risk framework set out in SPP. SSE also state they consider the policy goes beyond what is required by SPP (S4_Doc_109) and Homes for Scotland considers the statement *'They are not appropriate locations for essential civil infrastructure'* contradicts the text within Policy EP2 (ii).

The Council does not agree. The Council considers that the policy does accurately reflect the policy framework set out in SPP (S4_Doc_109) which states that in low risk areas (1:1000-1:200) a *"FRA may be required at the upper end of the probability range (i.e. close to 1:200) or where the nature of the development or local circumstance indicate heightened risk"*. The guidance is in accordance with SPP which states that *'in Low to Medium risk areasubject to operational requirements, including response times, these areas are generally not suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc....'*

The Council is content that the policy as included in the Plan complies with SPP (S4_Doc_109), a view endorsed by the Scottish Environment Protection Agency (03194) who is therefore supportive of Policy EP2.

No modification is proposed to the Plan.

Fiona Ross (00786/1/008); Perthshire Chamber of Commerce (03005/1/004); Carse of Gowrie Sustainability Group (00788/1/009): Are concerned that the SEPA indicative flood maps do not accurately reflect the actual extent of flooding in recent winters. Flooding can occur from a whole range of factors, SEPA indicative flood maps are a matter for SEPA to keep up to date. The Council will always use the most up to date information available when assessing flood risk in an area, these maps are meant as a tool to alert those concerned that in certain areas flooding may be an issue, which will require to be investigated, and, if necessary, addressed.

No modification is proposed to the Plan.

Dr Peter Symon (09723/4/001): Suggests amended wording to give an expansion of the definition of flooding, he also refers to the contribution inadequate drainage can make to flooding, as does the Carse of Gowrie Sustainability Group (00788/1/009). The policy however, talks of "flooding from any source" and the Council considers this covers both of these points;

No modification is proposed to the Plan.

Reporter's conclusions:

1. Scottish Planning policy (SPP) at paragraph 204 sets out a risk framework which divides flood risk into three categories and outlines an appropriate response. The risk framework identifies a Low to Medium Risk Area which has an annual probability of watercourse, tidal or coastal flooding in the range (1:1000-1:200). SPP states that "*A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%) or where the nature of the development or local circumstances indicate heightened risk.*" Policy EP2 as worded has the support of the Scottish Environment Protection Agency (SEPA) and the respondents have provided no persuasive evidence to justify the setting aside of that requirement in Perth & Kinross.
2. The diagram and text to be found on page 52 of the Proposed Plan must be read as an integral part of Policy EP2. A modification is required in order to ensure compatibility with the terms of SPP, and the main text of Policy EP2.
3. The SEPA indicative flood maps might benefit from a review in the light of flooding suffered in recent winters in the Carse of Gowrie (including in the vicinity of Grange) and elsewhere in Perth and Kinross. However, the need for any review which may be appropriate in the light of climate change in general, or the specific circumstances to be found in Perth and Kinross, is a matter for SEPA to address and not the planning authority. Given that the map on page 54 shows Indicative Flood Risk Areas it should be retained.
4. There is no dispute that the risk of waterlogging of development land in the Carse of Gowrie is a matter for concern. However, the terms of Policy EP2, and the flood risk framework incorporated within it, when read together with the policy framework provided by the Proposed Plan as a whole, are sufficiently broad to allow an adequate assessment

of the impact of new development in any area where there is a significant probability of flooding from any source. Accordingly, there is no need for a modification to the Proposed Plan.

Reporter's recommendations:

1. Modify the diagram on page 52 where it refers to Category ii to read as follows:
"...development acceptable here subject to a satisfactory flood risk assessment if required by the Council."
2. Related to that, in the text below the diagram which refers to Category ii Low to Medium Flood Risk amend the first sentence to read: *"Suitable for most forms of development but may be subject to a flood risk assessment."*

Issue 17b	Water Environment and Drainage	
Development plan reference:	EP3 - Water Environment and Drainage, page 54	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Councillor Michael Barnacle (02633) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211)		
Provision of the development plan to which the issue relates:	Water Environment and Drainage	
Planning authority's summary of the representation(s):		
<p><u>EP3A: Water Quality</u> Scottish Environment Protection Agency (03194/4/001): Perth and Kinross Council has duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (WEWS) (Core_Doc_102) to exercise their designated functions so as to secure compliance with the requirements of the Water Framework Directive (WFD) (Core_Doc_163).</p> <p>To be in keeping with the duties and definition set out in the Water Environment and Water Services (Scotland) Act 2003, 'Water Environment' is considered to be a more appropriate title for Policy EP3A.</p> <p>The production of the River Basin Management Plan (RBMP) (Core_Doc_038) is one of the requirements of the Water Framework Directive and to achieve its aims, water bodies need to be protected from deterioration and action taken to enhance and restore those below good status. A revised policy wording is proposed which aims to clarify that development should be in accordance with the River Basin Management Plan (s) and specifically with the no deterioration and improvement objectives in order that the Council fulfils its duties as set out in the Water Environment and Water Services (Scotland) Act 2003.</p> <p>Derogation procedures are covered elsewhere (CAR licensing) (Core_Doc_168) so the latter part of the policy is recommended for deletion.</p> <p><u>EP3B: Foul Drainage</u> Scottish Environment Protection Agency (03194/5/001): We support this policy as it is in keeping with the duties that the Council has as a responsible authority under Water Environment and Water Services (Scotland) Act 2003 (WEWS) (Core_Doc_102) to exercise their designated functions so as to secure compliance with the requirements of the Water Framework Directive (WFD) (Core_Doc_163).</p> <p>Scottish Natural Heritage (05211/25/008): The Policy should be reworded to reflect the outcome of the Habitats Regulations Appraisal (Table 7.1, page 86) (S4_Doc_155).</p>		

EP3C: Surface Water Drainage

Scottish Environment Protection Agency (03194/6/001): Support this policy as it is in keeping with the duties that the Council has as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (WEWS) (Core_Doc_102) to exercise their designated functions so as to secure compliance with the requirements of the Water Framework Directive (WFD) (Core_Doc_163).

EP3D: Reinstatement of Natural Watercourses

Councillor Michael Barnacle (02633/1/019): Considers this policy should support localised ditch and watercourse management schemes where no flood prevention scheme is in place. More assistance is needed for areas that are at risk from flooding but that don't have a flood prevention scheme. Communities ought to be able to set up a local scheme to manage local ditches and watercourses. Perth and Kinross Council, Environment Committee, 4 November 2009 Agenda item 7: Biennial report on flood prevention responsibilities 2009 (Core_Doc_169).

Scottish Environment Protection Agency (03194/7/001): Support this policy as it is in keeping with the duties that the Council has as a responsible authority under Water Environment and Water Services (Scotland) Act 2003 (WEWS) (Core_Doc_102) to exercise their designated functions so as to secure compliance with the requirements of the Water Framework Directive (WFD) (Core_Doc_163).

Modifications sought by those submitting representations:**EP3A: Water Quality**

Scottish Environment Protection Agency (03194/4/001): New wording proposed: *'Policy EP3A Water Environment: Proposals must accord with the Scotland River Basin Management Plan and any associated Area Management Plans. Specifically, development must accord with the protection and improvement objectives of the River Basin Management Plan to ensure that there is no deterioration of water body status and where possible secure long term enhancements to water body status.'*

Deletion of wording: *'...Unless the activity proposed is of significant specified benefit to society or the wider environment.'*

EP3B: Foul Drainage

Scottish Natural Heritage (05211/25/008): In line with the outcome of the HRA process, recommend the deletion of paragraph 2 from the policy EP3B *'Private drainage provision such as septic tanks will only be considered in settlements as a temporary measure if there are capacity constraints prior to connection to the public sewerage system. In such cases the drainage system must be designed and built so that it allows easy connection to the public sewer and adoption by Scottish Water.'*

EP3D: Reinstatement of Natural Watercourses

Councillor Michael Barnacle (02633/1/019): Policy EP3D Propose support for local ditch and watercourse management schemes in areas not covered by a flood prevention scheme.

Summary of responses (including reasons) by planning authority:**EP3A: Water Quality**

Scottish Environment Protection Agency (03194/4/001): The Scottish Environment Protection Agency seek to amend the title of the first part of the policy from *'Water*

Quality to *Water Environment* to reflect the Water Environment and Water Services (Scotland) Act 2003 (Core_Doc_102), and in exercise of the Council's designated functions in compliance with the Water Framework Directive; this proposed title is seen as more in keeping with the overall title of Policy EP3 which is Water Environment and Drainage.

They also wish to amend the wording of this part of the policy as they state it would clarify that development should be in accordance with the River Basin Management Plan(s) (Core_Doc_038) and specifically with the no deterioration and improvement objectives in order that the Council fulfils the duties set out in Water Environment and Water Services (Scotland) Act 2003 (Core_Doc_102), and to delete the latter part of the policy as they consider derogation procedures are covered elsewhere (CAR licensing) (Core_Doc_168) it is therefore unnecessary.

No modification is proposed to the Plan. However, if the Reporter is so minded as to take the suggested policy sub-heading change, and sub-policy re-wording, the Council would be comfortable with this position as it has no implications for any other aspect of the Plan.

EP3B: Foul Drainage

Scottish Natural Heritage (05211/25/008): It is considered that amending the policy wording to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (Table 7.1, page 86) (S4_Doc_155) would provide greater clarity and transparency for applicants, and also consistency across the Plan in terms of the application of the provisions under the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389).

If the Reporter is so minded, the deletion of paragraph 2 of Policy EP3B as suggested by the respondent could be implemented, and the Council would be comfortable with this position.

EP3D: Reinstatement of Natural Watercourses

Councillor Barnacle (02633/1/019): Would like to see an inclusion in Policy EP3D a statement giving support for local ditch and watercourse management schemes in areas not covered by a flood prevention scheme.

It may be that local ditch and watercourse management schemes involve an element of re-instatement of Natural Watercourses, (and this is supported by SEPA) which would automatically mean they were supported by Policy EP3D. Councillor Barnacle states that communities ought to be able to set up a local scheme to manage local ditches and watercourses. Whilst this is a laudable aim, the Council does not consider the Local Development Plan to be an appropriate mechanism for delivery of such schemes.

No modification is proposed to the Plan

Reporter's conclusions:

Policy EP3A: Water Quality

1. Scottish Environment Protection Agency (SEPA) has explained that the council has duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to exercise designated functions in order to comply with the requirements of the Water Framework Directive. The production of the River Basin Management Plan is one of the requirements of the Directive. That explanation and the associated evidence carry sufficient weight that modifications are required to the title of

Policy EP3A for clarity and to the following text to ensure that the council's statutory obligations are met.

2. A balancing of the impacts of a development on the water environment against the socio-economic benefits of a proposal is a matter which the council must undertake in its role as planning authority in assessing the merits of a planning application. In the event that the proposal is recommended for approval, SEPA will undertake a licensing process under The Water Environment (Controlled Activities) (Scotland) Regulations 2001.

Policy EP3B: Foul Drainage

3. Reading Policy EP3B in the round and bearing in mind not only the reasoning presented by Scottish Natural Heritage (SNH) but also the wording of the third paragraph, there would be nothing lost to the plan as a whole if the second paragraph were to be deleted.

Policy EP3D: Reinstatement of Natural Watercourses

4. The focus of Policy EP3D is the impact of new development on existing watercourses consequent on proposals for new development. SPP at paragraph 211 confirms that culverts are a frequent cause of local flooding, particularly if design or maintenance is inadequate and goes on to state the thrust of Government policy with regard to provision and maintenance with respect to new development. Policy EP3D is compatible with that. Looking further than new development, there is nothing in Policy EP3D which stands in the way of the setting up of a local ditch and watercourse management scheme in an area not covered by a flood prevention scheme provided that it is compatible with all of the council's statutory duties regarding flood risk management and flood prevention. Accordingly, there is no need for a modification to the Proposed Plan.

Reporter's recommendations:

Policy EP3A: Water Quality

1. Policy EP3A should be re-titled "*Water Environment*". The existing wording of the policy should be deleted and replaced with text as follows:

"The Scottish River Basin Management Plan has protection and improvement objectives which aim to ensure that there is no deterioration of water body status and where possible secure long term enhancements to water body status. Proposals for development which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused planning permission unless the development is judged by the Council to be of significant specified benefit to society and/or the wider environment."

Policy EP3B: Foul Drainage

2. Delete paragraph 2

Issue 17c		Lunan Valley and Loch Leven Catchment Areas	
Development plan reference:	6.1.14 – 6.1.15 – Highland Perthshire Area Lunan Valley Lochs, page 153 7.1.2 – Kinross-shire Area Loch Leven Catchment Area, page 197 9.1.12 – Strathmore and the Glens Area, Housing within the Lunan Valley Lochs Catchment, page 274 EP6 - Lunan Valley Catchment Area, page 55 EP7 - Drainage within the Loch Leven Catchment Area, page 56	Reporter: Timothy Brian	
	Body or person(s) submitting a representation raising the issue (including reference number):		
Portmoak Community Council (00638) E J Baxter (00729) Kinross Community Council (00841) Councillor Michael Barnacle (02633) SportScotland (03185) Scottish Environment Protection Agency (03194)		Scottish Natural Heritage (05211) The Linklater Family (09289/14) CKD Galbraith (09289/17) Snaigow Estates (09289/18) G S Brown Construction Ltd (09817) Homes for Scotland (10214)	
Provision of the development plan to which the issue relates:	The policies set the criteria against which development proposals in the Lunan Valley and Loch Leven Catchment areas will be assessed and the requirements on applicants in terms of drainage measures, to ensure that development does not result in an adverse impact on the qualifying interests of the Natura 2000 sites.		
Planning authority’s summary of the representation(s):			
<p><u>EP6 Lunan Valley Catchment Area – Changes to Policy Wording</u> Scottish Natural Heritage (05211/15/001): Replace Policy EP6 with recommended policy wording contained in Table 8.1 of the draft HRA record (pages 98-99) (S4_Doc_144).</p> <p>Scottish Environment Protection Agency (03194/8/001): The Lunan Valley Lochs Catchment has been downgraded by the addition of phosphorus through human activities. To protect the lochs there is a need to ensure that additional phosphorus pollution does not enter the catchment area.</p> <p>There are five lochs in the Lunan chain. The Loch of Drumellie, Loch of Lowes and Loch of Clunie are baseline waterbodies that are classified under the Water Framework Directive (WFD) (Core_Doc_163). The 2010 classification data shows the lochs downgraded to ecological status due to phosphorus loading, with pressure from sewage disposal and sewage tanks specifically mentioned. The environmental improvement objective is good status by 2021.</p> <p>The planning system has a key role in the protection and improvement of water environment (WFD and River Basin Management Plans).</p> <p>The inclusion of the suggested revised policy wording will protect the catchment from an increase of phosphorus levels in the catchment.</p> <p>Scottish Environment Protection Agency (03194/8/002): Recommend that reference is</p>			

made in the policy to developing a Code of Practice for Developers in the Lunan Lochs Catchment. Scottish Environment Protection Agency and Scottish Natural Heritage are available to work with Perth & Kinross Council to devise Supplementary Guidance in the form of a Code of Practice for developers, similar to work undertaken for Loch Leven.

CKD Galbraith (09289/17/001): Supports the Council's aim to protect sensitive environmental areas, particularly those which have suffered due to phosphate pollution, and would support the development of appropriate policies; however, any such policies should be positive and seek to ensure no environmental disbenefits, and preferably an improvement rather than being restrictive in terms of location and scale.

Advise that they are aware of a number of development propositions which have been progressed in recent years within the catchment area where there has been a net environmental benefit from careful consideration to the issues and technical advancement. As such they would resist specific limitation of development within this area and would promote support of development where it can be proven that there is no environmental disbenefit and hopefully an improvement.

Comments that Lunan Valley is an important link between Dunkeld and Blairgowrie and would urge the Council to develop a policy which allows for developments to be considered on their merits and the environmental implications thereof.

Snaigow Estates (09289/18/001): Policy EP6 should be amended to allow development where it is demonstrated that phosphorus mitigation will be implemented.

It has been proven that it is technologically possible to undertake limited development without increasing the phosphorus loading to the Lunan catchment, given suitable sewage plant and effluent treatment. With appropriate integration of existing substandard sewage systems and/or other phosphorus mitigation measures, existing phosphorus loadings can also be significantly reduced. It is therefore inappropriate to tightly draw the settlement boundary at Concraigie (S4_Doc_58) purely based on a presumption that development would increase phosphorus loading. This is reinforced by the recent granting of planning permission locally for developments including phosphorus mitigation measures, secured by Section 75 or appropriate planning conditions.

It does not seem logical that residential applications within the Lunan catchment justified by means of economic need, conversion or replacement buildings should be provided the scope to exacerbate the adverse phosphorus status of the water environment, whilst mainstream proposals are specifically precluded; this sets a distinct precedent for proportionate environmental harm, according to the perceived economic or social need of applications, rather than the reasonableness of the land use proposal.

The Linklater Family (09289/14/003): Policy EP7 covers drainage in the Loch Leven Catchment Area. It is not clear from Section 6.8 (Proposed Plan paragraph 6.8.2) (S4_Doc_425) whether the Plan implies the same policy considerations for the Lunan and Loch Leven areas.

It is technically possible to undertake limited development without increasing phosphorous loading and also existing phosphorus loading to the Lunan Catchment can be significantly reduced with the appropriate integration of existing substandard sewage systems and/or other mitigation measures.

Recent permission granted locally which included phosphorus mitigation secured through a Section 75 legal obligation.

SportScotland (03185/1/005): Reference should not be made to power boating/recreational pursuits unless related to development proposals under criterion (b) of Policy EP6. The development plan has no locus otherwise. Power boating and recreation should be allowed in the Lunan Valley except where it can be demonstrated, through evidence, that there will be a detrimental impact on nature conservation interests. Existing policies in the Plan should adequately safeguard against this.

EP6 - Lunan Valley General

Scottish Natural Heritage (05211/15/002): Amend wording of paragraphs 6.1.15 (Proposed Plan page 153) (S4_Doc_426) and 9.1.12 (Proposed Plan page 298) (S4_Doc_427) to clarify the settlements within the catchment area.

EP7: Drainage within the Loch Leven Catchment Area

Scottish Natural Heritage (05211/25/009): Amend the 'Note' section at the start of Policy EP7 on page 56 in line with the outcomes of the Habitats Regulations Appraisal (S4_Doc_143). (05211/16/002) Delete the first section of criterion (b) of Policy EP7 as the aim of the Catchment Management Plan (Core_Doc_052), with respect to development, was to ensure there was no net increase in phosphorus loading to the loch. In order to achieve this, and comply with the Conservation (Natural Habitats, &c.) Regulations 1994 (Core_Doc_164), this would apply to all development.

Scottish Environment Protection Agency (03194/9/001): The wording of the first section of criterion (b) of Policy EP7B is contrary to Policy EP3B (S4_Doc_428). The requirement in Policy EP3B for development to connect to the public system is in keeping with the duties that Perth & Kinross Council has as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (WEWS) (Core_Doc_102) to exercise their designated functions so as to secure compliance with the requirements of the Water Framework Directive (WFD) (Core_Doc_163), and protect the water environment.

The principle of the Urban Waste Water Treatment Directive (UWWTD) (Core_Doc_165) is to provide collecting systems for all agglomerations greater than 2000 population equivalent unless this would produce no environmental benefit or would involve excessive cost.

We oppose development in or close to a settlement served by a public sewerage system which proposes individual/private waste water drainage arrangements as we consider that the fragmentation of the strategic public network of collecting systems is not compatible with the principles of the UWWTD nor does it provide a long term sustainable solution to waste water drainage provision.

Kinross Community Council (00841/1/001): Questions whether the Loch Leven Catchment area can cope with the extra waste and changes to water flows as a result of development. Understood that at peak flow untreated waste is discharged into the loch, and are concerned that extra housing will add to the problem and therefore exacerbate the recent upward trend of pollution in the loch. Development will change the flow rate into drains and may also increase the problem of peak flow. Whilst it is understood that this is in essence an issue for Scottish Water, and not a reason for not developing, it is argued that there must come a point when the loch ecosystem cannot cope. Urge the Council to *'move away from an arbitrary percentage reduction and seek a more*

scientifically based rationale for permitting development in this most protected water basin.'

Requests that an additional condition be added for all sites within the Loch Leven Catchment area that makes development *'contingent on wider assurance that Scottish Water can deliver a level of waste the Loch is able to cope with.'*

Continues that this is broader than the current condition included for some of the site specific proposals; believes that this wider impact must be taken into account.

G S Brown Construction Ltd (09817/3/005): A long term solution is required for the drainage issues in Loch Leven Catchment Area. 125% mitigation measures does not equate to removing the detriment created by development. 100% is acceptable. Circular 1/10 (S4_Doc_340) is clear that developers cannot be expected to resolve existing deficiencies in the system.

Homes for Scotland (10214/1/024): 100% mitigation measures should be required, not 125%. 125% mitigation measures does not equate to removing the detriment created by development. Circular 1/10 paragraph 19 (S4_Doc_340) states that *'Planning agreements should not be used to resolve existing deficiencies in infrastructure provision.'* It is clear that developers cannot be expected to resolve existing deficiencies in the system.

E J Baxter (00729/1/001): Loch Leven has been degraded over the last 150 years by the addition of phosphorus through human activities. *'I am pleased Perth & Kinross Council still deems the principal aim of the Catchment Management Plan 1999 (Core_Doc_052) to reduce the levels of phosphates entering Loch Leven - remains relevant today and have taken this into account throughout this proposal and consider the uppermost principal is to ensure that there is no increase of phosphorus in the Loch Leven Catchment arising from waste water associated with new developments.'*

Councillor Michael Barnacle (02633/1/020); Portmoak Community Council (00638/2/011): Support for the policy.

Modifications sought by those submitting representations:

EP6 Lunan Valley Catchment Area – Changes to Policy Wording

Scottish Natural Heritage (05211/15/001): Replace Policy EP6 with recommended policy wording contained in Table 8.1 of the draft HRA record (pages 98-99) (S4_Doc_144) as follows:

'Policy EP6: Lunan Valley Catchment Area

The Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. Within the area:

- (a) there will be a presumption against built development except: within settlements; for renovations or alterations to existing buildings; and developments necessary for economic need which the developer can demonstrate will have no adverse impact on the environmental assets of the area nor are likely to result in an unacceptable increase in traffic volumes;*
- (b) recreational pursuits like power water sports, likely to cause disturbance in and around sites of nature conservation interest, will be discouraged;*
- (c) tree planting should be predominantly native species, including Scots Pine, except in cases where it can be proved that the landscape diversity will be improved by the use*

of a more varied range of species. All planting should be designed to complement the landscape.

Total phosphorus from built development must not exceed the current level permitted by the existing discharge consents and the current contribution from built development within the rural area of the catchment. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of the Lunan Lochs.

All applicants will be required to submit details of the proposed method of drainage with their application for planning consent and adopt the principles of best available technology, not entailing excessive costs, to the satisfaction of the Planning Authority in conjunction with SEPA.

Note: Policy RD3: Housing in the Countryside is limited to economic need, conversions or replacement buildings within the Lunan Valley Catchment Area.

Note: Development within the catchment must comply with the general drainage policies as well as policies relating to the catchment area. Supplementary Guidance details the procedures to be adopted for drainage from development in the Lunan Valley area (produced by SEPA/SNH and the Council).'

If the 'Suggested Mitigation Measures' Option B is chosen under the 'Settlements' section (see Table 5.6 of the HRA) (S4_Doc_150) and (S4_Doc_151) for the settlements of Butterstone, Concraigie, Craigie and Kinloch, it will be necessary to add the following additional text and criteria to the end of Policy EP6 i.e. after '...Planning Authority in conjunction with SEPA.'

'The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Lochs SAC:

- (d) Drainage from all development should ensure no reduction in water quality.*
- (e) 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.*
- (f) Where the development site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required.'*

Scottish Environment Protection Agency (03194/8/001): Recommend that the policy wording in part (a) is expanded to:

'...no adverse impact on the environmental assets of the area including, not increasing phosphorus discharged into the catchment, nor likely to result in...'

Scottish Environment Protection Agency (03194/8/002): Recommend that reference is made in the policy to developing a Code of Practice for Developers in the Lunan Lochs Catchment. Reference is made in the suggested revised Policy EP6 to 'developing a Code of Practice for Developers in the Lunan Lochs Catchment'.

CKD Galbraith (09289/17/001): EP6 should be amended to allow development where appropriate mitigation and hopefully an improvement can be achieved.

Snaigow Estates (09289/18/001); The Linklater Family (09289/14/003): Policy EP6 amended to allow development where it is demonstrated that Phosphorus mitigation will be implemented.

SportScotland (03185/1/005): Remove Policy EP6 (b) *'Recreational pursuits like power water sports, likely to cause disturbance in and around sites of nature conservation interest will be discouraged;'*

EP6 - Lunan Valley General

Scottish Natural Heritage (05211/15/002): Amend wording of paragraph 6.1.15 and 9.1.12 to include: *'The settlements that lie within the Lunan Lochs Catchment are Butterstone, Concraigie, Kinloch and west of Blairgowrie.'*

EP7 Drainage within the Loch Leven Catchment Area

Scottish Natural Heritage (05211/25/009): Amend the 'Note' at the start of Policy EP7 on page 56 to read:

'Note: Development within the catchment must comply with the general drainage policies as well as policies relating to the catchment area. To ensure there are no adverse impacts, either individually or in combination, on water quality in Loch Leven SPA.'

Scottish Natural Heritage (05211/16/002); Scottish Environment Protection Agency (03194/9/001): Delete first section of EP7B (b) *'where, for a non-residential development, it is not economic to connect to the public system and'*

Kinross Community Council (00841/1/001) Council should *'move away from an arbitrary percentage reduction and seek a more scientifically based rationale for permitting development in this protected water basin.'*

Sites within the catchment of the Loch should have a condition added that makes development *'contingent on wider assurance that Scottish Water can deliver a level of waste the Loch is able to cope with.'*

G S Brown Construction Ltd (09817/3/005); Homes for Scotland (10214/1/024): Replace '125%' with '100%' In Policy EP7C.

Summary of responses (including reasons) by planning authority:

EP6 Lunan Valley Catchment Area – Changes to Policy Wording

Scottish Natural Heritage (05211/15/001); Scottish Environment Protection Agency (03194/8/001 & 03194/8/002); CKD Galbraith (09289/17/001); Snaigow Estates (09289/18/001); The Linklater Family (09289/14/003): Since the publication of the Proposed Plan the Council has worked with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA) to prepare an agreed revised wording for Policy EP6 (email of 13 July 2012 entitled Policy EP6: Lunan Valley Catchment Area - Revised Policy Wording) (S4_Doc_341) which mirrors the approach taken to dealing with phosphorus loading in the Loch Leven Catchment area under Policy EP7. This revised Policy EP6 wording would supersede both SNH and SEPAs suggested policy amendments proposed under representations (05211/15/001), (03194/8/002), and (03194/8/001).

Therefore, if the Reporter is minded to recommend the replacement of the existing Policy EP6 in the Proposed Plan with the proposed alternative wording set out in the

'modifications sought' section of this Schedule 4, the Council would be comfortable with this recommended modification as it would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply for proposals arising under this policy, and would also set out what will be expected of them in making their planning application.

It is also considered that the suggested revised Policy EP6 would address the issues raised and modifications sought in the representations by CKD Galbraith (09289/17/001), Snaigow Estates (09289/18/001) and The Linklater Family (09289/14/003).

With specific reference to The Linklater Family's comment regarding Section 6.8 of the Plan, the reference to Policy EP7 in the last sentence of paragraph 6.8.2 (Proposed Plan page 174) (S4_Doc_425) is a typing error; it should read Policy EP6 instead.

In terms of the reference to the boundary at Concraigie made under representation Snaigow Estates (09289/18/001), this issue is dealt with in more detail in Schedule 4 no. 45 (Strathmore and the Glens Area – Small Settlements) (comment reference Snaigow Estates (09289/18/004).

SportScotland (03185/1/005): As the Proposed Plan is a land use planning document it is implied that the reference to recreational pursuits within the policy is related to development proposals for such activities and decision-making through the development management process will be made in accordance with the development plan, taking account of any material considerations related to the development and use of land in line with Article 37(2) of the 'Town and Country Planning (Scotland) Act 1997' (S4_Doc_342).

The Dunkeld-Blairgowrie Lochs are designated as a Special Area of Conservation (SAC) under the Habitats Directive (Core_Doc_029) for their internationally important habitats and species which are sensitive to disturbance. Despite there being an overarching nature conservation policy in the Plan to address International Nature Conservation Sites (NE1a) (S4_Doc_389), paragraph 9 of the Scottish Government's Habitats Regulations Appraisal (HRA) Advice Sheet: Screening general policies and applying simple mitigation measures (S4_Doc_343) advises that *'it is not sufficient to rely alone on an over-arching and/or general European site protection policy ... to resolve any potential effects on European site(s). Such policies cannot be used as a substitute for properly assessing the potential effects of a plan'*. Furthermore paragraph 8 states that *'as a general rule, policy caveats ... should be specific to the case, issue or proposal and/or the particular European site(s).'* (S4_Doc_343) As such it is necessary to include policy specific caveats within Policy EP6.

Through the HRA process for the Plan the potential for significant effects on the qualifying interests of the SAC were identified, largely due to a possible deterioration in water quality in the lochs as a result of development (Table 5.3, page 30 and Table 8.1, pages 98-99) (S4_Doc_144), and the suggested new policy wording previously provided in response to the representations by Scottish Natural Heritage (05211/15/001) and Scottish Environment Protection Agency (03194/8/001) takes this into account.

Although, the HRA process did not identify the potential for likely significant effects on the SAC linked to recreational pursuits, this was because that caveat was already in place within the policy. However, should it have been missing then the likely significant effects related to such activities would have been identified and an appropriate policy specific caveat, like the one already included under criterion (b), would have been suggested

through the appropriate assessment process. In making this representation it is unfortunate that SportScotland have not had regard to the duties placed upon all public bodies to have regard to the duty to further the conservation of biodiversity under Section 1(1) of the Nature Conservation (Scotland) Act 2004 (S4_Doc_477). Powered water sports are clearly an incompatible activity in this sensitive SAC which is also internationally renowned for its osprey nesting site.

No modification is proposed to the Plan.

EP6 - Lunan Valley General

Scottish Natural Heritage (05211/15/002): Section 6 of the Plan deals with the Highland Perthshire area, and paragraph 6.1.15 (Proposed Plan page 153) (S4_Doc_426) correctly notes that the only settlement within this area that also falls in the Lunan Lochs/Valley Catchment is Butterstone.

Section 9, paragraph 9.1.12 (Proposed Plan page 298) (S4_Doc_427) which refers to 'Housing within the Lunan Valley Lochs Catchment' does not make reference to the settlements in the Strathmore and the Glens area which are within that catchment. However, as it is highlighted in the 'Spatial Strategy Considerations' section for each of the settlements referred to in the respondents representation (apart from west of Blairgowrie, which is not within the settlement boundary) that they are within the catchment area, it is not considered necessary to repeat this in the introductory paragraph 9.1.12.

No modification is proposed to the Plan.

EP7 Drainage within the Loch Leven Catchment Area

Scottish Natural Heritage (05211/25/009);(05211/16/002); Scottish Environment Protection Agency (03194/9/001): It is considered that by amending policy EP7 and EP7B to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) of the Proposed Plan (Core_Doc_096), and detailed in the 'modifications sought' section of this Schedule 4, it would provide greater clarity and transparency for applicants as to in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply for proposals arising under this policy. It would also set out what will be expected of them in making their planning application. These proposed amendments should satisfy the outstanding representations made by both Scottish Natural Heritage and Scottish Environment Protection Agency.

If the Reporter is so minded the suggested deletion and addition of text by the respondents should be made to policies EP7B and EP7 respectively, as detailed in the 'modification sought' section of this Schedule 4.

Kinross Community Council (00841/1/001): The recently published Scottish Natural Heritage Commissioned Report No.511: Water quality monitoring at Loch Leven 2008-2010 – Report of Results concludes that '*water quality improvements, which ... [they] attribute to catchment load reductions since the 1980s, have been sustained in 2008-2010*' (S4_Doc_344). This would suggest that the trend is not one of further degradation of water quality in the loch as a result of external phosphorus loading as indicated by the respondent.

Although Scottish Environment Protection Agency's (SEPA) 2010 River Basin Management data for Loch Leven (S4_Doc_349) classifies its overall ecological status as

'Poor' and overall chemical status as 'Pass', it sets the objective for 'Good' overall status by 2027 due to the complexity of the issues at the loch and also because the implementation of many of the mitigation measures required to help improve water quality rely on the actions of private land owners. The River Basin Management Planning (RBMP) process acknowledges that *'implementation of the measure[s] by an earlier deadline would impose disproportionate burdens'* (S4_Doc_349) on the landowners. The Loch Leven Catchment Management Plan (LLCMP) also reflects this longer term objective approach through acknowledging that the loch's *'phosphorus pollution problem will not disappear in the short term'* (S4_Doc_346).

In terms of seeking a more *'scientifically based rationale for permitting development'*, as previously mentioned, the water quality issues associated with the loch are complex, and according to the SNH monitoring report (paragraph 4.4) (S4_Doc_345) *'the main sources that contribute to the overall phosphorus content of the water...continue to vary significantly, resulting in contrasting water quality conditions.'* Factors relating to the internal and external loading of the loch include catchment pressures; weather; water quality; the effects of climate change, which little is currently known about; industrial practices; discharge of effluent, for which there is limited data available relating to the effectiveness of existing private septic tanks in the area, and soil erosion. However, due to a lack of data and/or trend information relating to a number of these factors it is not yet possible to apply a more scientific approach to the measurement of potential phosphorus output than is currently used.

As such, through the catchment management planning process, it was agreed to apply the Precautionary Principle in dealing with development proposals within the catchment area, and where developments were likely to breach Recommendation 29 of the LLCMP (S4_Doc_347), the developer would be required to show that mitigation measures, capable of removing 125% of the phosphorus likely to be generated by the proposed development, can be implemented. This is in order to ensure that there is no net increase.

In terms of the issue of increased flow rate during periods of heavy rainfall raised by the respondent, this matter was identified through the screening stage of the Habitats Regulations Appraisal (HRA) process for policies RC1 and RC4, and site proposals H46, Op17, Op18, and H51 (S4_Doc_145) and (S4_Doc_146). However, it was concluded for the site proposals that Policy EP3C: Surface Water Drainage (S4_Doc_428), which requires all new developments to employ Sustainable Urban Drainage System (SUDS) measures will ensure that development of these proposals, and other future Kinross-shire proposals, will slow down the flow and run off from new developments in the event of more severe flood events (S4_Doc_147). With respect to the two policies, the appropriate mitigation developed through the HRA process was a recommendation to include a requirement in the policies for the submission of a Construction Method Statement at planning application stage in order to protect watercourses within Kinross and Milnathort town centres, and ultimately Loch Leven, from the impact of pollution and sediment (S4_Doc_148).

Finally, with reference to the respondents suggestion that a condition is added to all sites within the catchment area to ensure that development is dependent on Scottish Water being able to deliver the capacity in the waste water treatment works (WWTW), it is argued that this is not necessary as it will be controlled by SEPA through the licensing process under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR) (Core_Doc_168). Furthermore, at the MIR stage Scottish Water advised that currently there is capacity at Milnathort WWTW 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.*'

For cross referencing purposes, it is noted that SEPA (03194/22/001) in their representation to the Kinross and Milnathort infrastructure considerations section of the Proposed Plan (paragraph 7.2.3) (S4_Doc_429), have commented that the level of development allocated in the settlements of Kinross and Milnathort exceeds the current authorised drainage capacity available in the WWTWs, and that upgrading of the works may not be feasible due to constraints on discharges. As such they have recommended that '*in order to ensure that developers are fully informed of the potential constraint...that the wording in...section 7.2.3 is amended to reflect the fact that waste water drainage constraints may restrict the number of sites that can be brought forward.*' (Please note that this issue is dealt with in Schedule 4 no. 31(Kinross-shire Area – Kinross/Milnathort Settlement). However, bearing in mind the policy framework for the water environment set out in Policies EP3 (S4_Doc_428) and EP7, the regulating of activities which could have a potential impact on the water environment through the CAR regime, and also as 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 add conditions to all sites within the catchment area or amend Section 7.2.3 (S4_Doc_429) of the Plan.

No modification is proposed to the Plan.

G S Brown Construction Ltd (09817/3/005); Homes for Scotland (10214/1/024): It is unclear what is meant in the representation by a '*long term solution*' (09817/3/005); however, as per the Council's response to Kinross Community Council (00841/1/001), the water quality issues associated with the loch are complex, and the main sources which contribute to the waters' phosphorus content continue to vary significantly (S4_Doc_345). Furthermore, due to a lack of data and/or trend information relating to a number of these contributors it is not yet possible to apply a more scientific approach to the measurement of potential phosphorus output than is currently used.

It is acknowledged that Planning Circular 1/2010 (S4_Doc_074) states that planning agreements should not be used to address existing deficiencies in infrastructure provision; however, the water quality issues within the catchment area are not solely infrastructure related, and the 125% mitigation requirement was developed through the catchment management planning process because the measuring of phosphorus loading is not an exact science, and it was therefore considered prudent to apply the Precautionary Principle in this area in order to ensure there is no net increase, and ultimately to safeguard the qualifying interests of the Special Protection Area. Loch Leven Catchment Management Plan (Recommendation 29) (S4_Doc_347).

No modification is proposed to the Plan.

Reporter's conclusions:

EP6: Lunan Valley Catchment Area

1. The original concerns of Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA) about the detailed terms of Policy EP6 would be

addressed by adopting the agreed wording in the 'modifications sought' section above. That would bring the approach to the Lunan Lochs into line with the policy for Loch Leven, and would clarify the circumstances in which new development might be permissible within the catchment area. (The representation about the Congraigie settlement boundary is addressed under Issue 45.)

2. It would be inappropriate to remove the restriction on power boating activities which is incorporated in EP6(b), as suggested by sportscotland. The lochs affected are designated as a Special Area of Conservation and contain an important nesting site for osprey. The Proposed Plan requires to include policies which protect this internationally significant habitat from potentially damaging activities of that kind.

3. There is no need to list the settlements which lie within the Lunan Valley catchment area, as this constraint is highlighted in the detailed guidance on each of the affected settlements and on the accompanying plan.

Policy EP7: Drainage within the Loch Leven Catchment Area

4. It is important that the detailed terms of this key policy reflect the outcome of the Habitats Regulations Appraisal. The council is content that SNH's suggested changes to the introductory note and to EP7B(b) would achieve that objective. They would also address SEPA's anxiety to avoid the proliferation of private waste water drainage arrangements, and would provide greater clarity for would be developers in the catchment area.

5. The water quality problems in Loch Leven are well documented, but scientific monitoring indicates that water quality is continuing to improve, rather than degrade as Kinross Community Council fears. The long term objective is to improve the ecological status of the loch from 'poor' to 'good' by 2027. This time span reflects the need for SEPA to work with Scottish Water, farmers and private landowners on a range of measures to secure the desired improvements. SEPA's River Basin Management Planning water body information sheet accepts that imposing earlier deadlines would impose disproportionate burdens on the parties concerned.

6. Due to the wide range of factors which contribute to the poor water quality in Loch Leven it is impracticable to apply a more scientific approach to the control of development in the catchment area. Policy EP7, as revised, will meet the stringent requirements of SEPA and SNH. As discussed under Issue 31, Scottish Water has confirmed that there is capacity at Milnathort Waste Water Treatment Works, and that a growth project has been instigated at Kinross. Any upgrade of the waste water treatment works to accommodate additional development in Kinross will require a licence from SEPA under the CAR Regulations (and probably an appropriate assessment to ascertain whether they would adversely affect the integrity of the Special Protection Area).

7. Although the requirement in Policy EP7C to implement mitigation measures capable of removing 125% of phosphorus likely to be generated is unusual, it is well established and is justified in the special circumstances of Loch Leven. Policy 12 of the Kinross Area Local Plan, which contains a similar requirement, has been applied successfully in recent years. Given the seriousness of the problem of pollution in Loch Leven, and the international importance of the loch as a Special Protection Area and Ramsar site, it is imperative that recent progress is not reversed by the impact of new development in the catchment area.

8. The council is justified in applying a safety margin of 25% to reflect the uncertainties about occupancy rates and the behaviour of householders which affect the phosphorus loadings associated with new development. Otherwise there is a risk that phosphorus pollution would increase rather than reduce, contrary to the objectives of the Water Framework Directive. The relevant provision in Policy EP7 should therefore remain.

Reporter's recommendations:

Policy EP6: Lunan Valley Catchment Area

1. Replace Policy EP6 with the following:

"The Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. Within the area:

- (a) there will be a presumption against built development except: within settlements; for renovations or alterations to existing buildings; and developments necessary for economic need which the developer can demonstrate will have no adverse impact on the environmental assets of the area nor are likely to result in an unacceptable increase in traffic volumes;*
- (b) recreational pursuits like power water sports, likely to cause disturbance in and around sites of nature conservation interest, will be discouraged;*
- (c) tree planting should be predominantly native species, including Scots Pine, except in cases where it can be proved that the landscape diversity will be improved by the use of a more varied range of species. All planting should be designed to complement the landscape.*

Total phosphorus from built development must not exceed the current level permitted by the existing discharge consents and the current contribution from built development within the rural area of the catchment. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of the Lunan Lochs.

All applicants will be required to submit details of the proposed method of drainage with their application for planning consent and adopt the principles of best available technology, not entailing excessive costs, to the satisfaction of the Planning Authority in conjunction with SEPA.

Note 1: Policy RD3: Housing in the Countryside is limited to economic need, conversions or replacement buildings within the Lunan Valley Catchment Area.

Note 2: Development within the catchment must comply with the general drainage policies as well as policies relating to the catchment area. Supplementary Guidance details the procedures to be adopted for drainage from development in the Lunan Valley area (produced by SEPA/SNH and the Council)."

Policy EP7 Drainage within the Loch Leven Catchment Area

2. Amend the 'Note' at the start of Policy EP7 on page 56 to read:

"Note: Development within the catchment must comply with the general drainage policies as well as policies relating to the catchment area. To ensure there are no adverse impacts, either individually or in combination, on water quality in Loch Leven SPA."

3. Delete first section of EP7B (b) *"where, for a non-residential development, it is not economic to connect to the public system and.."*

Issue 18		Environmental Protection and Public Safety	
Development Plan reference:		Environmental Protection and Public Safety Policies, page 50-60 EP4 - Health and Safety Consultation Zones, page 54 EP8 - Noise Pollution, page 56 EP9 - Waste Management Infrastructure, page 57 EP10 - Management of Inert and Construction Waste, page 58 EP11 - Air Quality Management Areas, page 58 EP12 - Contaminated Land, page 60 Binn Farm, page 94	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):			
Lynne Palmer (00239) Helen Borland-Stroyan (00826) Councillor Michael Barnacle (02633) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Abernethy & District Community Council (09215) SSE plc (09311) Shell UK Ltd (09313) Network Rail (09414) Dr Robert Walker (09986) BP North Sea Infrastructure (09994) SITA UK (10022) Homes for Scotland (10214)			
Provision of the development Plan to which the issue relates:		Environmental protection and public safety policies (that are not already dealt with elsewhere) including Health and Safety consultation zones, noise pollution, waste management, air quality management areas and contaminated land policy.	
Planning authority's summary of the representation(s):			
<u>General</u> Network Rail (09414/2/002): The importance of level crossing safety warrants a new policy to be included in Chapter 3.6 Transport and Accessibility and 3.11 Environmental Protection and Public Safety specifically addressing level crossing safety matters; or alternatively an amendment to Policy TA1 and a new policy in Chapter 3.11 Environmental Protection and Public Safety.			
<u>Consultation Zones for Hazardous Installations (Policy EP4)</u> BP North Sea Infrastructure (09994/1/001): Ensure that planning applications within consultation zones for hazardous installations are determined in consultation with the facility's operators and owners so that risk to people's safety is not increased. This is in line with Heath and Safety Executive best practice, and Scottish Government Reporters' approach in respect of other LDPs (Health and Safety Executive best practice referred to but relevant document not named).			

Shell UK Ltd (09313/3/001): General support for the policy however consultation should also be carried out with the facility's owners and operators. This will inform pipeline operators of development proposals that may impact on the pipeline network. Consultation zones should be shown on settlement maps and proposed development in these zones must be assessed against Planning Advice of Development near Hazardous Installations guidelines. Aberdeen City Council Schedule 4 105 Policy B15 (S4_Doc_193) and Shell MIR representation (S4_Doc_192).

Noise Pollution (Policy EP8)

Dr Robert Walker (09986/1/001): The policy provides insufficient detail on noise pollution, in particular measures that are indicated in PAN 1/2011 Planning and Noise (S4_Doc_195) could have been considered for inclusion.

SSE plc (09311/1/009): There is a minor tension between the requirements of this policy and the requirements of Working Group on Wind Turbine Noise, 1996 "The assessment and rating of noise from wind farms (ETSU R-97)" (S4_Doc_194) that applies to wind energy development. For example, under the terms of the proposed policy, there could be a presumption against a wind farm even if it meets the standards set out in ETSU because a commercial wind farm could be considered as a development that generates high levels of noise. Should such a development be sited within proximity of a settlement or grouping of residential dwelling houses, then there could be an initial presumption against the consenting of the wind farm even if it meets the standards set out in ETSU. Whilst it is recognised that this policy is a general development policy that is intended to apply to all forms of development, It is recommended that the policy is re-drafted to recognise that there is legislation that governs permissible noise emissions from development proposals. The LDP should not seek to provide more stringent policy tests than this.

Waste Management Infrastructure (Policy EP9)

Abernethy & District Community Council (09215/1/001): In the first sentences the word 'any' is used twice referring to activity and process. While this is followed by a list of criteria it is felt the word 'any' is too vague and all encompassing a term and should be removed for clarity. And criterion (l) of the policy needs to indicate how any heat generated would be used and not wasted to comply with Scotland's Zero Waste Plan Scottish Government, 2010 "Scotland's Zero Waste Plan" (Core_Doc_042) and the Plan's sustainable development policy. Support of the policy cannot be claimed if there is to be no proper use of heat and/or energy. More than a paper demonstration of possible or potential uses that could be explored is required.

SITA UK (10022/1/001): General support, however, it is inappropriate to require restoration bonds where these overlap with Scottish Environment Protection Agency's regulatory regime Scottish Government, 2000 "Pollution Prevention and Control (Scotland) Regulations" SSI 2000/323 (Core_Doc_121). Clarification also needed that restoration bonds only relate to landfilling activities and not to other waste treatment and recycling facilities. Also, criterion (k) is confusing in that it requires satisfactory mitigation measures to be proposed for any unacceptable impacts arising from a list of both emissions and resources.

SITA UK (10022/2/001): Support the presumption in favour of retention of existing waste management sites which support the delivery of zero waste Scottish Government, 2010 "Scotland's Zero Waste Plan" (Core_Doc_042) but would suggest that the policy be worded so as to safeguard all such existing sites rather than only those key sites identified in the Plan. Such support should also be extended to cover changes to existing

sites to accommodate new recycling/treatment initiatives in the future, as waste management is a continually evolving business and to assist movement of waste treatment and handling up the waste hierarchy.

Scottish Environment Protection Agency (03194/10/001): The presumption in favour of retention of waste management sites is welcomed. However all waste management facilities work together in a waste infrastructure network, for example landfill facilities will continue to be required as there will always be waste from which no further value or resource can be recovered and therefore will need to be disposed of. Therefore, all waste management facilities, from landfill facilities right up to neighbourhood recycling points, are required and should be retained as they all have a role to play in delivering the aims of the Zero Waste Plan. To be consistent therefore with Scottish Government, 2010 "Scotland's Zero Waste Plan" (Core_Doc_042), it is recommended that the word key is removed, and instead refer to the retention of existing and consented waste management sites.

Scottish Environment Protection Agency (03194/11/001): We recommend that the wording of criterion (i) is expanded to identify that employment land allocated under Policy ED1 is appropriate for waste management uses. As written, the policy simply refers to *'industrial areas'*; and in the following criterion (j) *'compatible with surrounding development and the underlying land allocation where this is not employment'*. The Zero Waste Plan Annex B paragraph 5.6 Scottish Government, 2010 "Scotland's Zero Waste Plan" (Core_Doc_042) requires development plans to safeguard all active and consented waste management sites and identify appropriate locations for all waste management facilities, where possible on specific sites or supported by a policy framework to facilitate development; and paragraph 5.9 provides a clear range of locations where development plans should consider appropriate for waste management uses which includes Industrial and Employment areas. It is therefore appropriate to locate waste management facilities on land allocated by Policy ED1.

Ms Lynne Palmer (00239/1/001): Support for Policy EP9B, although suggests that a gas plasma plant or other facility will be required to deliver zero waste, and more recycling will be required to reduce landfill. Agrees that Supplementary Guidance is needed. Scottish Government, 2010 "Scotland's Zero Waste Plan" (Core_Doc_042)

Councillor Michael Barnacle (02633/1/021): Support for Policy EP9

Binn Farm

Abernethy & District Community Council (09215/2/001): There is insufficient information in the table at paragraph 5.1.7 (S4_Doc_802) for Binn Farm.

Abernethy & District Community Council (09215/10/001): All other inset maps have an accompanying page with reference to: Description, Spatial Strategy Considerations, and Infrastructure Considerations. However in the case of Binn Farm, there are 2 lines in paragraph 5.9.1 above the map, informing of very little. Insufficient information is provided.

Abernethy & District Community Council (09215/11/001): Inset map does not allow proper consideration because it is not the same as all the other inset maps. The Plan should clearly classify Binn Farm as more than employment land to fully reflect its use. The Plan fails to comply with statutory requirements because it does not contain a proper site assessment and report. A Master Plan incorporating transport assessment, landscape framework and environmental controls would also be beneficial.

SITA UK (10022/3/001): Support the identification of Binn Farm

Management of Inert and Construction Waste (Policy EP10)

Scottish Environment Protection Agency (03194/12/001): Supports the identification that industrial areas and brownfield land is considered appropriate for inert and construction waste. This is largely in line with guidance contained within the Zero Waste Plan Annex B paragraph 5.9 section 5 'Construction and Demolition Waste' (S4_Doc_196).

Scottish Natural Heritage (05211/25/010): In line with the outcome of the HRA and Appropriate Assessment processes it is considered prudent that the following criteria should be added to the policy on page 58 to ensure that there are no significant impacts on the qualifying interests of European sites as a result of the management and processing of inert and construction waste:

'(e) They will not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s).'

Zero Waste Plan Annex B paragraph 5.9 section 5 "Construction and demolition waste" (S4_Doc_196)

Air Quality Management Areas (Policy EP11)

Lynne Palmer (00239/2/001): Perth's Air Quality Management Area (AQMA) does not cover the waste water treatment works at Rhind Road. In addition, the Air Quality Management Area will require enlargement to accommodate incinerators and possible new plants like a gas plasma plant or other facility.

Helen Borland-Stroyan (00826/1/001): Support for Policy EP11

Scottish Environment Protection Agency (03194/13/001): Support for this policy because it identifies the Air Quality Management Area and will ensure that impacts on air quality from new development in this sensitive area are mitigated. This will help minimise any additional detrimental impact on air quality, and receptors of the air quality in this area, going forward.

Contaminated Land (Policy EP12)

Homes for Scotland (10214/1/025): This policy is currently silent with regards sites in the established supply that are on contaminated land. Any sites that are currently constrained due to the excessive costs of clean up should be identified. Their remediation can be encouraged and supported through action plans, flexibility over developer contributions and affordable housing provision, or other incentives.

Scottish Natural Heritage (05211/25/011): In line with the outcome of the Habitats Regulation Assessment and Appropriate Assessment processes and in order to ensure no adverse impact on the integrity of a European site(s), after *'that appropriate remediation measures can be incorporated in order to ensure the site/land is suitable for the proposed use...'* at the end of paragraph 2 of Policy EP12 (page 60), add the following additional text:

'and in order to ensure that contamination does not adversely affect the integrity of a European designated site(s).'

Modifications sought by those submitting representations:

General

Network Rail (09414/2/002): New transport policy on level crossing safety is suggested

and should confirm the following:

- '1. Perth & Kinross Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway;*
- 2. As a first principle, Network Rail would seek to close level crossings where possible. Network Rail will not allow new level crossings except in exceptional circumstances whereby it may be replacement or relocation.*
- 3. Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing impact and mitigation measures including assessment of closure; and*
- 4. The developer is required to fund any qualitative improvements required to the level crossing identified as a direct result of the development proposed.'*

Alternatively, Network Rail (09414/2/002) suggests another solution that would also be acceptable. Policy TA1 should be amended to include for level crossings as follows:

'New development Proposals should:

(b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;

Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:

(c) it would not have a detrimental effect on the capacity or safety of the strategic road and/or rail network including level crossings'.

A statement should also be included in Supplementary Guidance that will explain how a Transport Assessment will assess impact and appropriate mitigation from development proposals on level crossings; and a new Environmental Protection and Public Safety policy should also be included, the terms of which are not put forward.

Consultation Zones for Hazardous Installations (Policy EP4)

BP North Sea Infrastructure (09994/1/001): Add *'In determining planning applications for development within consultation zones for hazardous installations, the Council will consult with and take full account of advice from the facility's operators and owners and will seek to ensure that any risk to people's safety is not increased.'*

Shell UK Ltd (09313/3/001): Policy EP4 reworded:

'In determining planning applications for development within the Pipeline Consultation Zones identified on the proposals and insert maps, the Council will seek the advice of the Health and Safety Executive and the facility's operators and owners. The Council will also seek the advice of the Health and Safety Executive and the facility's operators and owners on the suitability of any proposals for a new notifiable installation within the Plan area or any proposal within the consultation zone of any other notifiable installation.'

Noise Pollution (Policy EP8)

Dr Robert Walker (09986/1/001): Policy should be modified to include a reference to new Supplementary Guidance for preventing and limiting the adverse effects of noise pollution created by present and future developments.

SSE plc (09311/1/009): Amend policy to allow permissible noise emissions from wind farm development proposals as set out in Working Group on Wind Turbine Noise, 1996 "The assessment and rating of noise from wind farms (ETSU R-97)" (S4_Doc_194).

Waste Management Infrastructure (Policy EP9)

Abernethy & District Community Council (09215/1/001): Removal of “any” from the first sentence to remove ambiguity; rewrite criterion (l) to describe how heat will be utilised.

SITA UK (10022/1/001): Policy to make clear that restoration bonds should not be required where these overlap with Scottish Environment Protection Agency’s regulatory regime, and the policy should be amended to clarify that restoration bonds should only relate to landfilling activities and are unnecessary in respect of other waste treatment and recycling facilities. In respect of paragraph (k) of the policy, which is unclear SITA suggests that if these are to be listed they should be divided into environmental elements upon which the impacts are to be considered (e.g. water resources, built heritage) and emissions, the impact of which are to be considered/mitigated (e.g. leachate, noise).

SITA UK (10022/2/001): New wording for Policy EP9A as follows:

‘There will be a presumption in favour of retention of existing waste management sites which support the delivery of zero waste and changes to those sites that again support the delivery of zero waste’.

Scottish Environment Protection Agency (03194/10/001): Use ‘existing and consented’ in place of ‘key’.

Scottish Environment Protection Agency (03194/11/001): Amend policy to identify employment land (Policy ED1 sites) as locations appropriate for waste management facilities.

Binn Farm

Abernethy & District Community Council (09215/2/001): More information on Binn Farm should be included in the table at paragraph 5.1.7 (S4_Doc_802).

Abernethy & District Community Council (09215/10/001): Amend Plan to provide appropriate and accurate information in respect of Binn Farm.

Abernethy & District Community Council (09215/11/001): Amend Plan to provide appropriate and accurate information to allow consideration.

Management of Inert and Construction Waste (Policy EP10)

Scottish Natural Heritage (05211/25/010): In line with the outcome of the HRA process, add the following criterion to the policy on page 58 to ensure that there are no significant impacts on the qualifying interests of European sites as a result of the management and processing of inert and construction waste:

‘(e) They will not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s).’

Air Quality Management Areas (Policy EP11)

Lynne Palmer (00239/2/001): Enlarge Perth Air Quality Management Area.

Contaminated Land (Policy EP12)

Homes for Scotland (10214/1/025): Sites in the established supply that are on contaminated land and are constrained by clean up costs should be identified in this policy and action plans to encourage and support their remediation are required. This might include flexibility of level of developer contributions and affordable housing provision, or other incentives to remove blight.

Scottish Natural Heritage (05211/25/011): In line with the outcome of the Habitats Regulation Assessment and Appropriate Assessment processes and in order to ensure no adverse impact on the integrity of a European site(s), after *'that appropriate remediation measures can be incorporated in order to ensure the site/land is suitable for the proposed use...'* at the end of paragraph 2 of Policy EP12 (page 60), add the following additional text:

'and in order to ensure that contamination does not adversely affect the integrity of a European designated site(s).'

Summary of responses (including reasons) by planning authority

General

Network Rail (09414/2/002): The issues are noted and it is recognised that the railway network contributes to the aims and objectives of the LDP. However, the matters raised may be more properly addressed through the Development Management process.

No modification is proposed to the Plan.

However, if the Reporter is so minded then a new Policy to be numbered EP15 could added in order to improve the safety of the railway and the public:

'Perth & Kinross Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway. As a first principle, Network Rail would seek to close level crossings where possible. Network Rail will not allow new level crossings except in exceptional circumstances whereby it may be replacement or relocation. In all instances:
(i) Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing impact and mitigation measures including assessment of closure; and
(ii) The developer is required to fund any qualitative improvements required to the level crossing identified as a direct result of the development proposed.'

As suggested by the Respondent.

Alternatively, the respondent has suggested that Policy TA1 could be amended to include the following text highlighted in bold:

'... New development Proposals should:

(b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;

.... Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:

(c) it would not have a detrimental effect on the capacity or safety of the strategic road and/or rail network including level crossings...'

Consultation Zones for Hazardous Installations (Policy EP4)

BP North Sea Infrastructure (09994/1/001); Shell UK Ltd (09313/3/001): The Council recognises the importance of consultation zones for pipelines and other notifiable installations, and of the need to ensure that appropriate development takes place in the vicinity. Consultation zones are shown on the Proposals Map. The Council consults the

Health and Safety Executive when determining planning and other applications for consent within consultation zones. The Council carries out best practice recommended by the Health and Safety Executive and additionally consults facility operators and owners to ensure that any risk to people's safety is not increased and the pipeline is protected. It is considered that no modification to the policy is required as the Council will continue to operate best practice in this respect.

No modification is proposed to the Plan.

However, if the Reporter is so minded the following text could be used to replace the text in the existing policy:

"In determining planning applications for development within the Pipeline Consultation Zones identified on the proposals, insert maps and Appendix 3, the Council will seek and take full account of the advice from the Health and Safety Executive and the facility's operators and owners.

The Council will also seek the advice of the Health and Safety Executive and the facility's operators and owners on the suitability of any proposals for a new notifiable installation within the Plan area or any proposal within the consultation zone of any other notifiable installation.'

The Council would be comfortable with this modification because it would not have any implications on other policies in the LDP.

Noise Pollution (Policy EP8)

Dr Robert Walker (09986/1/001): It is considered that modification to the policy is not required because the policy sufficiently covers the development planning requirements of PAN 1/2011 Planning and Noise (paragraphs 11-13) (S4_Doc_806). In addition, the effects of noise have been considered within the strategic environmental assessment of the Main Issues Report. The PAN also suggests that mitigation measures are more appropriately implemented through Development Management process by the use of planning conditions and/or a legal agreement (paragraph 21). Consequently, there is no need to repeat this in the LDP. The Policy cannot be made to apply to present developments however noise pollution from present developments is covered elsewhere by Environmental Health legislation.

No modification is proposed to the Plan.

SSE plc (09311/1/009): The Council recognises the importance of wind energy development but considers that a specific amendment to accommodate noise emissions for wind farms is not required within the LDP because this is an area of planning that is effectively assessed through the Development Management process. Working Group on Wind Turbine Noise, 1996 "The assessment and rating of noise from wind farms (ETSU R-97)" (S4_Doc_194) is already used to regulate wind farm noise in planning applications and effective control is achieved through planning conditions and/or a legal agreement. The detail of this issue is more appropriately dealt with through Supplementary Guidance on renewable energy.

No modification is proposed to the Plan.

Waste Management Infrastructure (Policy EP9B)

Abernethy & District Community Council (09215/1/001): The proposed removal of the

word ‘any’ would not make sense and, in the absence of a list or further definitions, it would not be clear which activities and processes would be supported or unsupported by the policy. And in relation to criterion (l), the policy already asks for the viability of heat and/or electricity generation to be fully explored and an amendment to the policy is therefore not considered necessary. Paragraph 4.9 Annex B of Scotland’s Zero Waste Plan (S4_Doc_432) requires planning authorities and developers to consider sites that have the potential to maximise the potential for the re-use of waste heat through co-location with potential heat users.

No modification is proposed to the Plan.

SITA UK (10022/1/001): The policy should not be amended because restoration bonds are only required where appropriate. The suggestion to rewrite criterion (k) is noted and accepted.

If the Reporter is so minded it is recommend that the following text is inserted to replace the existing text:

‘... (k) the proposal demonstrates satisfactory mitigation measures for any unacceptable impacts arising from the development with respect to emissions including: air, noise, odour, dust, litter, vermin, birds, insects, leachate and surface water. It will also be necessary to mitigate any visual impact, traffic impact, impact on the natural or built heritage, and the water resource. Cumulative impacts will also be considered; ...’

The Council is comfortable with this modification because it would not have any implications on Policy EP9 or other policies within the LDP.

Waste Management Infrastructure (Policy EP9A)

SITA UK (10022/2/001): It is accepted that all waste management facilities have a role to play and as a consequence ‘key’ could be removed from the text in the first line of the policy.

If the Reporter is so minded it is recommend that the text is deleted and the Council would be comfortable with this modification as it would not have any implications on any other policies in the Plan.

Scottish Environment Protection Agency (03194/10/001): The issue raised is considered to be already covered by the existing wording of the policy.

No modification is proposed to the Plan.

However, if the Reporter is so minded to recommend that the proposed modification is adopted, the Council would be comfortable with this modification because it would not have any implications on Policy EP9 or other policies within the LDP.

Scottish Environment Protection Agency (03194/11/001): This issue is dealt with elsewhere and reference to the schedule 4 no 05 - Economic Development is highlighted for further information on this issue, where Scottish Environment Protection Agency (03194/1/001) comment on waste uses on employment and industrial sites.

Binn Farm

Abernethy & District Community Council (09215/2/001, 09215/10/001 & 09215/11/001): The issue raised is noted. Additional information regarding this issue was submitted by

Binn Eco Park after the close of the period of representations. This can be made available to the Reporter for consideration if requested and form the basis of a masterplan for the site.

However, it is suggested that the requirement to prepare a Masterplan for the site would address the concerns of the Community Council and provide the most up to date information from the developer/landowner including the waste management uses and any necessary changes to the site boundary once more detailed work is undertaken. The map in the Plan describes the extent of existing planning consents however if more land is required, this should be informed by Supplementary Guidance.

The Supplementary Guidance in the form of a masterplan could be Non-statutory or Statutory. If the latter the masterplan should cover (as minimum) the following matters: the uses to be accommodated on the site, the processes and technologies, the environmental effects and any mitigation necessary; the boundaries of the site, hours of working and traffic matters.

If the Reporter is so minded to recommend modifying the Plan to include a requirement for Supplementary Guidance to be prepared, the Council would be comfortable with this modification because it would not have any implications on other sites or other policies within the LDP.

Management of Inert and Construction Waste (Policy EP10)

Scottish Natural Heritage (05211/25/010): No change requested to the Plan. However the Habitats Regulations Assessment notes the policy contains no measures to ensure the protection of the qualifying interests of Natura 2000 sites for future proposals arising under this policy. It is considered that adding the following additional criteria to the list in Policy EP10 on page 58 would provide greater clarity and transparency:

'They will not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s).'

If the Reporter is so minded to recommend that the proposed modification is adopted, the Council would be comfortable with this modification as it would ensure consistency with other policies in the LDP, namely Policy NE1: International Nature Conservation Sites, where the potential to have an effect on a Natura site is possible.

Air Quality Management Areas (Policy EP11)

Lynne Palmer (00239/2/001): Modification to the existing Air Quality Management Area is a matter to be covered in any revision to the Air Quality Management Plan which will be done under separate legislation.

No modification is proposed to the Plan.

Contaminated Land (Policy EP12)

Homes for Scotland (10214/1/025): The remediation of contaminated land is covered by separate legislation and the Housing Land Audit is the appropriate place to consider the effectiveness of sites. This level of detail is not appropriate for the LDP.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/011): It is considered that amending Policy EP12 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal

(including Appropriate Assessment) of the Proposed Plan, and detailed in the previous section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature conservation Sites will apply, for proposals arising under these policies and would also set out what will be expected of them in making their planning application.

If the Reporter is so minded it is recommended that the following text is inserted to replace the existing text:

'Consideration will be given to proposals for the development of contaminated land, as defined under Part IIA, Section 78A (2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure the site/land is suitable for the proposed use and in order to ensure that contamination does not adversely affect the integrity of a European designated site(s).'

Reporter's conclusions:

General

1. There is no need for the insertion of a new policy specifically addressing level crossing safety. It has been explained in connection with Issue 10 why Policy TA1B: New Development Proposals should be modified in the light of the concerns of Network Rail.

Policy EP4: Health and Safety Consultation Zones

2. There is no doubt that consultation zones should form part of the local development plan and that they are a material consideration in the determination of planning applications. Policy EP4 recognises these facts. However, given their importance from a health and safety point of view, there is some merit in further clarifying the approach of the council by modifying the text of the policy in line with the suggestions made by those who have submitted representations on this matter.

Policy EP8: Noise Pollution

3. PAN 1/2011: Planning and Noise confirms that development plans have an important role to play in helping to limit the overall number of people exposed to potential adverse effects of noise. Paragraphs 11 to 13 provide advice and information on relevant technical planning matters. Within that general framework Policy EP8: Noise Pollution sets out the council's approach in sufficient detail to provide an adequate context for the efficient and effective conduct of the process of development management with regard to noise pollution. It is a matter for the council to decide whether further detail would be helpful and be provided through the issue of supplementary guidance. However, it is pointed out at paragraph 14 of PAN 1/2011 that discussions with the planning authority prior to submitting an application will assist in deciding the level of detail required from an applicant in respect of noise. Supplementary guidance can be very helpful in structuring such discussions. Drawing these matters together, there is no need for a modification to this policy of the Proposed Plan.

4. Policy EP8 sets out the Council's approach to noise pollution attributable to all forms of new development. The terms of the policy do not incorporate an initial presumption against a wind farm which can meet the standards set out in the report of Working Group

on Wind Turbine Noise (1996). It is for the council to decide whether it would be helpful to provide further detail, through supplementary guidance on renewable energy, on how this general policy will be applied to particular applications for approval of proposed wind farms. Whether or not a particular application meets the terms of Policy EP8 and the required standards is a matter which can be dealt with as part of the development management process. In that context, the suggested noise limits set out in ETSU R-97 have been presented in a manner that makes them a suitable basis for noise related planning conditions or obligations between the developer of a wind farm and the council.

Policy EP9A: Existing Waste Management Infrastructure

5. The Council has made an unequivocal commitment to the aims of the Scottish Government's Zero Waste Plan (2010). Given the urgent need for the necessary network of waste management facilities to be put in place at appropriate locations there is some merit in including the phrase "*existing and consented*" within the text of the policy to replace the word "*key*". However, the policy is concerned with existing infrastructure and the Plan Settlement Maps within the Proposed Plan make reference only to "*Waste Management Sites*". Accordingly, in the interests of clarity and in order to conform with that approach, the word "*key*" should be deleted from the text of this policy and no other phrase inserted in its place.

Policy EP9B: New Waste Management Infrastructure

6. With regard to the introductory text, the use of the word "*any*" is clear and it is specific in its meaning. There is no need for a modification to the Plan.

7. Policy EP9B should demonstrate beyond any doubt that it is fully compliant with the requirements of Annex B of the Zero Waste Plan. With that in mind, the existing text should be deleted and replaced with appropriate wording.

8. As far as item (k) is concerned, the thrust of the representation is helpful and the existing text can usefully be modified to take that into account.

9. On item (l), the text, as it stands, does not indicate sufficiently clearly what is expected of the applicant. Greater clarity can be achieved by way of minor modifications.

10. With respect to the final paragraph of Policy EP9B there should be no doubt that the words "*Where appropriate*" are intended by the council to carry over into the following sentence. Complete clarity can be achieved by way of a minor modification.

Binn Farm

11. Binn Farm is noted in the table within paragraph 5.1.7 of the Proposed Plan as a Strategic Development Area which has been identified in TAYplan as contributing to the five year supply of employment land for the Perth Area. Paragraph 5.9.1 and the associated map does no more than show the extent of the existing planning permissions all of which are identified for waste management uses. It is perfectly understandable that there should be local concern about the future of a site of the considerable dimensions of Binn Farm. The council has acknowledged the concerns about the absence of detail within the Proposed Plan concerning this strategic site and indicated its intention to issue relevant supplementary guidance.

Policy EP10: Management of Inert and Construction Waste

12. An addition to the four criteria already listed within Policy EP10 could provide greater clarity and transparency in the Proposed Plan when read as a whole because it would ensure consistency with the wording of Policy NE1: International Nature Conservation Sites.

Policy EP11: Air Quality Management Areas

13. Policy EP11 is concerned with the impact of new development on areas identified as suffering degraded air quality. Modifications to the existing Air Quality Management Area are matters properly dealt with in any revisions to the Air Quality Management Plan that may be undertaken. They are not matters for the local development plan and, accordingly, there is no need for a modification to this policy.

Policy EP12: Contaminated Land

14. Policy EP12 makes clear that its first priority will be to prevent the creation of new contamination. It goes on from there to set out its approach to development which is proposed on sites, some or all of which are contaminated as that term is defined under the Environmental Protection Act 1990. PAN 33: Development of Contaminated Land (Revised October 2000) points out that the allocation of a site for a particular use does not in itself prove the suitability of a site for that purpose and goes on to note that only investigation by the developer or applicant can confirm this. The council's approach to that fact is set out in the third paragraph of the policy.

15. In response to a request for further information the council provided evidence which demonstrates that it completed a prioritisation of all potentially contaminated sites by 2012. Based on this information, a programme of inspection of this land is underway. A public register of contaminated land has been set up and maintained under the Contaminated Land (Scotland) Regulations 2000. None of the land inspected has met the statutory definition and, accordingly, it contains no entries. It follows that there are no sites identified in successive Housing Land Audits or elsewhere which are "*constrained due to the excessive costs of clean up*" as feared by Scottish Homes. Accordingly, there is no need for any modification to Policy EP12 in that respect.

16. Modifying Policy EP12 to incorporate the mitigation measures set out in the Habitats Regulations Appraisal, including the Appropriate Assessment, will provide greater clarity and transparency for applicants with regard to where and in what circumstances the provisions of Policy NE1: International Nature conservation Sites will apply.

Reporter's recommendations:**Policy EP4: Health and Safety Consultation Zones**

1. Delete the existing text and replace with the following:

"In determining planning applications for development within the Pipeline Consultation Zones identified on the proposals, inset maps and Appendix 3, the Council will seek and take full account of the advice from the Health and Safety Executive and the facility's operators and owners. The Council will also seek the advice of the Health and Safety Executive and the facility's operators and owners on the suitability of any proposals for a new notifiable installation within the Plan area or any proposal within the consultation zone of any other notifiable installation."

Policy EP9A: Existing Waste Management Infrastructure

2. Modify Policy EP9A to refer to refer to existing and consented waste management sites.

Policy EP9B: New Waste Management Infrastructure

3. At item (i), delete the existing text and replace with the following:

“(i) the proposal is located close to an existing waste management installation and/or within an area identified within the Plan for existing or new employment uses.”

4. At item (k) delete the existing text and replace with the following:

“(k) the proposal demonstrates satisfactory mitigation measures for any unacceptable impacts arising from the development with respect to emissions including: air, noise, odour, dust, litter, vermin, birds, insects, leachate and surface water. It will also be necessary to mitigate any visual impact, traffic impact, impact on the natural or built heritage, and the water resource. Cumulative impacts will also be considered;”

5. At item (l) delete the existing text and replace with the following:

“(l) the potential for heat and/or electricity generation (which may include local or district heating schemes and co-location of industrial processes where the heat could be utilised) has been fully explored and demonstrated to be viable.”

6. Delete the second sentence of the final paragraph and replace with the following: *“In some cases it may be that restoration bonds will be required to be lodged.”*

Binn Farm

7. Below paragraph 5.9.1 insert:

“Note: A masterplan will be developed by way of Supplementary Guidance which at a minimum will:

- justify the site boundaries*
- identify the uses to be accommodated on the site and the processes and technologies to be accommodated*
- identify the impacts on the environment and any appropriate mitigation necessary*
- hours of working*
- address the array of consequential traffic matters and explain how these will be dealt with.”*

Policy EP10: Management of Inert and Construction Waste

8. Add as item (e) the following: *“(e) they will not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s).”*

Policy EP12: Contaminated Land

9. Delete the second sentence and replace with the following:

“Consideration will be given to proposals for the development of contaminated land, as

defined under Part IIA, Section 78A (2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure the site/land is suitable for the proposed use and in order to ensure that contamination does not adversely affect the integrity of a European designated site(s)."

Issue 19	Airfield Safeguarding	
Development plan reference:	EP13 - Airfield Safeguarding, page 60	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Flemings of Rosyth (00648) Allan Smith (00649) Barbara Fleming (00854) Susan Fleming (00855) Councillor Michael Barnacle (02633) Scottish Gliding Centre (09134) Rhonda Dick (09196) Dr Peter Symon (09723) Maureen Cuthbertson (10146) John Williams (10210) Ken Miles (10236)		
Provision of the development plan to which the issue relates:	Policy EP13, requiring an independent assessment of the impact of development proposals where they may affect the safe operation of airfields.	
Planning authority's summary of the representation(s):		
<p><u>Representations seeking removal of Policy EP13</u> Maureen Cuthbertson (10146/1/001 & 10146/3/001): The existing Policy 49 Kinross Area Local Plan 2004 (S4_Doc_199) is not fit for purpose and Policy EP13 contains nothing that would address the issues and ongoing problems that this policy has created for the Council and the planning applications of residents living on the perimeter of Portmoak Airfield and should be withdrawn from the Local Plan. The policy will place a disproportionate burden on one or two residents on the airfield perimeter.</p> <p>The Policy is not in accordance with SPP February 2010 (S4_Doc_076), SPP 1 Development Management Guidelines Page 4 Paragraph 23 (S4_Doc_277) as it places the interests or activities of one person over the interests and activities of another. Policy 49 Kinross Area Local Plan 2004 (S4_Doc_199) is not fair or proportionate and Policy EP13 does nothing to address this. It disadvantages residents on the perimeter of the airfields.</p> <p>Flemings of Rosyth (00648/1/001): There is no provision in the policy which requires aerodrome operators to be checked on compliance with CAP 793 (Core_Doc_123). The policy is unworkable given the past history at Portmoak Airfield. When an airfield is unlicensed there is no vehicle to determine which party is in the right, even after obtaining independent assessments. The policy puts undue power in the hands of aerodrome operators, who have nothing to lose.</p> <p>Susan Fleming (00855/1/001); Barbara Fleming (00854/1/001): The policy is biased towards airfield operators and unfair to existing businesses in the area which wish to expand. The policy does not provide clarity on how the Council will determine planning</p>		

applications and independent decisions are formed where the Airfield operator and applicant through an independent assessment have opposing views.

Representations seeking amendments to Policy EP13

Ken Miles (10236/1/012): Object to Balado Airfield being included as its validity as an Airfield is questionable.

Scottish Gliding Centre (09134/1/002): New wording for the policy is suggested in order to accord with the principle of protection of public safety and to accord with the Civil Aviation Authority position Civil Aviation Act 1982 Section 16 (5) (S4_Doc_197) on the role of airfield operators in assessing the impact of proposed developments.

Allan Smith (00649/1/001): Concerns regarding the fairness and independence of the policy, particularly how a fair and unbiased conclusion is reached when the policy does not contain a procedure for obtaining a truly independent airspace design opinion to be used as an authoritative tool in evidence. The assessment should not be paid for by the airfield or applicant but independently by the Council to avoid any accusations of a biased nature; the policy should be fair and proportionate, as required by SPP (Core_Doc_048).

Rhonda Dick (09196/1/001): There is no real material basis for setting up this excessive planning policy. The expert opinion should be commissioned by the body that must make the decision; the Council should bear this cost. The Scottish Gliding Union believes this policy is a total barrier to development at the Causeway and this issue must be addressed. A study of the planning applications will show the previous Policy 49 Kinross Area Local Plan 2004 (S4_Doc_199) to have been ineffective. Policy EP13 does not address these existing issues.

See attached appendices with this representation. (Core_Doc_124)

Dr Peter Symon (09723/3/001): Respondent's comments relate to Errol Airfield. The policy does not include Errol Airfield. The airfield is permitted to be used five days a week for flights and if the Plan does not envisage the airfield being used for flights during the lifetime of the Plan this should be stated. If an application is made to continue the use of the airfield for flights beyond the current permission then the airfield should be safeguarded.

General comments

Councillor Michael Barnacle (02633/1/022): Policy is welcomed. Welcome the requirement for an independent assessment. Note the importance of good neighbourliness but emphasises the need for this to work both ways with airfield operators following good practice and adhering to the conditions of airfield planning approvals.

John Williams (10210/1/001): Support Policy EP13. The Scottish Gliding Centre at Portmoak is well established but there is a risk that inappropriate development around the airfield could threaten its ongoing operation. No potentially threatening development should be approved without a proper impact assessment.

Modifications sought by those submitting representations:

Representations seeking removal of Policy EP13

Maureen Cuthbertson (10146/1/001 & 10146/3/001); Flemings of Rosyth (00648/1/001); Susan Fleming (00855/1/001); Barbara Fleming (00854/1/001): Amend Plan to remove

Policy EP13.

Representations seeking amendments to Policy EP13

Ken Miles (10236/1/012): Amend Plan to remove Balado Airfield from Policy EP13.

Scottish Gliding Centre (09134/1/002): Amend Plan to revise Policy EP13:

'Developments will be refused if they are likely to have an adverse impact on the safe operation of aircraft from, or on public safety in the vicinity of, the following airfields:

- *Perth Airport*
- *Portmoak Airfield*
- *Balado Airfield*
- *Strathallan Airfield*

Under Section 16(5) of the Civil Aviation Act 1982 the comments of the aerodrome management concerning the effect of certain development proposals must be carefully considered. The Civil Aviation Authority considers that if an aerodrome operator advises that an airfield's established amenity would be affected by a development, that advice may be considered as expert testimony so far as the technical issues are concerned.

Applicants for planning consents within the safeguarding zones of these airfields (as defined in the Supplementary Guidance) should consult the airfield operator prior to submitting an application. The applicant may be required to obtain from the airfield operator an assessment of the impact on the safe operation of the existing facility.

Note: Supplementary Guidance will define the areas where consultations will take place and further expand the limitations of incompatible activities and navigational obstructions etc.'

Allan Smith (00649/1/001); Rhonda Dick (09196/1/001): Amend Plan to revise Policy EP13 to remove the requirement for the applicant to provide a report. This should be changed to require the Council to undertake this work. Policy EP13 should be reviewed annually or bi-annually.

Dr Peter Symon (09723/3/001): Amend Plan to include 'Errol Airfield' under the list of airfields in Policy EP13.

Summary of responses (including reasons) by planning authority:

Representations seeking removal of Policy EP13

Maureen Cuthbertson (10146/1/001 & 10146/3/001); Flemings of Rosyth (00648/1/001); Susan Fleming (00855/1/001); Barbara Fleming (00854/1/001): The Policy has been worded to comply with the requirements of Circular 2/2003 (Safeguarding of Aerodromes, Technical Sites and Military Explosives Areas) (S4_Doc_803), which require Planning Authorities to set out arrangements by which *'a planning authority, before granting permission for the development of land forming the site of or in the neighbourhood of an aerodrome ... for which a safeguarding map has been furnished to the authority, shall, to the extent specified on such a safeguarding map in relation to particular parts shown thereon, consult the consultee.'*

It simply sets out the requirement for consultation to take place without introducing bias.

The Council prepared Supplementary Guidance on Airfield Safeguarding (Core_Doc_070) and, following a period of consultation, the comments received were

considered by the Council. The Reporter may wish to refer to the relevant committee report for further information. Report to Perth & Kinross Council Enterprise and Infrastructure Committee, 7 November 2012: 'Local Development Plan Supplementary Guidance Phase 1' (Core_Doc_160).

No modification is proposed to the Plan.

Representations seeking amendments to Policy EP13

Ken Miles (10236/1/012): Planning consent was granted in 2011 for Class 11 use including microlight flying at this airfield, which has subsequently been implemented (09/01289/FLM) (S4_Doc_693). The airfield is operational and it is therefore appropriate for it to be included in the Plan.

No modification is proposed to the Plan.

Scottish Gliding Centre (09134/1/002): The revised wording relates to the relative weight to be placed on comments from an airfield operator, which is not a matter for the Plan. Allan Smith (00649/1/001); Rhonda Dick (09196/1/001): Amend Plan to revise Policy EP13 to remove the requirement for the applicant to provide a report. This should be changed to require the Council to undertake this work. Policy EP13 should be reviewed annually or bi-annually.

No modification is proposed to the Plan.

Allan Smith (00649/1/001); Rhonda Dick (09196/1/001): Controlling the means by which reports are obtained would be beyond the remit of the Plan. It is appropriate that the onus be placed on the applicant to demonstrate that a proposal is acceptable, including where necessary the submission of an independent assessment prepared by a suitably qualified person. This does not prevent the Council from seeking further expert evidence should they feel it would aid the decision making process. This procedure echoes that for the provision of flood risk assessments, noise assessments and Environmental Impact Assessments, where the onus is placed on the applicant to provide the information in the first instance.

No modification is proposed to the Plan.

Dr Peter Symon (09723/3/001): The airfield at Errol is in operational use however planning permission (S4_Doc_804) has been granted for a residential development within the boundaries of the airfield. If this permission is implemented the airfield safeguarding for Errol will no longer apply. The Supplementary Guidance on Airfield Safeguarding (Core_Doc_070) carries a note to this effect.

No modification is proposed to the Plan.

Reporter's conclusions:

Preliminary Matter

1. In response to a request for further information the council has confirmed that revised supplementary guidance was approved by the November 2012, which was not referred to in the schedule 4. It has also suggested revisions to the text of Policy EP13 in order to deal with Dundee Airport (the safeguarding zone for which extends into Perth and Kinross) and has clarified what is meant by an unlicensed airfield (which are the airfields

that are intended to be covered by the supplementary guidance). This additional information has been taken into account in reaching conclusions on this issue.

2. Supplementary guidance is the appropriate location for detailed material, allowing the Proposed Plan itself to focus on vision, the spatial strategy, overarching and other key policies, and proposals. This examination of the Proposed Plan makes no comment on the content of the supplementary guidance on airfield safeguarding.

Representations seeking removal from the Plan of Policy EP13: Airport Safeguarding

3. The respondents who seek the removal of Policy EP13 do so because previous experience of the application of Policy 49 of the Kinross Area Local Plan 2004 has been demonstrated, in their view to be “not fit for purpose”. It has led, in their view, to development management decisions unfairly weighted against proposed developments in the vicinity of Portmoak Airfield. Whatever, may be the merits of that view it is not a matter which forms part of this examination.

4. Scottish Planning Policy (SPP) confirms that the planning system does not exist to protect the interests of one person or business against the activities of another. However, it is inevitable that, in regulating the use and development of land, the planning system will regularly impose restrictions upon land owners’ ability to develop their land. On occasion, the effects of a particular planning policy may not be felt evenly and it may be perceived that the policy is unfair or unreasonable for that reason. However, provided that the aim behind the imposition of such controls is to further the public interest rather than to prioritise the interests of one party over another, there is nothing unreasonable or unfair in such an approach. In the case of Policy EP13, it is clearly in the public interest to ensure safety in and around airfields. The effect of the policy is not to prevent development within the vicinity of airfields but to ensure that it is demonstrably unlikely to have a detrimental impact upon safety. Development which can be demonstrated not to threaten aircraft safety would comply with the policy and would not be restricted. This is an entirely reasonable approach and there are no grounds for deleting the policy.

Representations seeking modifications to Policy EP13: Airport Safeguarding

5. It is perfectly understandable that the Scottish Gliding Centre should be concerned with public safety and that airfield operators should be consulted before a determination is made on a planning application relating to land within an airport safeguarding zone. However, any planning application must be determined by the council as planning authority in accordance with the Planning Acts rather than by reference to other legislation.

6. Rather than list within the policy itself, all of the airfields to which it will apply, the council has suggested listing the two licenced airfields (Perth and Dundee) and referring to the remainder under the category “*Unlicensed airfields, as defined in Supplementary Guidance*”. This would accord with SPP’s expectations for brevity and would be an appropriate modification to the policy text that is set out in the Proposed Plan. With that in mind, it is unnecessary to address the representations which challenge the inclusion or exclusion of specific unlicensed airfields within the text of the policy.

7. As far as the provision of an independent assessment is concerned, it is the responsibility of an applicant for planning permission to provide the planning authority with sufficient supporting evidence for an informed decision to be made. In some cases that may include the submission of material of a technical nature. The council has drawn

attention to the manner in which flood risk assessments, noise assessments and Environmental Impact Assessments are undertaken. Depending on the details of what is proposed, the impact of development nearby on the safe operation of aircraft from unlicensed airfields could be a further example where a similar approach is justified. In these cases the evidence in support of the application will carry more weight if it is provided by way of an independent assessment carried out by a suitably qualified person. The same applies to technical evidence provided by third parties who have concerns about the impacts of the proposed development. Where special expertise is not available “in house” the planning authority is bound to call on its own suitably qualified consultants to assist in the evaluation of the evidence placed before it. Drawing these matters together, there need be no modification in response to these representations.

8. The council has accepted that the policy should make reference to Dundee Airport, as its safeguarding zone extends into Perth and Kinross. A modified note to the policy is proposed, which should provide greater clarity on the legislation and associated materials relevant to airfields and airfield safeguarding. Further clarity will be provided in the supplementary guidance. With that in mind, to assist users of the plan the council may decide that there is merit in clarifying beyond doubt within the guidance exactly what it has in mind in its use the terms *licensed airfield* and *unlicensed airfield* and the word *airport* and distinguishing these from the generic term *aerodrome*.

Reporter’s recommendation:

Policy EP13

1. Delete the text of Policy EP13, and replace it with the following:

“Policy EP13: Airfield Safeguarding:

Planning permission will be refused for developments likely to have an unacceptable impact on the safe operation of aircraft from the following airfields:

- *Dundee Airport;*
- *Perth Airport; and*
- *Unlicensed airfields, as defined in Supplementary Guidance.*

Applicants for planning consents within the safeguarding zones of these airfields may be required to provide an independent assessment of the impact on the safe operation of the existing facility, prepared by a suitably qualified person.

Note: Licensed airfields are safeguarded in line with CAA document CAP 168 “Licensing of Aerodromes”. Unlicensed airfields are safeguarded in line with CAA document CAP 793 “Safe Operating Practices at Unlicensed Aerodromes”, and Supplementary Guidance will define the areas where consultations will take place and consider prejudicial developments including incompatible activities and navigational obstructions.”

Issue 20a	TAYplan Spatial Strategy	
Development plan reference:	4 - Spatial Strategy, page 61-62	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
William Watson (00113) Susan Fraser & Alison Ramsay (00390) The Braes of the Carse Conservation Group (00391) Carse of Gowrie Sustainability Group (00788) Culdees Ecovillage (00945) Councillor Michael Barnacle (02633) Errol Park Estate (09060) George Maxwell Builders (09071) Scone Palace and Estate (09163) Stewart Milne Homes (10080)		
Provision of the development plan to which the issue relates:	Strategic Development Plan (TAYplan) Spatial Strategy	
Planning authority's summary of the representation(s):		
<p><u>TAYplan Spatial Strategy</u> George Maxwell Builders (09071/1/001): Premature for the LDP to assume the TAYplan spatial strategy TAYplan (Core_Doc_099) will be ratified as it is still at examination. The TAYplan strategy for Dundee which limits development within Perth Area villages within the Dundee housing market area is flawed. If TAYplan Reporters reject this strategy there will be a requirement to release more short term greenfield land in the Perth sub area of the Dundee HMA. It would be more pragmatic to allow small scale development on the edges of villages like Longforgan to provide investment and new facilities, and meet deficiencies in the housing land supply. LDP recognises further development in Longforgan could be supported and act as a catalyst for improvements but this is fettered by the TAYplan aim of encouraging growth in Dundee.</p> <p>William Watson (00113/1/003): Concerned at proposals to build new housing around Perth, Scone, Oudenarde, Stanley etc. Perth already has too much traffic, air pollution and parking problems and issues such as who will buy the houses in the current market, where the jobs will be and how the infrastructure will cope have not been thought through. New building should be spread round towns such as Coupar Angus, Pitlochry, Errol and Abernethy but not close to Perth.</p> <p>Stewart Milne Homes (10080/11/001): Objected to the development hierarchy established in TAYplan (policy 1 (S4_Doc_067)). Sought its removal within all key service settlements other than Dundee and Perth Core Areas to provide equal and fair distribution of development opportunities in marketable and strategic locations and where infrastructure provision or investments allow in the remainder of the Plan area. This would help maintain sustainable service levels and range of facilities whilst also stimulating the local economy. LDP has largely adopted the TAYplan hierarchy to the detriment of strategic delivery within some key settlements e.g. Auchterarder where there</p>		

has already been significant infrastructure investment. Further development allocations should be focused on settlements like Auchterarder to ensure investments already made by the Government and the private sector continue to be sustainable.

Culdees Ecovillage (00945/1/001): Wish to create new sustainable, resilient eco villages or for existing villages to be allowed to develop so they can be self-contained.

The Braes of the Carse Conservation Group (00391/1/001); Susan Fraser & Alison Ramsay (00390/1/002); Carse of Gowrie Sustainability Group (00788/1/001) and Councillor Michael Barnacle (02633/1/024): Support the Plan as written.

Settlement Tiers

Errol Park Estate (09060/2/001): Errol was identified as a tier 3 settlement at LDP MIR (S4_Doc_352) stage but not in the proposed LDP. Irrespective of whether there are any land allocations Errol should remain a tier 3 settlement. Disagree with the TAYplan and LDP approach to stem population decline in Dundee by having minimal land allocations at Errol and the Carse. These areas have a pleasant setting within easy reach of Perth; development in this area is not solely responsible for population decline in Dundee.

Scone Palace & Estate (09163/4/014): There are a range of small settlements which would benefit from small amounts of incremental growth in line with the Housing in the Countryside policy (Core_Doc_064) which would sustain services and provide accommodation for local people. SPP (Core_Doc_048) supports this type of growth but there is a policy vacuum in the LDP for these settlements. Paragraph 4.2.2 is unclear and clarification is required as to whether the LDP restricts growth to no houses or to limited houses in non-tiered settlements.

Change to Housing Market Areas

Councillor Michael Barnacle (02633/1/029): Glenfarg should be part of the Kinross Housing Market Area as the Secondary School catchment area serving Arngask Primary School centres on Kinross High School from 2013.

Modifications sought by those submitting representations:

TAYplan Spatial Strategy

George Maxwell Builders (09071/1/001): A more pragmatic approach than that in TAYplan would be to allow small scale development on the edges of villages, for example, at Longforan.

William Watson (00113/1/003): New housing should not be close to Perth but instead spread round towns such as Coupar Angus, Pitlochry, Errol and Abernethy. Numbers and locations are not specified.

Stewart Milne Homes (10080/11/001): With the exception of Perth Core Area all tiering references to other settlements within the LDP should be removed.

Culdees Ecovillage (00945/1/001): No specific modification sought but implied that there should be the opportunity in the LDP to create eco-villages or allow the expansion of existing villages so they can be self-contained.

Settlement Tiers

Errol Park Estate (09060/2/001): Errol should be identified as a tier 3 settlement in the text at LDP paragraph 4.2.1 and associated diagram.

Scone Palace & Estate (09163/4/014): Spatial strategy should clarify that the smaller settlements which are not listed in the three tiered hierarchy of settlements can now be considered as Building Groups under the Housing in the Countryside policy (Core_Doc_064).

Change to Housing Market Areas

Councillor Michael Barnacle (02633/1/029): Glenfarg should be part of the Kinross Housing Market Area.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

TAYplan Spatial Strategy

George Maxwell Builders (09071/1/001); William Watson (00113/1/003): In his findings the Reporter examining TAYplan agreed that it was central to the Plan's strategy that Dundee and Perth are supported in maintaining and building upon their present roles as the major settlements of the region in terms of population, economy, infrastructure and services. The Reporter concluded that a more dispersed pattern of development would not make the best use of existing infrastructure and would be less sustainable in terms of increased travel demands. TAYplan's emphasis on accommodating additional development in Dundee and Perth was therefore found to be justified (TAYplan examination report page 67 paragraph 2 (S4_Doc_353)). There is therefore considered no need or justification for amending the LDP strategy.

No modification is proposed to the Plan.

Stewart Milne Homes (10080/11/001): The TAYplan examination considered the issue of whether outside Dundee and the Perth Core Area tiering of other settlements should be removed. The Reporter concluded that to do so would completely undermine TAYplan policy 1 (S4_Doc_067) and would call into question the value of a regional settlement strategy. The Reporter recognised that the policy of concentrating development in principal settlements is integral to realising the vision and objectives of TAYplan and it should therefore be retained (TAYplan examination report page 68 paragraph 6 (S4_Doc_354)). The Planning etc. Scotland Act 2006 section 16(6) (S4_Doc_355) requires that the LDP is consistent with the Strategic Development Plan and the settlement hierarchy should therefore be retained.

No modification is proposed to the Plan.

Culdees Ecovillage (00945/1/001): There is provision in SPP (paragraph 85) (S4_Doc_293) for new settlements if justifiable by the scale and nature of the housing land requirement but TAYplan does not support the development of any new settlements during the lifetime of the Strategic Development Plan (TAYplan page 8) (S4_Doc_063). It is however acknowledged that the argument in the representation is for eco-villages whose primary focus would be self-containment rather than to help meet the housing land requirement. Such proposals are likely to be unique and site specific and each would need to be assessed on its own individual merits taking account of the overall LDP policy context. It is not therefore considered appropriate to include a policy in the LDP which would attempt to cover every possible proposal. Regarding the expansion of existing villages to allow them to become self-contained, the LDP land allocations have been

made in accordance with the TAYplan spatial strategy of directing most growth to the principal settlements (TAYplan policy 1 (S4_Doc_067)). Whilst the LDP supports settlements becoming more self-contained in terms of reducing the need to travel and encouraging employment closer to where people live (LDP paragraph 4.3.17 (S4_Doc_505)), it is not considered that the desire to achieve self-containment is sufficient justification to allow the expansion of a settlement which would otherwise be contrary to TAYplan and the LDP spatial strategy.

No modification is proposed to the Plan.

Settlement Tiers

Errol Park Estate (09060/2/001): The settlement hierarchy is defined in TAYplan. The question of whether Errol (S4_Doc_490), together with a number of other settlements in other parts of the TAYplan area, should be identified as tier 3 was considered at the TAYplan examination. The Reporter concluded that most of the settlements in question (Errol included) were small villages with limited service functions and limited development potential which are too small, and would remain so with any realistic level of development, to be classed as principal settlements. In any event TAYplan policy 1 (S4_Doc_067) provides for development in settlements which are outwith tiers and so such settlements are not significantly disadvantaged in comparison with listed tier 3 settlements (TAYplan examination report pages 71-72 paragraph 20 (S4_Doc_356)). The LDP must be consistent with the Strategic Development Plan and Errol should not therefore be identified as a tier 3 settlement.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/014): Disagree there is a policy vacuum. It is acknowledged in the representation that such settlements would be assessed against Policy RD3: Housing in the Countryside (S4_Doc_418) therefore it is not considered necessary to make any amendments to paragraph 4.2.2.

No modification is proposed to the Plan.

Change to Housing Market Areas

Councillor Michael Barnacle (02633/1/029): Housing market areas are not based on school catchments. The TAYplan-wide Housing Market Area Refresh Exercise 2012 (page 40) (S4_Doc_361) carried out by the TAYplan Strategic Development Plan Authority concluded that *'the original housing market areas defined in 2001 and reinforced in 2008/09 remain robust'*. It is not therefore considered appropriate to move Glenfarg from the Perth HMA to the Kinross HMA.

No modification is proposed to the Plan.

Reporter's conclusions:

1. Section 16(6) of the Planning etc. Scotland Act 2006 requires that a local development plan must be consistent with the strategic development plan for its area. Thus, the Perth and Kinross Local Development Plan must be consistent with TAYplan which is the strategic development plan for the period 2012-2032 approved by Scottish Ministers in June 2012.
2. As a further preliminary matter, and for clarity, it is worth repeating here some essential elements of TAYplan which are relevant to the representations. Policy 1:

Location Priorities adopts a hierarchical and sequential approach. Part A states that strategies, plans, programmes and development proposals must focus the majority of development in the region's principal settlements. These are identified in a 3 tier hierarchy. Tier 1 settlements, which have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the regional economy include Invergowrie, Perth, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie, and Perth Airport. Tier 2 settlements which have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the region's actual development are Kinross/Milnathort, Blairgowrie/Ratray, and Crieff. Tier 3 settlements which have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the region's additional development which is more about sustaining them are Pitlochry, Aberfeldy, Dunkeld/Birnam, Auchterarder, Coupar Angus, Aylth, and Newburgh.

3. Policy 1 goes on to state that local development plans may also provide for some development in settlements that are not defined as principal settlements. However, land is only to be released if development can be accommodated and supported by the settlement, and in rural areas, if such development genuinely contributes to the objectives of TAYplan and meets specific local needs or supports regeneration of the local economy.

4. Part B makes it clear that only where there is insufficient land or where the nature/scale of land use required to deliver TAYplan cannot be accommodated within or on the edge of principal settlements, and where it is consistent with Part A of Policy 1 and all of Policy 2: Shaping Better Quality Places, should the expansion of other settlements be considered.

5. The question of whether there is sufficient land identified within the local development plan to meet the requirements set out in TAYplan is considered elsewhere in this report. Where representations have been made concerning land outside of principal settlements these are dealt with on their merits.

TAYplan Spatial Strategy and Settlement Tiers

6. Policy 1: Location Priorities of the strategic development plan sets out the hierarchical and sequential approach to land allocations which forms the basis of the approach, approved by Scottish Ministers, to be adopted in land allocation in the local development plan. Accordingly, the removal of references to Tiers 1, 2 and 3 other than the Perth Core Area would destroy the essential underpinnings of the local development plan provided by TAYplan. Of the settlements referred to by the respondents, Pitlochry and Coupar Angus are identified at Tier 3. Neither Longforan, nor Errol, nor Abernethy is defined as a principal settlement. The merits of proposed land allocations in these settlements to which objections have been taken are dealt with elsewhere in the report.

7. With respect to the proposed "eco-village" no specific modification to the plan is sought. However, a proposal for a development generating an estimated 174.5 jobs whether at Boreland Farm in countryside at Fearnan, or elsewhere, is likely to require the submission of a planning application. Should one emerge, along with any supporting documentation, the council will be in a position to assess the merits the proposal against the terms of the development plan and any other material considerations.

8. Policy RD3: Housing in the Countryside, as its title suggests, applies to proposals for development outwith settlement boundaries. The issues of settlement boundaries and housing in the countryside more generally is dealt with elsewhere in the report. In all cases the policy framework provided by the requirements of the development plan – TAYplan and the Perth and Kinross Local Development Plan when adopted - will apply.

9. It would not be appropriate for the delineation of housing market areas to be determined by school catchment areas. Moreover, recent research by the Strategic Development Plan Authority has found that the housing market areas identified in TAYplan remain robust.

Reporter's recommendations:

No modifications.

Issue 20b	Employment Land Strategy	
Development plan reference:	4.3.1 - 4.3.4 - Spatial Strategy, page 62 5.1.6 - 5.1.8 – Perth Area Employment Land Spatial Strategy, page 68-69 6.1.4 - 6.1.8 – Highland Perthshire Area Employment Land Spatial Strategy, page 151 7.1.3 – 7.1.7 – Kinross-shire Area Employment Land Strategy, page 197	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
The Morris Leslie Group Ltd (00385) Dorothy Guthrie (00763) Fossway & District Community Council (00830) Pitlochry & Moulin Community Council (00838) Councillor Michael Barnacle (02633) A Ritchie & Son/M & S M Bullough (08651) Errol Park Estate (09060) Ken Russell (09193) TACTRAN (09203) Ken Miles (10236)		
Provision of the development plan to which the issue relates:	Spatial Strategy relating to employment land provision	
Planning authority's summary of the representation(s):		
<u>Spatial Strategy</u> Errol Park Estate (09060/1/001): Objects to the new economic development sites proposed in the Plan. Whilst some new economic development sites could form extensions to existing sites, new employment allocations need to be provided in a variety of locations to provide choice and encourage inward investment. There are not enough marketable sites and locations allocated throughout Perth and Kinross for business in the LDP as required by SPP paragraph 46 (S4_Doc_300). The only choice is the suburbs of Perth. The Morris Leslie Group Ltd (00385/1/001): Employment land requirement is said to be significantly over-subscribed in paragraph 5.1.8 but examination of the Perth & Kinross Employment Land Audit 2010 (Core_Doc_145) shows only 8.25ha of a total 337ha is unconstrained. Much of the identified land is to only come forward in later years of the Plan period which is not ideal if there is to be economic recovery. Alternative sites should be explored. Ken Russell (09193/2/001): The availability of 'mixed use' land is supported but there are not enough mixed use sites in the LDP, especially in Crieff. All employment sites should be designated as mixed use to allow flexibility of development so recreation and other facilities can have their place.		

TACTRAN (09203/14/001): Broadly supports spatial strategy, especially the emphasis on sustainability in promoting new employment allocations well linked to residential areas, and allocation of mixed use sites reducing the need to travel.

Perth Area

A Ritchie & Son & M & S M Bullough (08651/6/001): Table at paragraph 5.1.7 is untitled and unclear what it is showing and how it relates to the table on page 62. Regarding the table on page 62, it is unclear where the 70 hectares requirement in Perth has come from as it is not specified in TAYplan (Core_Doc_099).

Paragraph 5.1.7 is unclear. If the 5 year land supply for Perth area is 70 hectares does this mean a supply of 140 hectares for the 10 year Plan period, or is the 5 year supply actually 35 hectares? Areas identified in table on page 68 total 190 hectares which suggests a 13 year supply and brings into question the levels of additional employment land being required through the LDP Strategic Development Areas. The Perth and Kinross Employment Land Audit 2010 (Core_Doc_145) identifies a surplus in the Perth Core and a deficit in Perth City so brings into question the merit of significant additional employment land allocations in the short term.

Dorothy Guthrie (00763/1/003): Perth is becoming a commuter town for Edinburgh and Glasgow because of the lack of employment in the Perth area. Employment development should happen before any housing development.

Highland Area

Pitlochry & Moulin Community Council (00838/1/004): Lack of further allocation of land for employment. Employment land in less sensitive situations needs to be identified and allocated (reference to allocation of employment land in Pitlochry), considered to be a key deficiency in the Plan.

Kinross Area

Councillor Michael Barnacle (02633/1/030): Table at paragraph 7.1.6 shows 32 hectares of employment land yet Plan suggests that only 20 hectares is actually required. Considers there is an over provision.

Ken Miles (10236/1/016): The justification for employment land provision is unconvincing.

Fossoway & District Community Council (00830/1/001): General support for the employment strategy in Kinross-shire.

Modifications sought by those submitting representations:

Spatial Strategy

Errol Park Estate (09060/1/001): New employment allocations need to be provided in a variety of locations. There should be more choice of suitable marketable sites and locations throughout Perth and Kinross for business allocated in Development Plans.

The Morris Leslie Group Ltd (00385/1/001): Alternative employment land sites which are deliverable in the short term should be explored. Suggested sites include Errol Airfield, Valleyfield near Errol and north east of the Inchmichael interchange on the A90.

Ken Russell (09193/2/001): All employment sites should be designated as mixed use.

Perth Area

A Ritchie & Son/M & S M Bullough (08651/6/001): Provide a title for the table on p68 and clarify what it shows. Provide clarification whether the 5 year employment land supply is 70ha or 35ha. Provide clarification of further employment land allocations in the Perth Core Area when there is a 'significant surplus' already identified.

Dorothy Guthrie (00763/1/003): More employment opportunities in Perth should be looked at before any development (assumed housing development) takes place.

Highland Area

Pitlochry & Moulin Community Council (00838/1/004): Allocation of further employment land should be in less sensitive locations in Pitlochry than the site adjacent to the Festival Theatre and the A9. No suggested sites were submitted.

Kinross Area

Councillor Michael Barnacle (02633/1/030): Reduce employment land provision at paragraph 7.1.6 from 32.3 hectares to 20 hectares.

Ken Miles (10236/1/016): Assumed respondent wishes a stronger justification in relation to the employment land requirements included within the Plan.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Spatial Strategy

Errol Park Estate (09060/1/001): SPP paragraph 45 (S4_Doc_084) advocates that economic development should be promoted in sustainable locations, particularly in terms of accessibility and promote greater integration of employment and housing development.

Based on SPP (Core_Doc_048), TAYplan Policy 1 Location Priorities (S4_Doc_067) sets out the spatial strategy for the area and adopts a hierarchical and sequential approach in terms of the supply of economic development land. The Perth Core Area is a Tier 1 area because it has the greatest potential and best infrastructure to accommodate the majority of the economic development and housing land required over the Plan period. The Perth Core Area is projected to experience the most growth in the area and therefore contains the highest number of allocated mixed use sites and employment sites. It is considered that the employment land supply figures at paragraph 4.3.4 provide the required amount of employment land to ensure a 5 year land supply of effective sites. The employment land figures are based on a hierarchical approach. Perth being the largest settlement and best infrastructure has the highest number of employment sites while the Highland area with its smaller settlements and large rural areas has the lowest number of employment sites. This approach is considered appropriate and is in line with TAYplan Policy 1.

While Policy ED1 (Employment Land and Mixed Use Sites) promotes economic development of the allocated sites, not all allocated sites will come forward for development during the plan period. Policy ED3 (Rural Business and diversification) promotes rural business development in suitable locations and provides enough flexibility to potentially support economic development on non allocated employment sites.

No modification is proposed to the Plan.

The Morris Leslie Group Ltd (00385/1/001): SPP paragraph 46 (S4_Doc_300) requires planning authorities to ensure there is a range and choice of marketable sites and locations for businesses allocated in Development Plans. Marketable land is required to be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport, and have a secure planning status.

The allocated employment land contained within the LDP will ensure there will be a 5 year supply of effective and marketable sites. The Perth and Kinross Draft Action Programme (Core_Doc_172) indicates that most sites should commence development by 2015. Should there be any issues with the supply, SPP allows for the sites to be regularly reviewed and new sites can be brought forward if existing allocations do not meet current and anticipated market expectations. The Action Programme is to be reviews and updated at least every 2 years and it also highlights the requirements to ensure the sites are effective and developable.

With reference to the sites mentioned within the representation, all are situated within the Carse of Gowrie. Significant development in this area will not accord with TAYplan Policy 1 Location Priorities (S4_Doc_067) which promotes most development should take place within the Perth Core Area. This area was assessed as part of the TAYplan MIR process. Both the TAYplan Environmental Report Table 6.3 and 7.2 (S4_Doc_436) and (S4_Doc_437) and the Background Technical Note Chapter 8 for the TAYplan MIR (S4_Doc_438) concluded that the Carse of Gowrie had too many environmental (especially flooding) and infrastructure issues to allow support for any significant development. Sites in the Carse of Gowrie have been dealt with in more detail within Issue 26b (Perth Area (outwith Core) East Settlements and Landward Sites.

No modification is proposed to the Plan.

Ken Russell (09193/2/001): A higher number of mixed use sites have been allocated in the LDP than previous local plans and this is in line with SPP paragraph 45 (S4_Doc_084), which promotes the integration of employment generation opportunities with supporting infrastructure and housing development. It is not considered practical to allocate all sites for mixed use because of environmental or infrastructure reasons. A number of the housing and employment land allocations are extensions of existing sites and providing a mix of uses on these could cause issues of incompatibility. No modification is proposed to the Plan.

Perth Area

A Ritchie & Son & M & S M Bullough (08651/6/001): The title for the table on page 68 is just above paragraph 5.1.6 and follows the same format as all other sections in the LDP. The total 5 year employment land supply for the Perth area to 2024 is 70 hectares and is considered that this is more than adequate employment land provision. Whilst the table at paragraph 5.1.7 shows a significant oversupply of sites many are longer term development sites (e.g. Oudenarde, Bertha Park, Perth West) and not all developable immediately and will supply employment land beyond the Plan period. Some sites such as the James Hutton Institute at Invergowrie is a specialist employment site.

No modification is proposed to the Plan.

Dorothy Guthrie (00763/1/003): It is not the role of the LDP to provide employment opportunities. Its responsibility is to make sure there is enough employment land to meet any demand.

It is often recognised that one of the factors a potential employer looks for in an area is the housing market to ensure the prospective labour force can be housed. It would be contrary to SPP to look at employment or housing land in isolation because both are reliant on each other and work in tandem with each other. In addition the construction industry accounts for 7-8% of the employment levels within Perth and Kinross.

No modification is proposed to the Plan.

Highland Area

Pitlochry & Moulin Community Council (00838/1/004): The employment land allocation in Highland Perthshire is the lowest of all the areas within Perth and Kinross with just 5 hectares required up to 2024. The current effective supply is very low at just 1.27 hectares and is hindering economic development within the area. Therefore some new sites have had to be identified and the majority are in the larger settlements within Highland Perthshire. Any issues involving the proposed employment sites have been identified by SEPA and SNH and dealt with in the Highland Settlement Schedule 4's, Issues 28 and 29.

In terms of Pitlochry itself no new sites have been identified by the Community Council or by Perth & Kinross Council. Pitlochry has physical constraints such as the river, the topography and accessibility. Employment land requires flatter land and better access than housing sites. In addition the existing employment land allocations to the east and south of the town are set to be retained. Much of Highland Perthshire's businesses tend to be rural in nature and often located in rural areas and not on industrial estates. Policy ED3 (Rural Business and Diversification) (S3_Doc_395) provides support for such proposals.

No modification is proposed to the Plan.

Kinross Area

Councillor Michael Barnacle (02633/1/030): The employment land requirement up to 2024 in Kinross-shire is 20 hectares. Whilst the employment land sites proposed at paragraph 7.1.6 may show 32.3 hectares, it is considered that more detailed analysis of these sites may limit their usable area. Any issues involving the proposed employment and opportunity sites have been identified by SEPA and SNH and dealt with in the Kinross/Milnathort Schedule 4's Number 32 and 34.

No modification is proposed to the Plan.

Ken Miles (10236/1/016): Unlike housing land audits which has guidance from PAN 2/2010, there is no equivalent system or guide for calculating the employment land requirements for an area. Estimating future demand is more complex than housing requirements because they are informed by Housing Needs Demand Assessments (HNDA) and population projections supplied by the National Records of Scotland.

The calculation of the employment land requirement does not follow a prescribed methodology. One common method of estimating employment land requirements is by looking at past demand. This however is heavily influenced by the availability of effective sites and the economic climate at the time. It would therefore not be appropriate to include more detail in relation to the figures in the Plan itself.

In relation to the Kinross and Milnathort area there have until recent years been severe constraints on the availability of effective employment sites due to infrastructure and

flooding issues.

No modification is proposed to the Plan.

Reporter's conclusions:

Spatial Strategy

1. Section 3.3 of the Proposed Plan is concerned with Economic Development. Scottish Planning Policy (SPP) at paragraphs 45 to 48 sets out the Government's policy on this subject and TAYplan Policy 1: Location Priorities provides the strategic guidance with which strategies, plans, programmes and development proposals in Perth and Kinross must comply. Within that context, the council has presented its spatial strategy for the provision of employment land at paragraphs 4.3.2 to 4.3.4 of the Proposed Plan. Detail is provided by way of allocations within each of the five Local Development Plan (LDP) Areas which are identified in the Map on page 14 of the Plan.

2. Difficulties for users of the Proposed Plan have arisen as a consequence of the minimalist style which the council has adopted in the presentation of the tables within this and, indeed, other sections of the plan. In some cases, brevity has been at the expense of clarity. Furthermore, users of the plan are required to read it as a whole if they are to understand "*the framework against which planning applications are assessed*" (paragraph 1.1.2). Accordingly, it would be good practice to provide cross references in this Chapter of the Proposed Plan and elsewhere where these would assist readers to navigate their way through the document. Furthermore, the council appears to consider that the terms "*economic development land*" and "*employment land*" mean one and the same thing (e.g. paragraphs 4.3.2 and 4.3.4). If that is so, then one or other should be used throughout the text of the Proposed Plan in order that users can be in no doubt what the council has in mind. While no recommendations are made on these difficulties, they are matters to which the council may wish to give some attention.

3. SPP at paragraph 45 requires that: "*Authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised.*" It goes on at paragraph 46 to state that: "*Planning authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans.*" The needs of employment generating businesses are various and sometimes specialised. Identification of all employment land for mixed use would run contrary to these requirements and, accordingly, there is no need to make a modification to that effect.

4. Forecasting future demand for employment land is not an exact science; and the council is correct in pointing out that there has been no advice issued by Government for calculating the employment land requirements for an area. However, that does not absolve the council from devising and then applying, using professional judgment, a systematic procedure appropriate to the circumstances of Perth and Kinross which enables a robust forecast of additional land requirements to be made for each of its LDP Areas and, hence, Perth and Kinross as a whole. Despite the request for further information it is not clear that the council has such a procedure in place.

5. In response to a request for further information on that matter, it appears that the council has based its estimates of future demand on the evidence of past trends in the uptake of land. The council states that it has relied upon four documents in reaching its

conclusions. These include the Perth and Kinross Structure Plan (2003) and an Industrial and Business Land and Property Market Appraisal by consultants dated 2008. A topic paper on Sustainable Growth and an Employment Land Audit provides figures only for 2009/10. These documents are of such a vintage and limited content that they must be of limited current value as far as establishing past trends and the present situation are concerned and then looking five years into the future and beyond.

6. Turning to the supply side, in response to the request for further information the council has calculated that *“151 hectares of land are considered to be effective (i.e. deliverable within 2 years) for employment use. The remainder of the allocated sites are all expected to be deliverable within 5 years and there are a number of large strategic sites whose development is expected to continue beyond the life of the Plan”*.

7. Drawing these matters together, the council's Employment Land Strategy appears to conform with the main thrust of the requirements of SPP and the requirements of TAYplan. However, the concern that the Proposed Plan has not identified sufficient land in appropriate places to ensure the provision of a five year land supply in each of the five LDP Areas can only be dealt with by way of an annual monitoring process using the most up to date information available. That will enable an informed assessment on whether the allocations of employment land in the Perth Area, the Highland Area and Kinross Area are adequate, exceed or fall below what is required. The merits of concerns raised by respondents relating to particular areas and sites, including those in the Carse of Gowrie and Pitlochry, are considered on their merits elsewhere in the report.

Perth Area

8. Within the context set by national and strategic policies the council is committed to a policy of promoting sustainable economic growth. In addition to the allocation of sufficient in the way of employment land to facilitate expansion of existing businesses, enable new starts and encourage inward investment, the provision of employment land of the right type in the right place at the right time is one part of the numerous arrangements which are integral to achieving that objective.

9. The council has adopted a uniform approach to the manner in which it has provided headings for its tables. However, it is very unusual for the reader of a plan to have to turn to the previous paragraph of text for confirmation of what is set out in any particular table. Related to that, it is understandable that there has been difficulty in comparing the statement of the five year employment land supply which is provided by LDP Area at paragraph 4.3.4 with the content of paragraph 5.1.7 which deals with the Perth Area in different terms. On the other hand the response by the council to the respondent is admirably clear and the text of the Proposed Plan would benefit from that clarification.

Reporter's recommendation:

1. Delete the text of paragraph 5.1.8 and replace with the following:

“5.1. 8 The total 5 year employment land supply for which sites have been identified in the Perth area to 2024 is 70 hectares and this is considered to be more than adequate. The table at paragraph 5.1.7 identifies sites which will meet that requirement. It also includes land, such as that at Oudenarde, which will contribute towards the effective land supply towards the end of that period and beyond. Some sites, including the James Hutton Institute at Invergowrie, are identified for specialist employment.”

Issue 20c		Housing Land Strategy	
Development plan reference:	4 – Spatial Strategy, page 63-66 5.1 – Perth Area Housing Strategy, page 67-71 6.1 – Highland Perthshire Area Housing Strategy, page 151-153 7.1 – Kinross-shire Area Housing Strategy, page 197-199 8.1 – Strathearn Area Housing Strategy, page 239-241 9.1 – Strathmore and the Glens Area Housing Strategy, page 273-274	Reporter: Hugh M Begg	
	Body or person(s) submitting a representation raising the issue (including reference number):		
Ian Steel (00214) Peter Allan (00327) FT Property Investments Ltd (00369) Portmoak Community Council (00638) E J Baxter (00729) Thomson Homes Ltd/Cocklaw Developments Ltd (00870) Councillor Michael Barnacle (02633) S Howie (07693/5) J Halley (07693/7) A Ritchie & Son/M & S M Bullough (08651) Peter McRobbie (08816/4) Zurich Assurance (08816/12) Persimmon Homes East Scotland (09004/11, 09004/13, 09004/17 & 09004/18)		Taylor Wimpey UK Ltd (09004/22, 09004/24, 09004/25 & 09004/26) Shand Partnership (09010) CALA Homes (East) Ltd (09022) Meikleour Trust (09023) George Maxwell Builders (09071) Mr & Mrs A McLaren (09128/2 & 09128/7) James Thomson (09128/3 & 09128/8) Messrs A & J Bayne (09128/4 & 09128/12) Philip Sloan (09128/9) Kinross Estate Company (09313) Duncan Scott (09389) Lomond Land (09415) Steve Sayers (09520) A & J Stephen Ltd (09727) Stewart Milne Homes (10080) Homes for Scotland (10214) David Wilson Homes (10227)	
Provision of the development plan to which the issue relates:	LDP Housing Land Strategy		
Planning authority's summary of the representation(s):			
<p><u>Maintenance of an Effective Housing Land Supply</u> George Maxwell Builders (09071/1/003); S Howie (07693/5/002); J Halley (07693/7/001): The LDP strategy should not be reliant on the delivery of a small number of large scale strategic allocations due to significant infrastructure costs involved. S Howie (07693/5/002) and J Halley (07693/7/001): The LDP acknowledges the sites on the A93/A94 corridor cannot be developed without the Cross Tay Link Road which will not be implemented until 2020 at the earliest. This contradicts the Background Topic Paper – Housing Appendix 1 (Core_Doc_176) which shows these sites commencing in 2015. These sites are not therefore deliverable within the Plan period so additional units need to be identified on alternative sites which are deliverable and free from such significant infrastructure constraints.</p>			

Zurich Assurance Ltd (08816/12/002): Approximately one third of the houses allocated for the Perth Core to 2024 are constrained until major new transport infrastructure is delivered; these houses are not effective in terms of PAN 2/2010 (Core_Doc_019) and there is a serious threat to delivery of housing land and maintaining a 5 year effective supply. 1355 houses in the Perth housing market area are constrained by the Cross Tay Link Road. This is not a committed project, there is no funding in place, the final route is not agreed, there is no detailed design and no Transport Scotland approval, compulsory purchase is likely to be needed, and planning consent is still required. The delivery timescale of 2020 is unrealistic and the deliverability of housing land allocations at Scone, Luncarty, Berthapark, Balbeggie and Perth Airport in the period to 2024 unreliable. Allocations to sites free from serious infrastructure constraint should be maximised to ensure TAYplan (Core_Doc_099) requirements can be met.

George Maxwell Builders (09071/1/003): The development of the large strategic sites is not assured within the timescale proposed. If the overall housing land requirement increases through the TAYplan examination and there are problems in delivering the strategic sites, additional effective housing land will have to be identified in the LDP for urgent release. Small sites adjacent to village boundaries which can use existing infrastructure can better provide range and choice and ensure a truly effective housing land supply.

Stewart Milne Homes (10080/15/003): Reliance on strategic sites will potentially impede housing delivery because of the significant infrastructure constraints and the unreasonable developer contributions sought. In any market conditions developers cannot be expected to fund large scale infrastructure projects and make up for shortfalls within the local authority budget especially where the requirements do not comply with planning guidance (refers Circular 1/2010 (Core_Doc_097)).

Lomond Land (09415/6/001); Homes for Scotland (10214/1/031); Emac Planning LLP (09727/4/002); Stewart Milne Homes (10080/15/003): There is reliance on large strategic sites but these will take time to deliver in the current market. These strategic sites should continue to be pursued for the longer term but there still must be a 5 year effective housing land supply in the short term.

CALA Homes (East) Ltd (09022/5/003): There is not enough effective land identified within the Plan to meet minimum TAYplan (Core_Doc_099) requirements. Homes for Scotland (10214/1/031 & 10214/1/035); Emac Planning LLP (09727/4/002); Emac Planning LLP (09727/4/003): The LDP must contain further information on the maintenance of a 5 year effective land supply at all times. For the Perth Area there is little indication as to how the TAYplan requirements will be met. It is not currently possible to examine whether or not the first half of the LDP can deliver as the current format hides any potential short term problems. Given the reliance on strategic sites, maintenance of a 5 year supply must be demonstrated in LDP table 5.1.11. Changes are suggested to ensure a full analysis can be undertaken of the identified sites ability to timeously deliver the housing requirement and whether additional sites need to be identified.

Lomond Land (09415/6/001); Stewart Milne Homes (10080/15/003): There needs to be a more generous supply of deliverable constraint free land and a variety of size of sites including smaller and less costly / risky sites which can come forward during the earlier Plan period. Messrs A & J Bayne (09128/4/002); Mr & Mrs A McLaren (09128/7/002); James Thomson (09128/8/002): Additional effective land allocations require to be made. In the Kinross housing market area a number of smaller, community based allocations

could be made to assist delivery, reflect environmental capacity and increase housing range and choice.

Emac Planning LLP (09727/4/002): It is essential that the LDP facilitates early release of housing land to ensure the provision of a generous housing land supply and ensure TAYplan (Core_Doc_099) requirements are met. If site specific consents have to await LDP adoption new housing will not be delivered until at least 2015 and this should be used as the strategic benchmark when considering appropriateness and deliverability of sites promoted for inclusion in the LDP. Full consideration of the scale and location of the housing land requirement in development plans well ahead of land being required should assist in aligning the investment decisions of developers, infrastructure providers and others.

FT Property Investments Ltd (00369/7/004): What SPP (Core_Doc_048) sets as minimum housing land supply targets have been interpreted in the LDP as absolute numerical targets. There should be sufficient land both throughout and at the end of the Plan period. It is imperative that there is flexibility in the land supply and that only the effective element of large sites are counted towards the effective supply. The LDP must therefore allocate additional land. In determining what constitutes suitable sufficient housing sites the following approach ought to be adopted: identify a range of small to medium housing sites with minimal up front infrastructure investment; ensure housing sites can contribute to underlying placemaking agenda; and seek commitments from developers/landowners that they will bring sites forward during the LDP period.

David Wilson Homes (10227/1/013): Unclear why the effective supply in the 2011 Housing Land Audit (Core_Doc_047) is higher than the 5 year supply, they should be the same and the effective land supply in Kinross should be reduced to the actual 5 year supply amount. There is therefore clearly a shortfall in Kinross HMA.

Councillor Michael Barnacle (02633/1/025): Sceptical of the growth projections upon which the LDP is based therefore LDP should continue to identify the traditional 5 year supply of effective housing land in line with SPP (Core_Doc_048) thereby allowing for revision earlier of the figures if the projections prove wrong.

Ian Steel (00214/1/004): A five year land bank should be calculated as per the Scottish Government requirements and not a seven year one.

Thomson Homes Ltd and Cocklaw Developments Ltd (00870/1/003): From the Background Topic Paper – Housing (Core_Doc_176) it appears at least 7 of the sites allocated in the LDP are already counted as part of the adopted Local Plan allocations and therefore part of the Housing Land Audit (this is assumed to be the 2011 Audit (Core_Doc_047)).

Housing Land Requirement

Peter Allan (00327/1/001); Homes for Scotland (10214/1/029); Persimmon Homes East Scotland (09004/13/001, 09004/17/001 & 09004/18/001); A Ritchie & Son & M & S M Bullough (08651/5/001 & 08651/7/001); Taylor Wimpey UK Ltd (09004/22/001, 09004/25/001 & 09004/26/001): Object to the housing land requirement on some or all of the following grounds: the requirement is underestimated; the requirement does not provide a generous supply nor clearly support a range of choices; land should be allocated for an additional 1570 houses; there is no clarity from TAYplan (Core_Doc_099) on what the actual housing land requirement is for each area and figures are therefore open for debate and potentially revision upwards; the Reporter examining TAYplan has

identified an issue relating to the scale and distribution of housing and has sought TAYplan's view on the impact of an increase in build rates and use of the 2008 GROS projections (Core_Doc_134) (refers letter from TAYplan Examination Reporter to TAYplan Strategic Development Planning Authority dated 7 Feb 2012 requesting further information (Issue 15) (S4_Doc_632); and the Authority's response dated 27 Feb 2012 (S4_Doc_070)) – the LDP housing land strategy should reflect these possible changes by the Reporter; the annual build rates in TAYplan have been challenged as too low; and there is insufficient clarity in the TAYplan land supply requirements to enable the LDP to deliver them in full and it is unclear whether additional sites will be needed in addition to the Strategic Development Sites identified in TAYplan Policy 4 (S4_Doc_633).

Persimmon Homes East Scotland (09004/18/001); Taylor Wimpey UK Ltd (09004/25/001): The relevant period for the housing requirement should be updated to coincide with the relevant TAYplan (Core_Doc_099) period of 2012-2032. The 2012 Housing Land Audit (Core_Doc_191) or most up to date figures at time of LDP adoption should be used.

Steve Sayers (09520/1/004): Using the 2010-11 completions of 30 units in Kinross is a meaningless statistic (paragraph 7.1.9), 5 and 10 year completion rates are more indicative of market demand. Even so the proposed 880 units is a 30 year supply on the 2010/11 run rate.

Duncan Scott (09389/4/003): The housing land requirement appears to be set by completions as opposed to being population based.

Homes for Scotland (10214/1/026): The Plan format is disjointed with the spatial strategy spread over chapters 4-9 and housing numbers split into individual housing market areas. Absence of an overall figure makes it difficult to compare the LDP figures to the TAYplan (Core_Doc_099) requirement. Totals have been calculated and produced in the representation which fall substantially short of the figure required by TAYplan.

10% Reallocation from Kinross to Perth Housing Market Area

Lomond Land (09415/1/001 & 09415/4/001); Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); David Wilson Homes (10227/1/004); Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/001 & 00870/3/001); Kinross Estate Company (09313/9/001); Messrs A & J Bayne (09128/12/001); Shand Partnership (09010/1/002): Object to 10% of the housing land requirement for Kinross housing market area being reallocated to Perth housing market area for some or all of the following reasons: it is not in accordance with SPP paragraph 74 (S4_Doc_318), and there is no justification through SPP or TAYplan (Core_Doc_099) for this approach; there is provision in TAYplan for reallocation in exceptional cases of environmental capacity but the Council have not provided justification, rather it is based on a perception that further development would have negative environmental consequences for Loch Leven; there are sites and settlements within the Kinross-shire area but outwith the Loch Leven catchment which could contribute to the 10% without any environmental effect on the loch; there is already an adequate policy test to prevent negative effects of development on Loch Leven; more rigorous standards in new development e.g. replacing old septic tanks is helping reduce phosphorous levels so there is no significant adverse environmental impact on Loch Leven of meeting the full housing land requirement, indeed development in the catchment can deliver environmental improvements by removing / upgrading septic tanks and providing new facilities and helping retain and support communities; SEA Addendum no.2 (S4_Doc_671) identifies that approximately 74% of Kinross-shire has no or few development constraints and / or has recognised development potential; environmental

constraints in the Kinross housing market area have to be balanced against the present difficulties in delivering housing development and the need to provide a generous land supply and; concerns as to the ability of the Perth housing market area to accommodate the 10% reallocation due to environmental constraints and significant infrastructure constraints already affecting the deliverability of sites in that area.

Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); David Wilson Homes (10227/1/004); Messrs A & J Bayne (09128/12/001): Object to moving development away from the area it is required for some or all of the following reasons: it has a potentially negative impact on the area as it fails to meet housing needs (refers PKC Housing Needs and Demand Assessment (Core_Doc_055)) and the TAYplan (Core_doc_099) requirements, exacerbates affordability issues, maintains high demand, does not deliver affordable housing, restricts people's access to housing, does not assist the delivery of sustainable mixed communities, may frustrate local indigenous expansion, may result in population decline in the Kinross area and may potentially impact adversely on the local economy and services, and restricting development in more rural areas and directing this to larger centres of population will not necessarily reduce travel distances.

Councillor Michael Barnacle (02633/1/026 & 02633/1/031): Supports the reallocation from the Kinross HMA but believes there is a case for it to be spread throughout Perthshire not just Perth itself due to concerns about the proposed expansion of the City.

E J Baxter (00729/1/002); Portmoak Community Council (00638/2/012): Support the Plan as written.

Windfall Sites Allowance

Homes for Scotland (10214/1/027); Persimmon Homes East Scotland (09004/11/001); Mr & Mrs A McLaren (09128/2/003 & 09128/7/001); James Thomson (09128/3/003 & 09128/8/001); Messrs A & J Bayne (09128/4/001 & 09128/12/002); David Wilson Homes (10227/1/005); Stewart Milne Homes (10080/19/001); A Ritchie & Son & M & S M Bullough (08651/5/002); Taylor Wimpey UK Ltd (09004/24/001); Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/002); FT Property Investments Ltd (00369/7/003); A Ritchie & Son & M & S M Bullough (08651/7/002); Philip Sloan (09128/9/001); Duncan Scott (09389/4/004): Object to the proposal that 10% of the housing land requirement will come from windfall sites on some or all of the following grounds: contrary to SPP (Core_Doc_048); contrary to PAN 2/2010 paragraph 62 (S4_Doc_634) which states windfall sites are not to be counted towards meeting the housing land requirement until planning permission is granted and they are effective or they have been identified through an urban capacity study; windfall should remain as additional to the allocated supply providing some flexibility and ensuring a generous supply; LDP acknowledges the availability of brownfield sites is limited therefore the windfall allowance is excessive given that the majority of windfall sites are on brownfield land; the nature of a windfall site implies they are not part of the planned housing land supply; if the LDP allocated sufficient sites in the right places there is less likelihood of windfall sites coming forward; the approach will mean that sufficient allocations will not be made and the LDP will therefore fail to meet the requirements of TAYplan (Core_Doc_099) and SPP; and the windfall allowance is high and there appears to be no identified methodology.

Persimmon Homes East Scotland (09004/11/001); David Wilson Homes (10227/1/005); Taylor Wimpey UK Ltd (09004/24/001): A standard 10% windfall assumption across the whole of Perth and Kinross is not appropriate. Persimmon Homes East Scotland (09004/11/001); Taylor Wimpey UK Ltd (09004/24/001): The allowance should instead be varied with higher allowances in Perth and Highland (identified as having the largest

windfall contributions) and lower or zero allowances elsewhere. By reducing the windfall proportion downwards in housing market areas with all their allocations on greenfield sites (except in Perth and Highland) would prevent developers seeking out windfall sites which creates uncertainty for communities. A plan-led approach is essential.

A Ritchie & Son & M & S M Bullough (08651/7/002): Object to LDP paragraph 5.1.10 – there are not 720 windfall units with consent and which are effective in the most recent housing land audit.

Meikleour Trust (09023/1/001): Suggests windfall sites are reserved exclusively for small developments and the LDP makes it explicit that it has not considered any individual development of less than 5 houses.

Windfall and Small Sites in Highland Area

Homes for Scotland (10214/1/028): Historically allocated housing sites in the Highland area have not delivered due to infrastructure constraints which led to a reliance on small sites and conversions. Many of the infrastructure barriers have been removed and the technical constraints to mainstream housing lifted. A reliance on a 15% small sites contribution will exacerbate the existing problem of a lack of mainstream family housing for local residents. Only by allocating more sites in Highland HMA will the current undersupply be addressed.

Peter McRobbie (08816/4/001): Objects to assumption that 25% of the land supply in the Highland housing market area will come forward through windfall and small sites. Historically a high proportion of the supply came from these sources but it is now contrary to Scottish Government policy to continue to rely on these when opportunities exist to allocate suitable land for development. An over reliance on unplanned development encourages unsustainable settlement patterns and the strategy for Highland is contrary to SPP. Specific reference is made to SPP paragraph 68 (it is assumed the reference is actually to paragraph 66 (S4_Doc_106)) which requires a generous supply of housing land, and SPP paragraph 74 (S4_Doc_318) which requires that sufficient land is available to meet the housing requirement for each housing market area in full.

Peter Allan (00327/2/001): Ignoring the contribution from unallocated small and windfall sites in settlements without a settlement boundary denies how important they are to the overall housing supply. Housing sites are allocated in those villages with settlement boundaries but this could mean those villages without boundaries may have to accommodate a larger share of development in order to meet the assumption that 25% of the housing land requirement will come from windfall and small sites. There should be a mechanism in the LDP for encouraging such unallocated small and windfall sites to come forward and clear guidance as to what LDP policy would apply. Complete reliance on development management is unsatisfactory.

Small Sites Allowance in Other HMAs

Meikleour Trust (09023/1/002): Small developments particularly in rural areas are vital in promoting rural development and architectural diversity and quality. Whilst it is impractical to identify all sites of 5 or less houses in the LDP providing no allowance for these sites creates a danger there will always be a presumption against them.

Modifications sought by those submitting representations:

Maintenance of an Effective Housing Land Supply

Lomond Land (09415/6/001): Housing land supply should be augmented with smaller

easier to deliver housing sites either through specific allocations or a policy which allows them to come forward if they demonstrate their effectiveness and ability to contribute to the housing land supply in the short term.

Stewart Milne Homes (10080/15/003): The LDP needs to identify a more generous supply of deliverable, constraint free land and a variety of size of sites.

George Maxwell Builders (09071/1/003): No specific modification sought other than the LDP should not be reliant on the delivery of the Strategic Development Areas.

Zurich Assurance Ltd (08816/12/002): Allocations to sites free from serious infrastructure constraint should be maximised.

Emac Planning LLP (09727/4/002): The LDP must facilitate early release of land to ensure an ongoing 5 year effective housing land supply. Emac Planning LLP (09727/4/002); Homes for Scotland (10214/1/031): A table is required in chapter 4 to demonstrate the annual housing numbers will deliver a 5 year effective housing land supply at all times with annual figures for private and affordable housing.

S Howie (07693/5/002); J Halley 07693/7/001): An additional 982 units (approximately) should be identified in the Perth HMA on sites which are deliverable and free from significant infrastructure constraints.

CALA Homes (East) Ltd (09022/5/003): It should be recognised that there is a shortfall in housing land supply in the Strathmore HMA (285 units). The site at Wellbank, Hatton Road in Blairgowrie should be allocated for 60-80 units to help address this shortfall.

Messrs A & J Bayne (09128/4/002); Mr & Mrs A McLaren (09128/7/002); James Thomson (09128/8/002): Additional land allocations need to be made in the Kinross HMA. It is suggested there is the opportunity to allocate a number of smaller, community based, allocations in order to assist delivery, to reflect environmental capacity, and to increase the range and choice of housing within the area.

Homes for Scotland (10214/1/035): Table at paragraph 5.1.11 - the Housing Numbers to 2024 should be broken down to demonstrate that a 5 year land supply will be maintained at all times.

Emac Planning LLP (09727/4/003): Tables at paragraph 5.1.10 and 5.1.11 should be split into 5 year periods; windfall allowances should be excluded; and any sites subject to a constraint / embargo should be highlighted and the timescale for lifting the constraint identified.

FT Property Investments Ltd (00369/7/003): The following statement should be added to column F (Additional Allocations Required) to the table at paragraph 6.1.10 as a table note: *'the Additional Allocations figure is a minimum expectation of the Plan with total completions to 2024 of up to 1,230 being deemed to continue to reflect the strategic expectations for the Highland Perthshire area where any housing sites that come forward contribute to the Council's place-making agenda'*. Additional land therefore must be allocated in the Highland housing market area.

David Wilson Homes (10227/1/013): Effective land supply figures should be amended to reflect the 5 year land supply figures from the 2011 Housing Land Audit (Core_Doc_047).

Councillor Michael Barnacle (02633/1/025); Mr Ian Steel (00214/1/004): LDP should identify a 5 year supply of effective housing land rather than seeking to increase this to 7 years.

Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/003): Potential double counting in the housing land supply needs to be clarified.

Housing Land Requirement

Peter Allan (00327/1/001): LDP should be amended in line with the outcome of the TAYplan (Core_Doc_099) examination.

Taylor Wimpey UK Ltd (09004/26/001): Change annual build rates identified on the diagram entitled TAYplan Average Annual LDP Area Build Rates (LDP page 63) to mirror the annual build rates suggested by the Reporter examining the TAYplan SDP. For Strathearn the Reporter has indicated the change should be from 130 to 140.

Persimmon Homes East Scotland (09004/17/001): Change annual build rates identified on the diagram entitled TAYplan Average Annual LDP Area Build Rates to mirror the annual build rates suggested by the Reporter examining the TAYplan SDP. For Kinross the Reporter has indicated that change should be from 70 to 80.

Persimmon Homes East Scotland (09004/18/001); Taylor Wimpey UK Ltd (09004/25/001): Change table showing TAYplan 2010-24 requirement Effective Housing Land Supply Shortfall at paragraph 4.3.8 to better reflect the Reporter's identified update to TAYplan Policy 5 / Proposal 2 in the Proposed SDP (S4_Doc_062). Numbers suggested in appendix of representation. The relevant period for the housing requirement should be updated to coincide with the relevant TAYplan period of 2012-2032.

A Ritchie & Son/M & S M Bullough (08651/7/001): Column A in table at paragraph 5.1.10 should be updated following receipt of the TAYplan examination report (Core_Doc_170) or there should be an educated estimate as to what the revised requirement might be and ensure the LDP delivers it in full.

Persimmon Homes East Scotland (09004/13/001): Change the figure from 70 housing units per year to 80 units in paragraph 7.1.8.

Taylor Wimpey UK Ltd (09004/22/001): Amend paragraph 8.1.9 so the build rate is an average of 140 and not 130 houses per year.

A Ritchie & Son & M & S M Bullough (08651/5/001): PKC should await outcome of the TAYplan examination to allow the housing land requirement to be clarified then incorporate revised requirements and republish proposed LDP for consultation or, in the absence of this clarity use the Housing Needs and Demand Assessment and Housing Land Audit to make an educated estimate as to what that requirement might be and ensure the LDP delivers it meeting need and demand in full in the areas it arises through allocations in this LDP.

Steve Sayers (09520/1/004): 5 and 10 year completions rates should be used as an indicator of market demand in paragraph 7.1.9.

Duncan Scott (09389/4/003): Appears to suggest that the housing land requirement should be population based rather than based on completions but no specific

modification is proposed.

Homes for Scotland (10214/1/026): A table similar to that provided for employment land at paragraph 4.3.4 should be included for housing land to show the additional housing land requirement.

Homes for Scotland (10214/1/029): Revised housing figures proposed (as set out in the representation) which include the 2008 GROS figures (Core_Doc_134) and exclude windfall and small sites from the calculation

10% Reallocation from Kinross to Perth Housing Market Area

Lomond Land (09415/1/001); David Wilson Homes (10227/1/004); Shand Partnership (09010/1/002): The text should be altered to remove reference to the 10% housing reduction in the Kinross HMA.

Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); Messrs A & J Bayne (09128/12/001): Paragraph 7.1.8 should be altered to remove reference to the 10% housing reduction in the Kinross area. Table in paragraph 7.1.9 should be altered to detail the full HMA requirements and the figures in the columns altered to reflect the alteration to the requirement – this being increased from 880 to 980 units.

Lomond Land (09415/4/001): Either reduce the 10% re-allocation or allow flexibility for sites to contribute to that 10% if they demonstrate no negative impact on Loch Leven.

Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/001 & 00870/3/001); Kinross Estate Company (09313/9/001): Remove the reference to the reallocation of 10% of Kinross HMA housing requirement to Perth HMA. Thomson Homes Ltd & Cocklaw Developments Ltd (00870/3/001): LDP should retain the housing requirement for the Kinross housing market area as informed by the regional Housing Need and Demand Assessment (it is assumed that this refers to the TAYplan Housing Needs and Demand Assessment (Core_Doc_190)), and allocate further land for up to 100 houses to meet this requirement in the Kinross Landward area.

Councillor Michael Barnacle (02633/1/026): The 10% housing land requirement being reallocated from Kinross should be spread throughout Perthshire not just Perth itself.

Windfall Sites Allowance

Homes for Scotland (10214/1/027); David Wilson Homes (10227/1/005); Stewart Milne Homes (10080/19/001); A Ritchie & Son/M & S M Bullough (08651/5/002): The 10% windfall allowance should be removed from the housing land requirement calculations in the LDP.

A Ritchie & Son/M & S M Bullough (08651/7/002): Remove any allowance for windfall that is not effective within the 5 year period from the calculation of additional land required (refer table at 5.1.10). Table at paragraph 5.1.10 should be revised to increase the additional shortfall in column E to approximately 3800. Total in the table at paragraph 5.1.11 (under House numbers to 2024) should increase to 4090. The additional shortfall (500 units) should be met on H70 Perth West in the short term.

Philip Sloan (09128/9/001): Column D of table at paragraph 5.1.10 should be deleted and column E altered accordingly increasing to 4060.

FT Property Investments Ltd (00369/7/003): Table at 6.1.10 (as well as corresponding tables for the other Plan areas) should be revised to delete the windfall allowance. The additional allocations required in the Highland HMA would therefore increase from 550 to 660.

Mr & Mrs A McLaren (09128/2/003 & 09128/7/001); James Thomson (09128/8/001 & 09128/3/003); Messrs A & J Bayne (09128/4/001 & 09128/12/002): The table in paragraph 7.1.9 should be altered to detail the full HMA requirements: column A should be increased from 880 to 980 units and column D (windfall sites) should be deleted. Column E will then become 1070 units thereby requiring the allocation of additional sites in order to meet the land requirements.

Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/002): The windfall allowance should be removed and an additional 90 units allocated in the Kinross housing market area.

Duncan Scott (09389/4/004): Suggested that the windfall allowance is high but no specific modification is proposed.

Persimmon Homes East Scotland (09004/11/001); Taylor Wimpey UK Ltd (09004/24/001): Paragraph 4.3.10 last sentence should be reworded as follows: *'It is expected that in Perth and Highland HMAs, more than 10% of the land supply will be met by windfall sites. In all other HMA areas, windfall will be examined in terms of the contribution to flexible land supply in circumstances where allocated development plan sites in these HMAs can demonstrate an ability to provide increased supply from identified sites themselves'*.

Meikleour Trust (09023/1/001): Windfall sites should be reserved exclusively for small developments and the LDP should make it explicit that it has not considered any individual development of less than 5 houses.

Windfall and Small Sites in Highland Area

Homes for Scotland (10214/1/028): The assumption that 15% of the overall housing land supply will come from small sites in the Highland area should be removed from the housing land requirement calculation.

Peter McRobbie (08816/4/001): Ensure a sufficient land supply through allocation of specific sites, in particular the allocation of land at Donavoured, Pitlochry with less reliance on windfall and small sites.

Peter Allan (00327/2/001): There should be a development plan mechanism for encouraging small sites to come forward as planning applications. Leaving it to development management would not satisfy the requirement to *'allocate'* land but more particularly would offer no clear guidance in terms of section 25 of the Act (it is assumed this refers to the Town & Country Planning (Scotland) Act 1997 (S4_Doc_635)) as to the policy to be applied.

Small Sites Allowance in Other HMAs

Meikleour Trust (09023/1/002): There should be a specific provision in the housing land calculation for small sites in all areas, not just Highland, at a level at least equal to the percent of completions they represented historically.

Summary of responses (including reasons) by planning authority:

A number of the representations make reference to the Proposed Strategic Development Plan. The TAYplan SDP (Core_Doc_099) was approved by Scottish Ministers in June 2012 and where appropriate reference has been made to the TAYplan Examination Report (Core_Doc_170). In addition an update to the Housing Background Paper (Core_Doc_176) produced at Proposed LDP stage has been prepared and was approved by the Council on 23 January 2013. This provides the most recent housing land supply position (Housing Background Paper Update (S4_Doc_786)).

Maintenance of an Effective Housing Land Supply

Lomond Land (09415/6/001); Homes for Scotland (10214/1/031 & 10214/1/035); Emac Planning LLP (09727/4/002 & 09727/4/003); Stewart Milne Homes (10080/15/003); S Howie (07693/5/002); J Halley (07693/7/001); CALA Homes (East) Ltd (09022/5/003); Messrs A & J Bayne (09128/4/002); Mr & Mrs A McLaren (09128/7/002); James Thomson (09128/8/002); FT Property Investments Ltd (00369/7/004); George Maxwell Builders (09071/1/003); Zurich Assurance Ltd (08816/12/002):

TAYplan was approved by Scottish Ministers in June 2012 without change to the housing land requirement. This is discussed further in the next section. TAYplan identifies the Strategic Development Areas which LDPs are to identify and allocate (TAYplan policy 4 (S4_Doc_633)). TAYplan Policy 1 (S4_Doc_067) requires the majority of development to be focussed in the principle settlements. In Perth and Kinross the only tier 1 settlements are those which form the Perth Core Area. It is acknowledged that there are challenges to be overcome in the delivery of the Strategic Development Areas in the Perth Core. However these strategic sites are of such a scale that they are better able to deliver the infrastructure and services necessary than numerous smaller piecemeal developments which are generally less likely to be able to contribute and could therefore put undue pressure on existing services and infrastructure. Furthermore the concentration of development to the north and west of Perth offers the opportunity to link these strategic sites to shared infrastructure improvement thus making them more economically viable and deliverable.

A number of representations also raise concerns over the deliverability of the Cross Tay Link Road and the impact this has on the ability to deliver and maintain an effective housing land supply. These issues are discussed in Schedule 4 number 20d: Effectiveness of Strategic Sites and in the Council's Delivering Infrastructure Background Paper (S4_Doc_440). The requirement for developer contributions to fund large scale infrastructure projects is discussed in Schedule 4 no. 04 - Infrastructure Contributions. Regarding the identification of those sites subject to a constraint / embargo – these are already identified as such in the Infrastructure Considerations for each settlement. The embargo does still allow for some development to come forward once the Cross Tay Link Road is a committed project.

Whilst the effective element of the Strategic Development Area sites identified in TAYplan Policy 4 (S4_Doc_633) make up a considerable proportion of the effective housing land supply to 2024 (approximately 25%) there are also a range of smaller sites to help provide choice of supply in terms of both size and location in each of the housing market areas. The suggestion that small sites adjacent to village boundaries which are outwith the core area should be preferred to the allocation of the strategic sites would be contrary to the TAYplan strategy of directing most growth to the principal settlements (TAYplan policy 1 (S4_Doc_067)). The majority of those villages identified in LDP paragraph 5.1.1 as part of the Core Area do have significant expansions allocated.

It is argued in the representations that there is a need to identify additional sites which are more deliverable in the short term than the Strategic Development Areas but the Council would argue that simply put there are no 'easy' sites left in Perth and Kinross which would accord with the TAYplan strategy (TAYplan policy 1 (S4_Doc_067)). Whilst there are brownfield opportunities available, some of which are being promoted through this LDP, for the most part these too have issues and constraints. In particular it is generally recognised that brownfield sites often come with abnormal development costs, i.e. demolition, cleaning up of contamination etc. These additional burdens may affect the viability of sites, particularly in the current economic climate. Furthermore there is already scope for these to contribute to the housing land requirement as windfall sites (as discussed further below). Nor are there considered to be any sites which could be allocated in the LDP which would be any more effective or could be brought forward any quicker than those already identified in the Plan.

SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062) require LDPs to allocate effective housing land to meet the housing land requirement up to year 10 from the predicted year of adoption (which is 2014). As demonstrated in the Housing Background Paper Update (S4_Doc_786) there is a supply of effective housing land to meet the TAYplan housing land requirement over the longer period of 2012 (date of TAYplan adoption) to 2024. The suggestion that the LDP must facilitate the early release of land to ensure an ongoing effective supply is not therefore considered necessary. SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062) further require LDPs to ensure a minimum of 5 years effective housing land supply at all times. In this context the relevant period is from 2014 onwards (being the predicted year of LDP adoption). As demonstrated in the Housing Background Paper Update (S4_Doc_786) there will be 5 years effective housing land supply at 2014. It is acknowledged that there are short-term difficulties in the 2012-2013 period in maintaining a 5 year effective supply. This is primarily because of the present economic climate and the impact of this on the housing market. One of the PAN 2/2010 (paragraph 55) (S4_Doc_609) effectiveness criteria is marketability. The effectiveness of most sites in the 2012 Housing Land Audit (Core_Doc_191) is currently affected by a lack of marketability. Many sites presently considered non-effective in the short term would otherwise be considered effective if it were not for this marketability criterion. It is not considered that this is an issue which will be resolved by the identification of any more sites in the LDP as new sites will be no more marketable or deliverable than those already in the housing land supply or new sites identified in the Plan. Ultimately the relevant consideration is that there will be 5 years effective housing land supply from the predicted year of LDP adoption in 2014 in accordance with SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062).

In terms of the requirement in SPP paragraph 72 (S4_Doc_317) and TAYplan Policy 5 (S4_Doc_062) for a continuous 5 year supply of effective housing land, this will be monitored on an annual basis through the Housing Land Audit. The annual audits are recognised in PAN 2/2010 paragraph 45 (S4_Doc_594) as the appropriate means of monitoring the effective housing land supply. This is preferable to incorporating this data in the LDP as it is updated every year. There is also the opportunity to update this information bi-annually in the LDP Action Programme. The Council therefore disagrees that the housing land supply tables in the LDP should be broken further to demonstrate the maintenance of a 5 year land supply. In relation to the identification of separate figures for private and affordable housing, the LDP is in accordance with TAYplan Policy 5 (S4_Doc_062) in that it identifies and sets an affordable housing requirement (LDP Policy RD4 (S4_Doc_489)). The need for affordable housing is part of the overall housing land requirement and is considered in detail through the TAYplan Housing Needs and Demand Assessment (Core_Doc_190)) and the Council's own Housing

Needs and Demand Assessment (Core_Doc_055)). Furthermore PAN 2/2010 paragraph 7 (S4_Doc_636) recognises that some forms of affordable housing may be delivered by the private sector. It is not therefore considered appropriate for the LDP to specify the housing land requirement split into affordable and private housing.

It is acknowledged that the obligation from SPP paragraph 75 (S4_Doc_318) and TAYplan policy 5 (S4_Doc_062) is to have a generous supply of housing land to meet the housing land requirement. However the only reason sites are not programmed to deliver higher numbers, especially in the short to medium term is the current economic situation and the impact of this on the housing market. If the market today was the same as in 2006-07 sites would be expected to deliver sooner and with a higher annual build rate – for example the programmed build rate at Oudenarde, Bridge of Earn was 40 units per year in the 2007 Housing Land Audit (page 16) (S4_Doc_672) compared with 15-20 per year in the 2012 Audit (page 17) (S4_Doc_673). As indicated in tables 4 and 5 of the Housing Background Paper Update (S4_Doc_786) sites can come forward to meet the housing land requirement in full across the period to 2024 if the economy improves. Should there not be an economic improvement then the additional supply will not be needed because the development industry will not be able to deliver the higher house numbers due to the lack of finance both to the construction industry and to house purchasers.

To conclude, as demonstrated in the Housing Background Paper Update (S4_Doc_786), it is the Council's view that there will be a 5 year supply of effective housing land from the predicted date of LDP adoption in 2014 as required in SPP paragraph 72 (S4_Doc_317) and the Strategic Development Plan policy 5 (S4_Doc_062). It is not therefore necessary to make the additional allocations for individual housing market areas as suggested in the representations.

However if the Reporter is so minded the Council considers that it would add clarity to revise the table at LDP paragraph 4.3.8 and the corresponding table for each housing market area at paragraphs 5.1.10, 6.1.10, 7.1.9, 8.1.10 and 9.1.9 to reflect the updated figures in the Housing Background Paper Update (S4_Doc_786).

FT Property Investments Ltd (00369/7/004): The table at paragraph 6.1.10 calculates the additional land allocations required in order to meet the housing land requirement identified in TAYplan policy 5 (S4_Doc_062). This does not prevent additional sites coming forward as windfall developments if they are in line with other Plan policies. The wording as suggested in the representation is not considered necessary.

No modification is proposed to the Plan.

David Wilson Homes (10227/1/013): The total effective housing land supply figures are included in the LDP as the sites which are not effective in the first 5 years will contribute to the effective supply in later periods; the purpose of the housing land requirement calculation is to identify the amount of additional land supply required across the whole LDP period so supply needs to consider the sites available to meet this requirement within the same period. The Council therefore considers it appropriate to include in the calculation those sites which are effective in the latter part of the Plan period.

No modification is proposed to the Plan.

Councillor Michael Barnacle (02633/1/025): The housing growth projections are set by TAYplan which has been approved by Scottish Ministers. This is discussed further in

Schedule 4 no. 02 – Strategy. Councillor Michael Barnacle (02633/1/025); Mr Ian Steel (00214/1/004): The LDP aims to increase the effective housing land supply to 7 years by 2015 in accordance with the requirement in TAYplan Policy 5 (S4_Doc_062). Furthermore the Council considers that seeking to provide a 7 year supply will assist in the provision of a generous supply of housing land as required in SPP (paragraph 70 (S4_Doc_301)).

No modification is proposed to the Plan.

Thomson Homes Ltd & Cocklaw Developments Ltd (00870/1/003): The representation does not specify which sites it is believed have been double-counted and the Council has not been able to identify any double-counting between those sites identified to meet the additional allocations required, and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

Housing Land Requirement

Peter Allan (00327/1/001); Homes for Scotland (10214/1/029); Persimmon Homes East Scotland (09004/13/001, 09004/17/001 & 09004/18/001); A Ritchie & Son/M & S M Bullough (08651/5/001 & 08651/7/001); Taylor Wimpey UK Ltd (09004/22/001, 09004/25/001 & 09004/26/001): No amendment was made to the housing land requirement through the TAYplan examination. Instead the Reporter concluded that there was no clear evidence which could reasonably lead him to conclude that the regional build rate provided for in the proposed Strategic Development Plan was either inappropriate or insufficient. To the contrary the Reporter found that the parameters set in TAYplan ought to enable LDPs to allocate a generous supply of housing land. The Reporter further recognised that should growth rates exceed projections there is a commitment to review TAYplan by 2017 (TAYplan examination report page 220 paragraph 15 (S4_Doc_597)). The LDP can also be updated through the next review of the Plan which would follow shortly after the TAYplan review. A number of the representations request changes to specific tables in the LDP but in light of the above it is not considered necessary or appropriate to make amendments to the housing land requirement in the tables contained within the LDP. The Council disagrees that TAYplan is unclear as to the housing land requirement for each HMA – this is clearly shown in TAYplan policy 5 (S4_Doc_062).

No modification is proposed to the Plan.

A Ritchie & Son & M & S M Bullough (08651/5/001): Circular 1/09 paragraph 33 (S4_Doc_674) advises that *'In SDP areas that there should be a degree of twin-tracking of SDP and LDP preparation in order to ensure that SDP strategies are implemented quickly'*. The LDP timetable is therefore considered to have been appropriate.

No modification is proposed to the Plan.

Persimmon Homes East Scotland (09004/18/001); Taylor Wimpey UK Ltd (09004/25/001): SPP paragraph 72 (S4_Doc_317) requires the LDP to identify the housing land requirement and allocate sites to meet these requirements up to year 10

beyond the predicted year of plan adoption which in the case of this LDP is 2014 to 2024. It is not therefore considered appropriate to amend the period for the housing land requirement to coincide with the TAYplan period of 2012-2032. The 2012 Housing Land Audit figures have been used in the Housing Background Paper Update (S4_Doc_786).

No modification to the Plan is proposed.

Steve Sayers (09520/1/004): This appears to be a misunderstanding of the calculation: 2010/11 completions are not used in the proposed LDP as an indicator of future demand but simply to update the land supply position from 2010 to 2011 (to accord with the use of the 2011 Housing Land Audit (Core_Doc_047)).

No modification to the Plan is proposed.

Duncan Scott (09389/4/003): This appears to be a misunderstanding of the calculation: the housing land requirement is calculated taking into account a range of data sources but is largely based on the then General Register Office for Scotland population and households projections (now the National Records of Scotland). The housing land requirement for the TAYplan region, including the method for calculating it, has been approved by Scottish Ministers.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/026 & 10214/1/029): The Housing Land Requirement is detailed within each chapter for each housing market area together with a table of the sites identified to meet this in each area. The table at paragraph 4.3.8 does show the additional number of houses required in each area so it is not considered necessary to include a further table in the LDP as suggested in the representation. In relation to the modifications proposed to the tables the Council would make the following comments: in the LDP Area table in the representation the additional allocations required appear to have been miscalculated and should read 5380 as opposed to 5550; the additional General Register Office for Scotland 2008 figures (Core_Doc_134) are not applicable as Scottish Ministers have approved the housing land requirement figures in TAYplan (Core_Doc_099); the windfall and small sites allowances are considered justified as discussed below; and all of the figures have been revised and updated for each housing market area in the Housing Background Paper Update (S4_Doc_786).

No modification is proposed to the Plan.

10% Reallocation from Kinross to Perth Housing Market Area

Lomond Land (09415/1/001 & 09415/4/001); Mr & Mrs A McLaren (09128/2/001); James Thomson (09128/3/001); David Wilson Homes (10227/1/004); Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/001 & 00870/3/001); Kinross Estate Company (09313/9/001); Messrs A & J Bayne (09128/12/001); Councillor Michael Barnacle (02633/1/026); Shand Partnership (09010/1/002): SPP paragraph 74 (S4_Doc_318) and TAYplan Policy 5 (S4_Doc_062) allow for the reallocation of a proportion of the housing land requirement to another housing market area or areas where there are environmental or infrastructure capacity constraints. The 10% reallocation is proposed due to the potential adverse impact on the Loch Leven Special Protection Area and National Nature Reserve of seeking to meet the housing land requirement arising in the Kinross HMA in full. The Loch has been degraded over the last 150 years by the addition of phosphates through man made activities. The emphasis in the Loch Leven Catchment Management Plan pages 56-58 (S4_Doc_675) is therefore that of a precautionary approach towards

the release of housing land within the catchment. Indeed the Management Plan makes specific reference on page 57 of the need to divert housing pressures outwith the catchment. Significant improvements have been made since the Management Plan was prepared in 1999. However as the letter from SNH dated 16 June 2011 (S4_Doc_677) states (reporting on the results of monitoring during 2007 and 2008) there is a need for ‘a *continued reduction in total external inputs of phosphorous*’. The principal aim of the Management Plan to reduce the levels of phosphates entering the Loch remains appropriate today. There is also recognition in the Habitats Regulations Appraisal of the need to ensure there are no adverse impacts on water quality in Loch Leven from the implementation of LDP policies. Specific mitigation measures are identified in the draft Appropriate Assessment e.g. to Policy EP7: Drainage within the Loch Leven Catchment Area (Record of Habitats Regulations Appraisal page 100 (S4_Doc_143)). In light of the above it is considered appropriate to recognise the continuing vulnerability of the Loch arising from additional development within the Catchment Area and to seek to reduce this by reallocating a proportion of the housing land requirement to the adjacent Perth HMA.

It is acknowledged that the SEA Addendum no.2 (page 64) (S4_Doc_671) identifies areas of the Kinross HMA as either unconstrained or having development potential. However it is misleading to imply that this means there is scope for significantly more development as housing land allocations still have to accord with the TAYplan and LDP strategies of directing the most growth to the largest settlements. Kinross / Milnathort are the only TAYplan tiered settlements (Policy 1 (S4_Doc_067)) in the housing market area. These are both within the Loch Leven Catchment area. In relation to Kinross and Milnathort the SEA (page 48) (S4_Doc_678) concludes that there is relatively little potential for further expansion in Kinross where less than 14% of the area is free from constraints. At Milnathort there is some development potential identified to the north but much of this has already been identified for development in the LDP.

It is acknowledged that there are villages within the Kinross Landward area which are outwith the Loch Leven catchment. It is also recognised that policy tests are in place through LDP Policy EP7 (S4_Doc_491) to mitigate against the adverse impacts on the Loch of new development and that the terms of this policy are such that development may in fact deliver an overall improvement in phosphorous levels. However this policy is predominantly linked to smaller scale developments in the landward area. Larger scale development is likely to require a publicly maintained drainage system. There are already sites in the settlements outwith the catchment area and there is potential for additional housing in these areas. However directing the 10% to these villages outwith the catchment would be contrary to the SDP Policy 1 (S4_Doc_067) and LDP strategy paragraph 4.2.1 (S4_Doc_519) of directing growth to principal settlements where there are a concentration of local services, employment and transport facilities.

It is acknowledged that there are also environmental issues in the Perth HMA. However the 10% reallocation is redirected there as it is an adjacent housing market area which is likely to have more scope to accommodate the small amount of additional development than other adjacent housing market areas which have smaller overall housing land requirements. The reallocation amounts to less than 1.5% of the Perth HMA housing land requirement. The environmental and infrastructural issues affecting the Perth housing market area are not considered such that it would warrant removing the 10% reallocation.

A number of representations raise concerns as to the potential adverse impact of moving development away from the area it is required. However it should be noted that the 10% reallocation in fact only amounts to a small number of houses per year; approximately 7-8

(85 in total over the period 2012-2024). It is not therefore envisaged that a reduction of this scale will have any of the significant adverse effects suggested in the representations. Despite the reduction there is still a requirement for 755 houses in the Kinross HMA to 2024 which will support a significant population increase which will in turn support the local economy. Furthermore when this is balanced against the potential positive effects in reducing the impact of additional development on the Loch Leven Special Protection Area and National Nature Reserve, the reallocation is considered justified.

Taking all of the above into account the reallocation of 10% of the Kinross housing land requirement to the Perth housing market area is considered justified.

No modification is therefore proposed to the Plan.

Windfall Sites Allowance

Homes for Scotland (10214/1/027); Persimmon Homes East Scotland (09004/11/001); Mr & Mrs A McLaren (09128/2/003 & 09128/7/001); James Thomson (09128/3/003 & 09128/8/001); Messrs A & J Bayne (09128/4/001 & 09128/12/002); David Wilson Homes (10227/1/005); Stewart Milne Homes (10080/19/001); A Ritchie & Son/M & S M Bullough (08651/5/002); Taylor Wimpey UK Ltd (09004/24/001); Thomson Homes Ltd/Cocklaw Developments Ltd (00870/1/002); FT Property Investments Ltd (00369/7/003); A Ritchie & Son/M & S M Bullough (08651/7/002); Duncan Scott (09389/4/004); Philip Sloan (09128/9/001): Previous planning guidance (PAN 38: Housing Land paragraphs 34 and 40 (S4_Doc_683)) did allow windfall sites to contribute to the margin of flexibility built into development plan allocations. It is acknowledged that the guidance in PAN 2/2010 paragraph 62 (S4_Doc_634) is not to count windfall towards meeting the housing land requirement however it should be noted that PANs are guidance rather than policy. There are a number of reasons as to why it is considered appropriate to continue to include a windfall allowance in the housing land requirement calculation and these are discussed below.

The approach of the LDP is generally not to identify sites in main settlements below 20 units but to leave these as 'white land'. These sites are a potential source of windfall. Such 'white land' sites are in effect covered by LDP Policy RD1 (S4_Doc_405) which has a presumption in favour of sites coming forward for residential and compatible uses. This is different from the approach in the adopted Local Plans where all sites of 5 units or more are specifically allocated and counted towards the housing land supply.

No assumptions are made in the LDP about opportunity sites. These are a further potential source of housing land supply. For example in Perth itself there are a number of Opportunity sites identified including a former school (Op1), a hotel (Op6), a car park (Op2) and the bus station (Op9) (LDP page 81 (S4_Doc_400)). Sites Op2 and Op9 are discussed in Schedule 4 no. 23a – Perth City Proposals. Any or all of these sites could be developed, in full or in part, for housing. Whilst it is not appropriate to try and quantify the number of houses which could be developed on these sites at this stage, and thus include them in the housing land supply calculation, given their location in or close to the City centre it would be reasonable to expect fairly high densities should they be developed for housing.

There are sites which either the Council are aware of or which have been put forward through the representations which could be allocated as LDP sites but contributions from these would at this early stage be 'best guess' therefore allowing them to contribute to the supply through the windfall allowance gives more flexibility. Such sites were not

allocated in the proposed LDP because at the time of preparation there was no evidence they would come forward during the life of the Plan.

In light of the above the Council considers that the retention of the 10% windfall allowance is appropriate for Perth and Kinross. No modification is therefore proposed to the tables in the Plan as requested in the representations. However if the Reporter is minded to remove the windfall allowance then the Council would request that the following presently unallocated sources of supply be taken into account in the identification of any further housing land allocations: firstly the opportunity sites; and secondly those sites within settlements where there is acknowledged development potential but which have not been identified as proposals in the Plan due to a lack of clarity as to their effectiveness.

Duncan Scott (09389/4/004): The 10% windfall allowance was a conservative estimate based on an analysis of past completions on sites which had come forward as windfall rather than being part of the planned supply.

No modification is proposed to the Plan.

Persimmon Homes East Scotland (09004/11/001); David Wilson Homes (10227/1/005); Taylor Wimpey UK Ltd (09004/24/001): Over the LDP period the contribution from windfall sites in each HMA is likely to vary so it is considered most appropriate this remains a Perth and Kinross wide allowance.

No modification is proposed to the Plan.

Meikleour Trust (09023/1/001): The suggestion that windfall sites are reserved exclusively for small developments is not considered appropriate; many windfall sites come from existing buildings or sites falling out of use and these can be of any size or scale.

No modification is proposed to the Plan.

Windfall and Small Sites in Highland Area

Homes for Scotland (10214/1/028); Peter McRobbie (08816/4/001): PAN 2/2010 paragraph 61 (S4_Doc_679) states that '*It is for planning authorities to consider how to take account of the expected contribution of small sites*'. The PAN goes on to recognise the significant contribution small sites make to the land supply in some local authority areas. Making a small sites allowance in the housing land requirement calculation is therefore considered to be in line with the PAN. The LDP generally does not allocate sites of less than 10 houses in smaller settlements (20 in larger settlements) but the dispersed nature and small settlement size that characterises much of the Highland housing market area is such that many developments are naturally of a small scale; the contribution from small sites in Highland averaged approximately 30% over the period 2002-2012 (Housing Background Paper Update (S4_Doc_786)). This is higher than the combined figure of 10% of the housing land supply coming from windfall sites (the justification for which is given in the previous section) plus 15% from small sites in the Highland HMA. TAYplan directs most growth towards the main settlements of Pitlochry, Aberfeldy and Dunkeld / Birnam and the SEA pages 55-63 (S4_Doc_680) identify those areas within these settlements which have development potential. However even in these larger settlements there are not believed to be any further sizeable effective sites which could be allocated. The Council therefore disagrees that opportunities exist to allocate suitable land. The suggestion that there is an existing undersupply in the

Highland area will already have been taken into account through the consideration of backlog need in the TAYplan-wide Housing Needs and Demand Assessment (Appendix 4 page 16) (S4_Doc_681).

As highlighted in the Housing Background Paper Update (S4_Doc_786) the small sites allowance is conservative based on past small scale completions so there is not considered to be an over-reliance on these, indeed as the past completion figures in the Housing Land Audit 2012 pages 34 and 35 (S4_Doc_682) demonstrate this has proven to be a regular and reliable source of housing land supply in the Highland area even in light of the current economic climate. The Council does not consider that the small sites allowance will encourage unsustainable settlement patterns as any development coming forward as part of the small sites allowance which is outwith a settlement with an identified settlement boundary will be controlled by Policy RD3: Housing in the Countryside (S4_Doc_418). Overall it is considered important that the small sites allowance for the Highland area is retained.

No modification is proposed to the Plan.

Peter Allan (00327/2/001): The contribution from unallocated small and windfall sites has been incorporated into the housing land requirement calculation so these have not been ignored. The Council disagrees that there will be extra pressure for such sites in settlements without boundaries as small sites are just as likely to come forward in settlements with boundaries as in those without a boundary; the fact that a settlement has an identified boundary does not mean development can only take place on allocated sites. There are already mechanisms in the LDP for such sites to come forward: Policy RD1 Residential Areas (S4_Doc_405) and Policy RD3 Housing in the Countryside (S4_Doc_418) already give encouragement.

No modification is proposed to the Plan.

Small Sites Allowance in Other HMAs

Meikleour Trust (09023/1/002): The LDP identifies an allowance in the Highland housing market area because the contribution from small sites is so significant there. In other areas such sites can still come forward offering a degree of additional flexibility in the housing land supply.

No modification is proposed to the Plan.

Reporter's conclusions:

Housing Land Requirement

1. There appears to have been some misunderstanding by some respondents about the relationship between TAYplan and the Proposed Plan and the basis on which the housing land requirement for Perth and Kinross has been calculated in the Proposed Plan. For clarification, in accordance with the terms of paragraph 72 of Scottish Planning Policy (SPP) TAYplan has identified the housing requirement for the whole of its area including Perth and Kinross. The housing need and assessment strategy has been considered robust and credible by the Scottish Government and hence forms no part of this report. TAYplan was approved by Scottish Ministers in June 2012 without change to its calculations.

2. TAYplan Policy 5: Housing sets out where land should be allocated in Perth and Kinross to meet requirements up to 2024 as well as an indication of the possible scale and location of housing land required up to 2032. The policy requires the Proposed Plan to allocate sufficient land within each of its housing market areas to ensure a generous supply of effective housing sites and to provide for flexibility and choice sufficient to meet the forecast increase in population.
3. Proposal 2 of Policy 5 of TAYplan sets out within its associated diagram the average annual build out rates for each of the housing market areas which are necessary to provide the number of units required to house the expected increment. (These housing market areas correspond to the five Local Development Plan Areas identified for the purposes of the spatial strategy on page 14 of the Proposed Plan and the build out rates are repeated at page 63 of the Proposed Plan.) In meeting the terms of Policy 5: Housing the council is bound to conform to Policy 1: Location Priorities which applies to all strategies, plans, programmes and development proposals.
4. The number of additional houses required within each of the housing market areas (and hence Perth and Kinross as a whole with the exception of that small portion which lies within the Dundee Housing Market Area) in the period 2010 to 2024 (i.e. 10 years beyond the predicted year of adoption) is set out at paragraph 4.3.8 on page 64 of the Proposed Plan as “*the effective housing land supply shortfall*”. It has been calculated by subtracting from the housing requirement in each housing market area the units to be built on existing sites judged to be effective as calculated in the latest (2011) housing land audit. The calculations made by the council are to be preferred to those presented by Scottish Homes for the reasons set out below and in the conclusions reached on particular issues throughout the report.
5. The need to set affordable housing requirements for all or part of each housing market area is dealt with elsewhere under Issue 9 of this report.
6. Paragraph 72 of SPP states that in city regions: “Local development plans should allocate land on a range of sites which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of adoption, ensuring a minimum of 5 years effective land supply at all times.” Accordingly, there is no obligation to modify the housing land requirement in this local development plan to provide calculations up to the year 2032.

10% Reallocation from Kinross to Perth Housing Market Area

7. Policy 5: Housing of TAYplan makes it clear that in serious cases of appropriately evidenced environmental or infrastructure capacity constraints it is open to the local development plan to make provision for up to 10% of the housing provision from the Kinross housing market area to be shared with one or more of the neighbouring housing market areas within Perth and Kinross. Notwithstanding the terms of Policy EP7: Drainage within the Loch Leven Catchment Area, the council and Scottish Natural Heritage have provided sufficient appropriately documented evidence concerning phosphates and other difficulties that a precautionary approach is fully justified in considering the potential for residential developments within the Loch Leven catchment area.
8. A reallocation within the Kinross Housing Market Area would run contrary to the terms of TAYplan policy 1. Kinross/Milnathort is located within the Loch Leven catchment area; a reallocation to settlements outside the catchment but within the Kinross housing market

area would have no marked detrimental impact on the local economy. Of the two neighbouring housing market areas Perth is to be preferred to Strathearn for the whole of the 10% of the reallocation on the grounds not only that an increment there would amount to less than 2% of the total requirement but also that it can more readily be accommodated in accordance with TAYplan Policy 1 within the Tier 1 Perth Core Area than elsewhere.

Windfall Allowance

9. The Council has explained that it has replaced the approach to windfall sites to be found in its adopted local plans. The advice on good practice to be found in PAN 38: Housing Land has been replaced by PAN 2/2010 which deals with affordable housing and housing land audits. Paragraph 62 points out that: *“Windfall sites arise unexpectedly and are by definition not part of the planned housing supply. These are opportunities for new housing involving the reuse or redevelopment of previously developed sites, i.e. brownfield sites which were not included within the development plan and are not counted towards meeting the housing land requirement. They might be included as part of the established supply in the audit as a result of an urban capacity study where the site is considered to have potential for housing development. These sites should count towards meeting the housing land requirement only once planning permission has been granted for residential development and it is considered to be effective or is being developed. To allow planning authorities to monitor the contribution of windfall sites to the housing land supply in their area, these sites should be differentiated in the audit.”*

10. The council has taken the view that the content of PAN 2/2010 is advisory rather than mandatory and has chosen to adopt an approach which assumes that 10% of the housing land requirement in each local development area will be met from windfall sites. The Council has defined these as: *“..those sites which become available unexpectedly and are therefore not included as allocated land in the development plan. Two main sources of these windfalls are identified: white land and opportunity sites.”* Within the principal settlements the Council has decided to leave sites which may be capable of accommodating up to 20 units of housing as “white land”.

11. In response to a request for further information the council provided the following definition: *“White land is unallocated land within the settlement boundary where proposals for development will be assessed against Policy RD1...”* In response to a further request for information the council provided the following: *“An opportunity site is a site which has development potential, perhaps for alternative uses, where the landowner/developer has indicated a willingness to release the site but where there may as yet be no definite commitment to a particular proposal.”*

12. There is clearly a difficulty for a Proposed Plan prepared within a plan led system which relies on an allowance for windfall site - i.e. sites which come available unexpectedly- in the delivery of 5 year effective land supply. Accordingly, the council was invited to produce in consolidated form compelling evidence for each housing market area sufficient to demonstrate that such sites have consistently become available in the previous 5 years and were likely, on the balance of probabilities, to come available in the next 5 years. In the case of the Highland Area that evidence was to be supplemented by evidence on the delivery of small sites (i.e. those delivering up to 10 residential units).

13. In response, the council provided evidence as follows for the period 2008-20012 for the proportion of sites built out in each of the Housing Market Areas drawn from Housing Land Audits: Perth - 37%; Kinross - 26%; Strathearn - 20%; Strathmore - 30%; and

Highland - 30%. In Highland the small sites amounted to 37% of total completions. On the basis of that evidence, it is possible to agree with the council that the 10% windfall allowance is a conservative estimate based on an analysis of past completions on sites that have come forward as windfalls rather than being part of the planned supply. Consequently there is no need to remove that allowance from the calculation of the additional land required to meet the projected building rate.

Maintenance of an Effective Housing Land Supply

14. There is a considerable group of respondents who have serious reservations about the ability of the council to meet the minimum TAYplan requirements and so maintain an effective five year housing land supply. The various concerns can be boiled down to three components: over reliance on a small number of large-scale strategic allocations notably those within the Perth Core Area; the reliance on funding not yet committed, including developer contributions, for the completion of the Cross Tay Link Road; and consequent failure to deliver allocations within the Proposed Plan including those at Scone, Luncarty, Berthapark, Balbeggie, and Perth Airport.

15. The common factor running through all of the solutions put forward to meet these perceived problems is the allocation of other smaller sites within, or adjacent to, a range of settlements throughout Perth and Kinross which, it is suggested, can use existing infrastructure, can better provide range and choice of housing, and thereby ensure the delivery of an effective housing land supply in the short term.

16. The proposed allocation of housing sites in each of the housing market areas is considered under the relevant Issues elsewhere in the report and the consequent recommendations are set out. When these recommendations are factored in to the calculations there is no doubt that there is a generous supply of housing land allocated in each of the five local development areas in Perth and Kinross each of which corresponds to a housing market area.

17. The council has acknowledged that there may be some difficulties with marketability in the short term. What amounts to a generous supply in that time period must be considered in the light of current and likely future market conditions. However, problems with marketability stem from weakness on the demand side and these cannot be solved by an increase in supply by way of further releases of land.

18. The council is committed to monitoring the supply of effective housing land on an annual basis through the Housing Land Audits. There is no need for the sort of detail contained in these audits to be provided within the Proposed Plan.

Reporter's recommendations:

No modifications with respect to these specific representations other than those set out elsewhere in the report.

Issue 20d		Effectiveness of Strategic Sites	
Development plan reference:		5.1.11 – Housing land supply table, page 69 Almond Valley (MIR Site) H7 – Berthapark, Perth, page 77 H70 - Perth West, page 78 H15 – Oudenarde, page 96 H29 - Scone North, page 142	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):			
Scottish Government (00092) Stewart Milne Homes (00659) A Ritchie & Son/M & S M Bullough (08651) Zurich Assurance Ltd (08816) Springfield Properties Ltd (09017) JWK Properties (09055) The Pilkington Trust (09086) John Dewar Lamberkin Trust (09166) G S Brown Construction Ltd (09817)			
Provision of the development plan to which the issue relates:		Strategic Sites within Perth Core Area and their effectiveness	
Planning authority's summary of the representation(s):			
<u>Almond Valley</u> G S Brown Construction Ltd (09817/6/002); The Pilkington Trust (09086/1/001): The omission of Almond Valley will make the delivery of Berthapark (H7) and the wider release of strategic development land impractical. Almond Valley should be reinstated because its removal denies the long term strategic site at Berthapark as the necessary access and A85/A9 improvements cannot be funded through the provision of employment land without the strategic housing release. Stewart Milne Homes (00659/1/002): The identification of Almond Valley will result in a Plan that is realistic and deliverable unlike the Proposed Plan which proposes a level of development which is not deliverable. Almond Valley can be delivered timeously and without relying on infrastructure improvements. <u>Site H7 Berthapark</u> Springfield Properties Ltd (09017/1/001): Work carried out indicates that 300 houses could be accessed in advance of the CTLR. A framework for integration is required to avoid competing commercial interests delaying development. Some of the land required to provide necessary infrastructure lies outside the control of the potential developers and may require to be purchased by the Council to enable development and to ensure that joint delivery takes place. Stewart Milne Homes (00659/1/001): The allocation of 3,000 houses and 25 hectares of employment land in addition to the allocation at Perth West exceeds the strategy set out in TAYplan (Core Doc 099) and is not deliverable within the timescales allowed. The site			

is dependant on the CTLR and there are doubts if it is deliverable at all. Almond Valley is a better location and Berthapark is an unnecessary allocation.

JWK Properties (09055/1/003): The site is not deliverable and contrary to the SPP paragraphs 165-170 (S4_Doc_299) and PAN 75 paragraphs 24 and 25 (S4_Doc_439). The infrastructure costs are at least £140 million which are only likely to rise.

The Pilkington Trust (09086/1/003): The development of Berthapark requires the infrastructure to be provided by the development of Almond Valley and it cannot be considered an effective site under the terms of SPP paragraphs 70-76 (S4_Doc_301) as Almond Valley does not form part of the Plan.

Zurich Assurance Ltd (08816/8/001): There are no objections to the identification of Berthapark as a long term strategic site but its reliance on the CTLR means that that it will not be able to deliver houses until 2022-2025 at best. The existing timescale is considered unrealistic as there is no funding in place; the final route of the CTLR has not been agreed; there are significant design issues particularly in relation to crossing the river and the railway, Compulsory Purchase Order (CPO) powers may be required to assemble land; Transport Scotland have raised concerns over the CTLR and a public inquiry may have to be held before the CTLR can be considered a committed project. The site also contains valuable minerals which have to be extracted before development can take place.

Site H70 Perth West

JWK Properties (09055/1/005): Perth West depends on infrastructure which is undeliverable without proper connections to the City severed by the A9.

The Pilkington Trust (09086/1/002): Perth West faces severe challenges in respect of deliverability. It requires two new junctions onto the trunk road network. Currently there is no known solution to the access from the A9 and the Council's own modelling indicates an adverse effect on the trunk road from any of the solutions tested. Perth West does not have good existing public transport, walking or pedestrian links with the city centre especially when compared to Almond Valley. The site is owned by several parties and current low land values will affect the likely ability of development being able to fund the necessary infrastructure improvements. The site is therefore unlikely to be able to provide housing development within the life of the plan and does not meet the tests set out in SPP (Core_Doc_048) in the provision of a 5 year land supply.

Zurich Assurance Ltd (08816/9/001): Reliance on the site delivering 550 houses by 2024 is premature until the solutions to the infrastructure issues are committed projects the site does not meet the tests set out in SPP (Core_Doc_048) on deliverability.

Scottish Government (00092/8/001): Transport Scotland has significant concerns over the access strategy for the Perth West development. A new access may be required from the A85 which would also have to facilitate public transport, walking and cycling. A new access from the A9 is likely to be problematic consequently the allocation cannot be supported. Transport Scotland will continue to work with Perth & Kinross Council and developers to resolve the issues.

A Ritchie & Son/M & S M Bullough (08651/3/001 & 08651/7/003): The Plan shows good linkages that the area has with Perth including core paths and cycle routes. The developer is prepared to make contributions to the deficit funding for the development. The costing methodology should be in the Plan. The site is deliverable and studies have

been commissioned to assess the current network and the opportunities for accessing the development.

Table at paragraph 5.1.11 should be increased by 500 homes to reflect an increased number of housing at Site H70 in the period to 2024, making it more effective.

John Dewar Lamberkin Trust (09166/4/003): Supports the site. Table at paragraph 5.1.11 should be amended to reflect an increased number of housing at Site H70 in the period to 2024, making it more effective.

Site H15 Oudenarde

JWK Properties (09055/1/004): Oudenarde depends on infrastructure that is undeliverable and unsustainable. It has not delivered over a number of years despite being granted planning permission. Key housing sites in the LDP should be revised.

Site H29 Scone North

Zurich Assurance Ltd (08816/7/001): No objection to H29 as a long term housing allocation but concerns about deliverability within timescales required.

SPP (Core_Doc_048) requirement is for a minimum 5 year effective land supply and PAN 2/2010 (Core_Doc_019) outlines the effectiveness criteria requiring sites to be free from constraints. The CTLR is unlikely to be in place before 2020 making Site H29 non-effective and unlikely to deliver housing until after 2020.

Modifications sought by those submitting representations:

Almondvalley

G S Brown Construction Ltd (09817/6/002); The Pilkington Trust (09086/1/001): Almond Valley should be identified as a Strategic Development Area because it will help the delivery of Berthapark (H7) and make the wider release of strategic development land practical.

Stewart Milne Homes (00659/1/002): Almond Valley should be identified for housing as it can be delivered timeously and without relying on infrastructure improvements.

Site H7 Berthapark

Springfield Properties Ltd (09017/1/001): Site is capable of 300 homes in advance of the CTLR and A9/A85 link. Compulsory Purchase Orders should be promoted to allow the release of land for critical infrastructure.

Stewart Milne Homes (00659/1/001): Delete the site as not effective and transfer the allocation to Almond Valley.

JWK Properties (09055/1/003): Delete the site as not effective (in support of site at Craigend).

The Pilkington Trust (09086/1/003): The Plan should recognise that the delivery of Berthapark requires essential infrastructure improvements that can only be funded by the delivery of Almond Valley.

Zurich Assurance Ltd (08816/8/001): The numbers should be transferred to allow additional releases in Stanley because site will not be effective until 2024.

Site H70 Perth West

JWK Properties (09055/1/005); The Pilkington Trust (09086/1/002); Zurich Assurance Ltd (08816/9/001): Delete the site (assumed) as it is not deliverable in the short to medium term for housing.

Scottish Government (00092/8/001): The Plan should contain information to demonstrate how the site can become effective without causing detriment to the operation of the trunk roads network.

A Ritchie & Son & M & S M Bullough (08651/3/001 & 08651/7/003): The site should identify Huntingtower View as a first phase of the development for 500 houses and a mixed use employment/school site with a further 300 dwellings in a second phase.

Increase the allocation to 1,050 units for delivery in the short term.

John Dewar Lamberkin Trust (09166/4/003): Modify table in paragraph 5.1.11 to reflect an increased number of housing at H70 in the period to 2024.

Site H15 Oudenrade

JWK Properties (09055/1/004): Oudenarde should be removed from the Plan as it is not an effective site.

Site H29 Scone North

Zurich Assurance Ltd (08816/7/001): Housing numbers allocated to Site H29 in the first phase to 2024 (350) should be reallocated to other settlements such as Stanley because site is not effective.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Almond Valley

G S Brown Construction Ltd (09817/6/002); The Pilkington Trust (09086/1/001); Stewart Milne Homes (00659/1/002): The Council acknowledges there was significant support for the removal of this site from the Plan through both the Main Issues Report stage and in response to the Proposed Plan. This is contrasted with the support for the sites inclusion by a number of house builders and land owners. The case for its inclusion is based on the fact that it is an effective site and the only one capable of immediate development to meet short term housing needs. The second reason for inclusion is that the required roads infrastructure improvements at the A9/A85 junction cannot be funded without the identification of this site for residential use. This site has an extensive history (S4_Doc_250) and was identified for residential use in the Perth Area Local Plan 1995 (S4_Doc_441). A planning application for the site was refused by the Council in December 2011 and a subsequent appeal of this decision dismissed. The applicants have sought a judicial review of the appeal decision and the timescale for the completion of this process is not yet set.

With regards to it being an effective site and the ability to deliver in the short term the Council has no grounds to disagree with the representations. The Council however argue that it is not the only effective site and it is not required during the lifetime of the Plan. Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background

Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

The Council disagrees that development at Almond Valley is required to fund the A9/A85 Junction upgrade. The Council have committed to funding this project (Composite Capital Budget – Additional Capital Expenditure December 2012 (S4_Doc_452)) and have commissioned consultants to look at extending this link through to Berthapark. This is being driven by the requirement to identify a site for a new school in Perth with H7 - Berthapark forming one of the preferred sites. The final decision on this will be made in February 2013 but if chosen the requirement for access into H7 – Berthapark will be accelerated making it effective to deliver housing in the short to medium term.

No modification is proposed to the Plan.

Site H7 Berthapark

Springfield Properties Ltd (09017/1/001); Stewart Milne Homes (00659/1/001); JWK Properties (09055/1/003); The Pilkington Trust (09086/1/003); Zurich Assurance Ltd (08816/8/001): Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

With regards to Springfield Properties Ltd (09017/1/001), Transport Scotland's Strategic Transport Projects Review paragraph 6.2.4 (S4_Doc_382) recognises that '*Congestion at the A9/A912 Inveralmond roundabout is significant, and arises out of conflict between local access needs and long-distance travel demands between the central belt and the north of Scotland.*'

It is considered that access from Inveralmond roundabout will exacerbate this issue and have a negative impact on the wider strategic and local road networks. This issue is dealt with in more detail by Schedule 4 Issue 21 Perth Strategic Development Area.

With regards to both Springfield Properties Ltd (09017/1/001) and Pilkington Trust (09086/1/003), the Council disagrees that development at Almond Valley is required to fund the A9/A85 Junction upgrade and fund the development of Berthapark. Planning permission 11/01579/FLL (Core_Doc_177) has been granted for upgrades to the A9/A85 junction and the Council have committed to funding this project (Composite Capital Budget – Additional Capital Expenditure December 2012 (S4_Doc_452)). The Council's Delivering Infrastructure Background Paper (S4_Doc_440) outlines the key infrastructure requirements and proposed timescales to deliver the A9/A85 upgrade. The Council have also commissioned consultants to look at extending the link road across the River Almond into Berthapark. This is being driven by the requirement to identify a site for a new primary and secondary school in Perth with H7 - Berthapark forming one of the preferred sites. The requirement is for this new school to be operational by 2018 and as a result it is expected that this site will be effective before this date. The final decision on this will be made in February 2013 but if chosen the requirement for access into the site will be accelerated and will support the early release of development land and support the delivery of the new school.

With the requirement to develop a masterplan for the entire site no development is likely to take place on this site within the next two years. This will provide an opportunity for the creation of a new access negating the suggested modification.

Zurich Assurance's Ltd (08816/8/001): request for Compulsory Purchase Order (CPO) procedures to be used to deliver the site is not considered to be an LDP issue and is more relevant to the Action Programme.

No modification is proposed to the Plan.

Site H70 Perth West

JWK Properties (09055/1/005); The Pilkington Trust (09086/1/002); Zurich Assurance Ltd (08816/9/001); The Scottish Government (00092/8/001): Regarding the land supply issues raised, Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

Table 5 of the Housing Background Paper has identified that part of the site is as effective as numerous sites included in the Plan for the period 2016-2024 for up to 500 dwellings. This release of land will come from the development of the approved A9/A85 junction improvements.

Regarding the transport issues raised, Transport Scotland is undertaking a review of the A9 between Kier Roundabout and Luncarty. The initial findings of this study will be published in June 2013 and may have a bearing on the extent of the developable area of the site and how it is accessed. The site will be developed through a masterplan which will define the extent of the remaining developable area.

No modification is proposed to the Plan.

A Ritchie & Son/M & S M Bullough (08651/3/001 & 08651/7/003); John Dewar Lamberkin Trust (09166/4/003): Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

Table 5 of the Housing Background Paper has identified that part of the site is now effective in the period 2016-2024 for up to 500 dwellings. It is considered that during the plan period the site is not capable of providing any additional dwellings in the short term to meet the modifications proposed and in particular the numbers proposed by A Ritchie & Son and M&S M Bullough (08651/3/001 and 08651/7/003).

A Strategic development appraisal was recently submitted by Ristol Ltd (S4_Doc_807) on behalf of John Dewar Lamberkin Trust (09166/4/003) and it outlines the infrastructure costs for Perth West. The figures quoted are considered inaccurate in particular for the primary school. The costs are considered to be grossly underestimated especially because the entire development is likely to require two primary schools. Only when a detailed masterplan (including phasing) has been produced that a more accurate picture of the development of the entire Perth West site will become clear.

No modification is proposed to the Plan.

Site H15 Oudenarde

JWK Properties (09055/1/004): Over the past 10-15 years a considerable amount of time, effort and investment has gone into Site H15 to ensure it is an effective and developable site.

In October 2002 the Council were minded to grant the outline permission to planning application 02/01482/OUT (S4_Doc_443) for a new village at Oudenarde subject to conditions and a Section 75 to secure the main Heads of Terms. The application was accompanied by a Masterplan relating to the entire site which was approved by the Council in August 2001. The application referred to an expansive site extending to 92 hectares for the development of 1200 houses and associated commercial and industrial development, community provision, open space and landscaping.

Since 2002 there have been detailed planning consents issued with respect to infrastructure, including the railway bridge, the primary school and for 150 affordable housing units. Approximately 100 affordable houses and associated infrastructure have been completed by Hillcrest Housing Association Ltd. With the onset of the economic recession the Oudenarde development has not progressed as envisaged previously in a more buoyant housing market. This has had consequences for the provision of infrastructure and facilities which were to be secured through the original Heads of Terms of the Section 75 Agreement.

The Council have recently committed to funding the new primary school in Oudenarde which will also be funded by the developer of H15 (Composite Capital Budget – Additional Capital Expenditure December 2012 (S4_Doc_452)). A draft Section 75 legal agreement has been agreed in principle requiring the developer to assist with its funding.

The Scottish Environment Protection Agency requires a flood risk assessment to be completed and this issue is dealt with in Schedule 4 Issue 25c. There is an acknowledged constraint associated with the pipeline consultation zone and will have been taken into account with the masterplan. Despite these constraints the site will be able to accommodate the proposed increase in the capacity of the site by 400 units and meet the objectives set out in SPP paragraphs 77 and 78 (S4_Doc_302). The site is sufficiently large to accommodate a variety of house types and tenures in line with Councils policies on place making. The development will benefit the existing community infrastructure through the provision of additional facilities.

No modification is proposed to the Plan

Site H29 Scone North

Zurich Assurance Ltd (08816/7/001): Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) defines that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

Appendix 1 of the Housing Background Paper (S4_Doc_444) has identified that part of the site is effective within the Plan period 2016-2024 for up to 340 dwellings.

The site has been investigated as a possible development site since 2006 when it was considered for inclusion in the Draft Perth Area Local Plan though this was never published.

Significant parts of the site are prime quality land however SPP paragraph 97 (S4_Doc_108) states that development can be permitted on such land if it is an essential component of the settlement strategy. The site is such an area and therefore is considered to comply with SPP.

There have been flood issues associated with part of the site (due to a barrel drain which takes water from the direction of the site) and these issues will require investigation as part of the required risk assessment. The Scottish Environment Protection Agency raised no objection to this approach and it is intended that the development of the site will result in improvements of the existing situation.

There is no evidence that the site has ever had any historical or archaeological significance and Historic Scotland have not raised any issues during the stakeholder engagement for the Plan or in any representations. The site consists of land which is mainly in agricultural use and which has no statutory natural heritage designations.

The site is considered to be accessible by a choice of transport options which is one of the criteria to be met in paragraph 80 of SPP (S4_Doc_099). Full details of its accessibility can be dealt with through the masterplanning of the site.

Plantation woodland that lies within the western site boundary and provides an important backdrop to the site is identified as ancient woodland. The required masterplan will resolve much of the detail with regard to the landscape framework, biodiversity and woodland protection.

The Schedule 4 Issue 25c – Perth Area (within Core) East Settlements also deals with the land use issues of Site H29 while the Schedule 4 Issue 24 - Perth Area Transport Infrastructure deals with the proposed CTRLR and development embargos along the A93 and A94. Within Issue 24, the Council proposes a modification to paragraph 5.1.17 that states '*Site H29 is capable providing a maximum of 100 dwellings prior to completion of the CTRLR.*'

No modification is proposed to the Plan.

Reporter's conclusions:

1. Reference should be made to Issue 21, which examines the sites within the Perth Strategic Development Area in more detail and Issue 24, which examines transport infrastructure issues in the Perth area. Both have considerable influence on the conclusions set out below. This issue only examines the effectiveness of the strategic sites.
2. In order to obtain further information on a number of matters, the council, together with parties who made representations about the effectiveness of strategic sites, were asked to respond to a series of questions. Some were also invited to participate in a hearing session, which considered issues relating to Site H70. The council was also asked to confirm whether the proposed school on Site H7 had been factored into the traffic modelling. All of the additional evidence has been taken into account in examining this issue and making recommendations.

Almond Valley Village

3. It has been concluded under Issue 21 that Almond Valley Village should be allocated for a housing-led development scheme of approximately 1500 homes, 700 of which would be delivered within the plan period. The basis for this recommended modification is the conclusion that the majority of site H70 (Perth West) is unsuitable for allocation in the Proposed Plan due to concern over the implications of providing an access from the A9 to the west of the site and the absence of any proper consideration of how this might

be achieved. A further important consideration, which supports the allocation of Almond Valley Village, is the conclusion reached in Issue 24 that the proposed Cross Tay Link Road (CTLR) is unlikely to be delivered within the Plan period. This undermines the effectiveness of sites such as H29 Scone (discussed below) which are affected by the proposed embargo on larger-scale greenfield housing development to the east / north east of Perth.

4. No party has challenged the site owner's claim that Almond Valley Village is effective and it is significant that the required off-site road improvements have the benefit of planning permission and a forward-funding resolution from the council. The site should therefore be regarded as effective.

Site H7 Bertha Park

5. The effectiveness of this site is severely affected by the conclusion which has been reached under Issue 24, that the CTLR is unlikely to be delivered within the Plan period. However, following the submission of further information from the council and representors, there is a solution to achieving the delivery of an initial phase of 750 houses and a secondary school, which would involve the construction of a first phase of the CTLR from the proposed A9/A85 junction. The council has resolved to forward-fund the upgrading of that junction and the new road link into the Bertha Park site. Developer contributions would repay some of that initial investment. The inclusion of Almond Valley Village (through which the road would pass) as an allocated site might simplify the delivery of this road, as it might avoid the need for compulsory purchase. However, even if that were not the case, it is considered reasonable to assume that 750 houses could be delivered on Site H7 by 2024.

6. The landowner's suggestion that 300 houses could be built using the existing site access was explored with the parties through a request for further information. The council does not accept that the existing access (which is via the Inveralmond Industrial Estate) would be suitable, and no convincing evidence has been put forward to the contrary. There are no grounds therefore to permit any development in advance of the first phase of the CTLR, as discussed above. However, this does not affect the conclusion set out above, as to the effectiveness of the first phase, as it is reasonable to assume that the required new site access will be put in place within the short to medium term. A significant influence on these conclusions is the fact that the council has received funding for a new secondary school, for which the preferred site is Site H7. This must be constructed by 2018 and this is likely to provide added impetus to the early provision of the road infrastructure on which the first phase of housing will also rely

7. Site H7 is thought to contain viable mineral reserves, which the Proposed Plan requires to be extracted before development can take place. However, there is no evidence that this would prevent the initial phase of development taking place by 2024.

8. In conclusion, the first phase of this site, for 750 houses, is considered to be effective within the plan period.

Site H70 Perth West

9. It has been concluded under Issue 21 that, with the exception of a phase at the northern end of the site, which could be accessed from the A85, Site H70 is incapable of being developed without the provision of a new grade-separated junction onto the A9 to the west of the proposed allocation. This raises issues that are more significant than

questions of effectiveness. The implications of this access in landscape, visual, ecological and archaeological terms are simply not known. From the very limited information that is available at this stage it is concluded that it could cause unacceptable landscape harm due to its location away from Broxden roundabout and the immediate urban fringe of Perth, within a landscape that is more rural in character. The fact that there has been no consideration of, or publicity for the required access as part of the Proposed Plan, including in the plan's strategic environmental assessment and habitats regulations appraisal, provides a further reason why it would be unsafe and inappropriate to allocate the majority of Site H70 for development.

10. As has been concluded under Issue 21, the possibility that planning permission might be granted for the required access at some point within the plan period cannot be ruled out. Indeed, a proposal of application notice has now been submitted to the council. And as the proposed green belt boundary would not include Site H70, this might then permit development to take place on the land within the plan period via the submission of a planning application. However, in the absence of either an allocation in the Proposed Plan (which would be inappropriate for the reasons stated above and in Issue 21) or an extant planning permission, it would be inappropriate to regard Site H70 (with the aforementioned exception at its northern end) as being effective.

11. With regard to the northern phase of this site, because the traffic implications of development have been found to be acceptable through traffic modelling (the accuracy and appropriateness of which have not been challenged), and because no party has challenged the site owner's statements that the site is capable of development within the short to medium term, it is appropriate to regard that initial phase as effective.

Site H15 Oudenarde

12. In the table which follows paragraph 5.1.11 in the Proposed Plan, the Oudenarde site has not been included in the housing numbers that will be delivered within the plan period. Therefore, even if there were convincing evidence that this site would be ineffective until after 2024, that would not affect the housing numbers or require any modification to the Proposed Plan.

Site H29 Scone North

13. Under Issue 25b it has been concluded that an initial phase of 100 units should be permitted in advance of the CTRL becoming a committed project. This initial phase should be regarded as effective because it satisfies the tests that are set out in PAN 2/2010, being owned by a willing party and being free from insurmountable constraints or any funding or marketability problems. The remainder of the site, being affected by the embargo, must be regarded as ineffective due to the conclusions which have been reached under Issue 24 over the likelihood of the CTRL becoming a committed project within the lifetime of the Proposed Plan.

Reporter's recommendations:

No modifications.

Issue 20e		HMA Specific Housing Strategy Issues	
Development plan reference:		5.1 - Perth Area Spatial Strategy, page 67-71 6.1 – Highland Perthshire Area, page 151-153 7.1 – Kinross-shire Area, page 197-199 8.1 – Strathearn Area, page 239-241 9.1 – Strathmore and the Glens Area, page 273-275	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):			
Ian Steel (00214) Peter Williamson (00302) Susan Fraser & Alison Ramsay (00390) Susane Hogarth (00429) Patricia Timto (00523) Stewart Milne Homes (00659) Inchtute Community Council (00701) John Brady (00719) E J Baxter (00729) Ross Gardiner (00757) Fossoway & District Community Council (00830) Jim Farquharson (01036) Friends of Rural Kinross-shire (05105) R J A Exley (08087) I L Steven (08733) Zurich Assurance Ltd (08816) Shand Partnership (09010)		Matthew Pease Architect (09125) Muir Homes Ltd (09035) George Maxwell Builders (09071) Jim Pritchard (09104) John Dewar Lamberkin Trust (09166) Methven & District Community Council (09221) Kinross Estate Company (09313) Duncan Scott (09389) Mr & Mrs Allan Allanson-Oddy (09401) Lomond Land (09415) James Watt (09435) Blairgowrie & Rattray Community Council (10002) Homes for Scotland (10214) David Wilson Homes (10227) John Munro (10277) Mr & Mrs R Gardiner (10280)	
Provision of the development plan to which the issue relates:		Housing strategies relating to individual housing market areas	
Planning authority’s summary of the representation(s):			
<p><u>Perth Housing Market Area</u></p> <p>George Maxwell Builders (09071/1/002): The LDP should have adopted MIR option 2 (MIR pages 71-75 (S4_Doc_219)) which would have allocated an additional 210 houses in villages beyond the green belt. This plus a modest increase in numbers outwith the Perth Core Area would not conflict with TAYplan (Core_Doc_099).</p> <p>Zurich Assurance Ltd (08816/12/001): Object to the allocation of such a large proportion of the first 10 years housing land supply in the Perth housing market area to sites reliant on the Cross Tay Link Road at the expense of deliverable land at Stanley.</p> <p>Duncan Scott (09389/4/002): The Perth Area spatial strategy is flawed. The 2011 Housing Land Audit (Core_Doc_047) shows sites in Perth are not delivering but sites in the Perth landward area are. The delivery of housing land can be enhanced by directing more of the requirement to landward settlements without undermining the TAYplan strategy (Core_Doc_099).</p>			

Jim Farquharson (01036/1/001): If TAYplan (Core_Doc_099) and the LDP need to be reassessed in light of Perth's City status the Carse of Gowrie should be positively assessed as it has the potential to provide education facilities, a rail park and ride, increase employment opportunities, and save future pressure on conservation villages. The Carse never floods and the available land is grade 3(2) not grades 1 and 2 as identified elsewhere.

I L Steven (08733/1/001): Concerned that there is little demand for new private housing proposed around Perth, Scone, Almondbank and Bridge of Earn.

John Munro (10277/1/004): Government and Perth & Kinross Council policies emphasise close relationships between land use/densities and transport with housing being located where there will be good pedestrian, cycle and/or public transport access to places of work, shopping, recreation, education etc and making better use of existing infrastructure and services. The strategy for the Perth Area does not adequately do this.

Lomond Land (09415/8/001): The Perth Core Area boundary is illogically and too tightly drawn in a southerly direction between Stanley and Balbeggie. It should be extended to include settlements along the A93. These settlements interact and relate to one another and are predominantly part of the Perth hinterland. Any development in these settlements would contribute to the housing land supply and the general development of Perth and not compete with the strategic development areas.

Homes for Scotland (10214/1/033): The diagram of the Perth Core Area on LDP page 67 does not clearly indicate anything.

James Watt (09435/1/002); Peter Williamson (00302/1/002); John Dewar Lamberkin Trust (09166/4/001); Inchtute Community Council (00701/1/004); R J A Exley (08087/1/001); Methven & District Community Council (09221/1/021): Support the Plan as written. Susan Fraser & Alison Ramsay (00390/1/003): Support the definition of the Perth Core Area

Highland Housing Market Area

Mr & Mrs R Gardiner (10280/1/001); Ross Gardiner (00757/1/001): Object to the large number of houses proposed for Pitlochry on greenfield sites. This will have an unacceptable impact on character and landscape. Question the likelihood of adequate infrastructure being put in place to service additional houses and school capacity.

Patricia Timto (00523/1/001); Ross Gardiner (00757/1/001): Question the need for the additional housing development proposed for the Highland area.

Kinross Housing Market Area

David Wilson Homes (10227/1/006 & 10227/1/015): A higher proportion of new housing should be directed to Kinross/Milnathort rather than peripheral areas to ensure an effective supply. These are the largest settlements in the housing market area with greatest access to existing infrastructure and services and more likelihood of development. Supply in the landward area should be considered against high demand in Kinross/Milnathort. A reliance on the landward area creates oversupply there and does not solve the problems with delivery in Kinross/Milnathort. Kinross/Milnathort should therefore be considered separately to the landward area.

Kinross Estate Company (09313/9/002): The balance of the Kinross housing market area allocations in the tables on LDP pages 198 and 199 should be reassessed to ensure 75%

of the requirement is met within Kinross/Milnathort and only 25% to the Landward area.

Mr & Mrs Allan Allanson-Oddy (09401/1/001): The draft TAYplan MIR paragraph 9.6 (it is assumed this refers to the TAYplan MIR paragraph 9.6 (S4_Doc_596)) prefers strategy A: only in exceptional circumstances should development be permitted in Kinross landward area. It is not clear from the LDP if there are any exceptional circumstances so sites A, C, D & E from the LDP MIR (it is assumed this refers to LDP MIR pages 117-119 (S4_Doc_220)) should be considered. The erection of 90 new houses would substantially change the character of Powmill, would be contrary to the draft TAYplan (Core_Doc_002), and would increase traffic volumes.

Friends of Rural Kinross-shire (05105/1/002); Susane Hogarth (00429/1/001 & 00429/1/002); John Brady (00719/1/001); Matthew Pease Architect (09125/1/007): Object to a significant proportion of the landward housing land requirement being allocated to Powmill for some or all of the following reasons: the number is excessive and will double the size of the settlement; the allocation to Powmill should be reduced with the balance allocated at Blairingone; there does not appear to be a corresponding increase in infrastructure other than extension of Fossoway primary school; Fossoway and Portmoak schools may not have capacity to accommodate additional children; community facilities in Powmill do not support a large development – new facilities will not necessarily be provided as a result of the development; additional development would change the status of 'village'; there is little existing or prospect of new public transport provision meaning increased noise and pollution levels from additional cars; question whether it is really necessary; lack of water pressure will be exacerbated by additional houses and must be researched prior to any building; housing should be distributed along the A977 to spread the impact and increase consumer choice; in the absence of facilities for employment, education, shopping and recreation the development will just generate increased commuting; and MIR option 1 was the preferred option by a majority of respondents yet LDP proposes option 2 (LDP MIR pages 117-121 (S4_Doc_220)) in order to avoid development in Loch Leven Catchment and because of possible mine workings around Blairingone but these issues should've been known at MIR stage. Comments specific to site H53 are discussed in Schedule 4 no.35b – Kinross-shire Area – West Settlements with Proposals.

Shand Partnership (09010/1/004): LDP paragraph 7.1.11 states that residential development will be located to the larger villages in the area. Crook of Devon is one of the largest villages but no development is allocated. Most is directed towards Powmill which does not have services and will require Greenfield development. It is considered that the distribution of at least 50% of the Powmill allocation to other settlements in the HMA such as Crook of Devon would provide a better strategy in terms of sustaining the vitality of a number of settlements in the HMA rather than just one village.

E J Baxter (00729/1/003); Fossoway & District Community Council (00830/1/002); Jim Pritchard (09104/1/011 & 09104/1/013): Support the Plan as written.

Strathearn Housing Market Area

Stewart Milne Homes (00659/5/001); Muir Homes Ltd (09035/5/001): Object to the balance of land allocation between Crieff and Auchterarder. Stewart Milne Homes (00659/5/001): Auchterarder is preferable because of its strategic importance and marketability, it is supported by TAYplan section 4.2 (it is assumed this refers to TAYplan policy 1 (S4_Doc_067)), housing demand in Strathearn area is greatest in Auchterarder, failure to allocate additional land will limit the growth potential of the existing economy, it is more accessible, infrastructure provision in the Auchterarder area could be helped by

additional allocations, and the Community Council is reported to be supportive. Muir Homes Ltd (09035/5/001): The potential contribution of Auchterarder to the housing land supply has been underestimated. The LDP needs to think ahead regarding how the future development of Auchterarder, during the next 15-25 years, might best be achieved in terms of the proper planning of the settlement as a whole and in terms of the provision and funding of infrastructure. Sites suggested at MIR stage have been assessed in a disappointing manner; alternative sites suggested should be included.

Methven & District Community Council (09221/1/029): Estate water supply in the Logiealmond District is not reliable enough and a modern water supply is needed to achieve modern infrastructure standards.

Strathmore Housing Market Area

Blairgowrie & Rattray Community Council (10002/1/001 & 10002/1/004): Object to the number of new houses proposed for Blairgowrie. This is disproportionate, will bring various infrastructure and supply problems, and will not contribute to the regeneration of the town. There are already too many unsold houses. Concentrating development on vacant sites in the existing town envelope rather than on the periphery will help regenerate the town centre.

Ian Steel (00214/1/003): The housing requirement for Blairgowrie is unrealistic and needs to take into account the current housing market. Less people will commuting to Perth and so less houses will be needed. Building on greenfield sites will change the rural character of the area.

Modifications sought by those submitting representations:

Perth Housing Market Area

George Maxwell Builders (09071/1/002): Spatial strategy should be amended to increase housing land allocations in Perth Area, specifically that part within the Dundee HMA. An additional land release should be programmed for Longforan.

Zurich Assurance Ltd (08816/12/001): Objects to the redistribution of housing land within the Perth Core with a significant proportion of housing land reliant on the Cross Tay Link Road and other infrastructure, which may not be delivered in the specified period. Increased allocation sought for Stanley.

Duncan Scott (09389/4/002): More of the Perth Area housing land requirement should be directed to the landward settlements.

Jim Farquharson (01036/1/001): No specific modification sought other than the Carse should be reconsidered for development.

I L Steven (08733/1/001): No specific modification sought but implied that the housing numbers proposed for the Perth Housing Market Area are too high.

John Munro (10277/1/004): No specific modification sought but suggested that the Perth Area strategy does not have a close enough relationship between land use/densities and transport.

Lomond Land (09415/8/001): The Perth Core Area boundary should be extended along the A93 to include the settlements of Guildtown, Dunsinnan, St Martins, Wolfhill, and Newlin (it is assumed this should read Newmiln).

Homes for Scotland (10214/1/033): The diagram on LDP page 67 should be removed or replaced with an Ordnance Survey based plan which clearly shows what the Perth Area spatial strategy is.

Highland Housing Market Area

Mr & Mrs R Gardiner (10280/1/001): Reduce number of dwellings proposed in Pitlochry. No specific number is suggested.

Patricia Timto (00523/1/001): Amend Spatial Strategy to clarify the need for further housing.

Ross Gardiner (00757/1/001): Reduce number of houses to be built in Highland Perthshire and Pitlochry in particular. No specific number is suggested.

Kinross Housing Market Area

David Wilson Homes (10227/1/006): 90% of housing supply in Kinross housing market area should be provided in the Kinross/Milnathort settlements.

David Wilson Homes (10227/1/015): Kinross and Milnathort should be considered separate to the Kinross landward area in terms of housing land supply.

Kinross Estate Company (09313/9/002): The balance of the Kinross housing market area allocations in the tables on pages 198 and 199 should be 75% within Kinross/Milnathort and only 25% to the Landward area.

Mr & Mrs Allan Allanson-Oddy (09401/1/001): LDP should adopt option 1 for Kinross-shire as set out in the MIR (S4_Doc_220).

John Brady (00719/1/001): Proposal for 120 houses at Powmill should be reconsidered. It is not stated but assumed that the size of the site should be reduced in line with the MIR option 1.

Friends of Rural Kinross-shire (05105/1/002): Some of the housing proposed at Powmill should be moved to Blairingone and some to the eastern side of Kinross-shire. There should be significant provision of infrastructure in Powmill taking into account what local people want and what the developer will offer.

Susane Hogarth (00429/1/001); Susane Hogarth (00429/1/002): Housing development should be spread along the A977 e.g. Blairingone, Powmill, Rumbling Bridge, Crook of Devon rather than concentrated in Powmill.

Matthew Pease Architect (09125/1/007): Reduce the housing numbers at Powmill and transfer the balance to Blairingone.

Shand Partnership (09010/1/004): Distribute 50% of the allocation in Powmill between a range of settlements including Crook of Devon.

Strathearn Housing Market Area

Stewart Milne Homes (00659/5/001): Auchterarder should be preferred to Crieff for major development. Additional housing land allocations should be identified in Auchterarder. Fewer allocations should be considered for Crieff. Specific numbers are not suggested in the representation.

Muir Homes Ltd (09035/5/001): Amend plan to provide more housing land in Auchterarder, particularly sites promoted by Muir Homes; and less housing land in Crieff. Specific numbers are not suggested in the representation.

Methven & District Community Council (09221/1/029): Amend Plan to embargo residential development proposals in Logiealmond area, especially at Chapelhill and Harrietfield, until a public water supply is available.

Strathmore Housing Market Area

Blairgowrie & Rattray Community Council (10002/1/001): The Council should reduce the number of houses proposed for the Blairgowrie area. Specific numbers are not suggested in the representation.

Ian Steel (00214/1/003): The housing land requirement for Blairgowrie should be re-assessed. Specific numbers are not suggested in the representation.

Blairgowrie & Rattray Community Council (10002/1/004): New housing quota should be allocated within the existing Blairgowrie town envelope before considering any greenfield sites.

Summary of responses (including reasons) by planning authority:

Perth Housing Market Area

George Maxwell Builders (09071/1/002); Duncan Scott (09389/4/002): In accordance with TAYplan policy 1 (S4_Doc_067) the LDP directs the majority of the housing land allocation to tier 1 settlements i.e. those settlements within the Perth Core Area, and thereafter to tier 2 and 3 settlements. There are no tiered settlements in the Perth HMA outwith the Core Area. George Maxwell Builders (09071/1/002): MIR option 1 is therefore more in accordance with the TAYplan strategy than option 2 (LDP MIR pages 71-75 (S4_Doc_219)) which directed more growth outwith the Core Area and beyond the Green belt. Longforgan is outwith the Core Area (LDP page 67) and is not a tiered settlement therefore any significant allocation there would conflict with the TAYplan strategy.

No modification to the Plan is proposed.

Zurich Assurance Ltd (08816/12/001): TAYplan policy 1 (S4_Doc_067) requires LDPs to allocate the majority of development to the regions principal settlements. Whilst Stanley is within the tier 1 Perth Core Area (LDP page 67) there is already a considerable amount of housing development proposed for the settlement (LDP page 147 (S4_Doc_503)). It is not therefore considered likely that any increase in land allocations in Stanley would deliver an increase in effective housing land supply during the life of the Plan. The Plan strategy requires a package of transport infrastructure works and this affects all sites in the Perth HMA to a greater or lesser extent. The Plan however includes site specific constraints related to certain key projects e.g. the Cross Tay Link Road. Those sites identified in the LDP which are in some way dependent on the Cross Tay Link Road are considered effective, albeit in the latter part of the Plan period, and this is addressed in detail in Schedule 4 no. 20d - Effectiveness of Strategic Sites and in the Council's Delivering Infrastructure Background Paper (S4_Doc_440). The distribution of the housing allocation within the Perth Core Area is considered appropriate.

No modification is proposed to the Plan.

Jim Farquharson (01036/1/001): TAYplan (Core_Doc_099) was approved by Scottish Ministers in June 2012. Perth's new city status does not alter the spatial strategy of either TAYplan or the LDP. The LDP has to accord with the Strategic Development Plan which specifically presumes against development in the Carse of Gowrie area (TAYplan policy 5c (S4_Doc_062) and as shown on (S4_Doc_447)).

No modification is proposed to the Plan.

I L Steven (08733/1/001): The TAYplan examination Reporter did not amend the Housing Land Requirement but instead concluded that there was no clear evidence which could reasonably lead him to conclude that the regional build rate provided for in the proposed Strategic Development Plan was either inappropriate or insufficient. (TAYplan examination report page 220 paragraph 15 (S4_Doc_597)). The LDP has to accord with TAYplan and it is not therefore appropriate to make amendments to reduce the housing land requirement in the LDP.

No modification is proposed to the Plan.

John Munro (10277/1/004): The Council disagrees with the comments made. The large scale development proposals within the Perth Core Area are the ideal opportunity to create sustainable neighbourhood developments with a mix of land uses to reduce travel distances to facilities, services and places for work thus maximising opportunities for public transport use in line with LDP Policy TA1B (S4_Doc_387).

No modification is proposed to the Plan.

Lomond Land (09415/8/001): The Perth Core Area and the settlements included within it are defined by TAYplan policy 1 (S4_Doc_067). The LDP has to accord with the Strategic Development Plan. Unlike the settlements specified in TAYplan policy 1 the settlements referred to in the representation (as shown in S4_Doc_600) are not considered to be of a sufficient scale in terms of size or provision of services/facilities to have the potential to contribute significantly to accommodating the Perth and Kinross share of the TAYplan housing land requirement or to make a major contribution to the economy.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/033): The diagram of the Perth Core Area on page 67 is the same as that in TAYplan Policy 1 (S4_Doc_067). It is intentionally diagrammatic as it simply aims to give an indication of the general location of the settlements within the Core Area in relation to Perth itself. Use of an ordnance survey base could suggest that any site within the boundary line would be favourably considered for development being within the Core Area. This is not the case – it is only those settlements specified in TAYplan Policy 1 where development is directed.

No modification is proposed to the Plan.

Highland Housing Market Area

Patricia Timto (00523/1/001); Ross Gardiner (00757/1/001): The housing land requirement was informed by the TAYplan Housing Needs and Demand Assessment (Core_Doc_190) which considered the needs and requirements for affordable and market housing across the whole TAYplan area. Mr and Mrs R and L Gardiner (10280/1/001) and Mr Ross Gardiner (00757/1/001): The TAYplan examination Reporter did not amend

the housing land requirement concluding that a reduction in build rates would not provide for a generous supply of housing land which would be inconsistent with SPP (TAYplan examination report page 221 paragraph 17) (S4_Doc_598). The LDP has to accord with TAYplan and it is not therefore appropriate to make amendments to reduce the housing land requirement in the LDP for the Highland HMA.

Mr & Mrs R Gardiner (10280/1/001); Ross Gardiner (00757/1/001): TAYplan policy 1 (S4_Doc_067) directs the majority of development to principal settlements as these are the places which are already best served by local services and employment opportunities and where the best public transport connections are found. In the Highland HMA the principal settlements are Aberfeldy, Dunkeld / Birnam and Pitlochry however no allocations have been made in the LDP for Dunkeld / Birnam due to the significant constraints to development there. The majority of growth is directed to Aberfeldy but it is considered appropriate to also direct a proportion of the growth to Pitlochry given it too is a tier 3 settlement and is also considered to have scope to accommodate additional development over the life of the Plan. Mr and Mrs R and L Gardiner (10280/1/001): The impact of development on the landscape and character of the town will be assessed against LDP policies such as policy ER6: Managing Future Landscape Change (S4_Doc_397), whilst policy PM3: Infrastructure Contributions (S4_Doc_496) will ensure the impact of development on infrastructure or facilities such as school capacity is taken into account. Concerns regarding the development of greenfield sites are acknowledged however as is recognised in LDP paragraph 4.3.12 (S4_Doc_492) the availability of brownfield land in Perth and Kinross is extremely limited; there were only 50 hectares of derelict and urban vacant land in Perth and Kinross in 2011 (Scottish Vacant and Derelict Land Survey return 2011 (S4_Doc_606)). This leaves little option but to accommodate at least some development on greenfield sites. Taking all of the above into account it is considered appropriate to allocate a proportion of the housing land requirement to Pitlochry as identified in the Plan.

No modification is proposed to the Plan.

Kinross Housing Market Area

David Wilson Homes (10227/1/006); Kinross Estate Company (09313/9/002): The majority of the housing land supply in the Kinross housing market area is in the main settlements of Kinross and Milnathort. This is in line with TAYplan Policy 1 (S4_Doc_067) and equates to approximately 63% (calculated from the total effective supply as shown on page v of the Housing Land Audit 2012 (S4_Doc_599)). In the landward area more than half of the sites in the housing land supply are existing sites which already have planning consent. Of the additional allocations the only new housing sites in the landward area are at Powmill and a small site at Scotlandwell. These were identified to offer choice of location and to support the growth of the rural area. Both these sites are considered effective in the period to 2024. In contrast a significant proportion of the Kinross and Milnathort sites are new allocations. The Council believes that the balance between the main settlements and the landward area in the Kinross housing market area is appropriate.

No modification is proposed to the Plan.

David Wilson Homes (10227/1/015): In accordance with SPP (paragraph 67) (S4_Doc_313) the housing land requirement and supply is calculated at housing market area level. It is not therefore considered appropriate to consider the settlements of Kinross and Milnathort separately from the landward area in terms of housing requirement and land supply.

No modification is proposed to the Plan.

Susane Hogarth (00429/1/001 & 00429/1/002); John Brady (00719/1/001); Friends of Rural Kinross-shire (05105/1/002); Mr & Mrs Allan Allanson-Oddy (09401/1/001); Matthew Pease Architect (09125/1/007); Shand Partnership (09010/1/004): The concentration of a sizeable proportion of the landward area housing land allocation in one settlement offers more scope to achieve a level of growth which would result in improved services and facilities which would benefit not only the settlement itself but also other smaller communities in the area. The Council therefore opted to identify development in line with MIR Option 2 (pages 120-121 (S4_Doc_220)). Two possible locations were identified: Powmill and Crook of Devon. As mentioned in LDP paragraph 7.1.12 the settlement strategy for Kinross/Milnathort and the Fossoway area was informed by the Long Term Development Strategy (Core_Doc_054) developed by a community based group. This identified a strong preference for the Powmill site where the principle of development was already established through an existing planning consent. Schedule 4 no. 35b considers the Powmill site in more detail and Schedule 36 the Crook of Devon site. It is not therefore considered appropriate to redistribute some of the housing land allocation to other settlements along the A977 (as shown in S4_Doc_448) as suggested in the representations. Regarding Blairingone specifically, as indicated in Schedule 4 no. 35b the Council would have no issues with the identification of a site for 30 units but would not support these being identified as being part of the effective housing supply.

No modification is proposed to the Plan.

Strathearn Housing Market Area

Stewart Milne Homes (00659/5/001); Muir Homes Ltd (09035/5/001): It is recognised that Auchterarder is an area of high demand however the Council disagrees that the failure to allocate further land in this LDP will limit the growth potential of the existing economy or that insufficient consideration has been given to the proper planning of the settlement as a whole. There is already a significant allocation of effective housing land in Auchterarder, at the Development Framework and Op20 sites (LDP page 247 (S4_Doc_504)), which is considered more than adequate to meet demand until beyond the period of this LDP. This will however be kept under review through the annual Housing Land Audit and if necessary updated through the bi-annual Action Programme. The programming of the housing sites in Auchterarder is considered realistic and achievable and there are concerns that the allocation of additional sites could risk an oversupply in this location to the potential detriment of housing delivery in other settlements. In terms of the significance of Auchterarder in comparison with Crieff it should be noted that whilst Auchterarder is identified in TAYplan Policy 1 (S4_Doc_067) as a tier 3 settlement, Crieff is tier 2. Improved community and commercial facilities are also planned for Crieff. Given the higher tier status of Crieff in TAYplan and the fact that there is already a significant land supply in Auchterarder it is considered appropriate that the majority of additional allocations in the Strathearn area are directed to Crieff. Muir Homes Ltd (09035/5/001): Regarding the suggestion that the LDP needs to consider the future development of Auchterarder over the next 15-25 years, such longer term planning is a function of the Strategic Development Plan not the LDP.

No modification is proposed to the Plan.

Methven & District Community Council (09221/1/029): Neither Chapelhill nor Harrietfield (as shown on S4_Doc_449) have a settlement boundary identified in the LDP. Additional housing development in these small settlements would therefore fall to be assessed against LDP Policy RD3 Housing in the Countryside (S4_Doc_418) and the associated

supplementary guidance which requires that satisfactory services should be available or capable of being provided by the developer. It is considered that drainage issues such as those raised in the representation are most appropriately addressed through this policy and it is not therefore necessary to impose an embargo on development as suggested.

No modification is proposed to the Plan.

Strathmore Housing Market Area

Blairgowrie & Rattray Community Council (10002/1/001); Ian Steel (00214/1/003): In line with TAYplan Policy 1 (S4_Doc_067) most growth in the Strathmore area is directed to Blairgowrie / Rattray being tier 2 settlements with smaller allocations to the tier 3 settlements of Alyth and Coupar Angus. Tier 2 settlements are identified in TAYplan as having scope to make a major contribution to the TAYplan region economy whereas tier 3 settlements are seen as having a more modest role where growth is more about sustaining them. The LDP MIR (paragraph 5.6.7) (S4_Doc_221) identifies flooding constraints in Coupar Angus which restricts the amount of additional development that could be safely accommodated. Furthermore much of the landward part of the Strathmore area is also constrained by the need to reduce phosphorous inputs to the Lunan Valley Lochs. It is therefore considered appropriate to direct the most growth to the main settlement of Blairgowrie where local services, employment and transport are concentrated and where waste water can be best dealt with.

No modification is proposed to the Plan.

Blairgowrie & Rattray Community Council (10002/1/004); Ian Steel (00214/1/003): The LDP MIR (paragraph 5.6.9) (S4_Doc_221) specifically notes that it is unlikely that a significant number of houses can be accommodated on brownfield land within Blairgowrie. Whilst the benefits of developing brownfield sites in terms of assisting regeneration of the town centre are recognised, it is generally the case that such sites often come with abnormal development costs, i.e. demolition, cleaning up of contamination etc. These additional burdens may affect the viability of sites, particularly in the current economic climate. The majority of new development will therefore most likely be on greenfield land.

No modification is proposed to the Plan.

Reporter's conclusions:

A review of the representations summarised by the council and presented as this Issue 20e confirms that many of the matters raised are closely related to those dealt with elsewhere in this report with consequent recommendations. Accordingly, in the interests of brevity and clarity these matters not dealt with here.

Perth Housing Market Area

1. TAYplan, including the housing land requirement, has been approved by Scottish Ministers. Its Policy 1 sets out the location priorities which the local development plan is bound to follow. There are no principal settlements in the Perth Housing Market Area outwith the Perth Core Area. It has been found that there is sufficient land within Tier 1 settlements to meet the requirements of Policy 1. Moving on from there, Policy 5: Housing at item C requires that the Proposed Plan ensures a presumption against land releases in the Carse of Gowrie. Longforgan is not a principal settlement and it is located within the Carse. In any event, housing allocations there would be within five kilometres

of the Dundee Western Gateway and would be likely to prejudice the development of that strategic development area contrary to the requirements of Policy 5: Housing. These and related matters are dealt with under Issue 27.

2. Stanley is located within the Perth Core Area. Housing allocations there are not restricted by the deliverability of the Cross Tay Link Road. This matter is considered in detail elsewhere in this report at Issue 25a.

3. All proposals for new development during the life of the Proposed Plan will be assessed against the policies of the development plan including Policy TA1B of that plan and any other material considerations.

4. The settlements along the A93 lie outside of the Perth Core Area. Allocations to small settlements within the Perth hinterland rather than within the Core Area will increase rather than decrease the need to travel to work, for shopping and to access the array of services not provided within settlements of this size. That would run contrary to the policies of the development plan.

5. It is intended that the strategic development plan (TAYplan) and the local development plan (the Proposed Plan) should be read in tandem. The council has acknowledged that the diagram of the Perth Core Area on page 67 is identical to that in TAYplan Policy 1. It is not site specific and it adds nothing to the reader's understanding of the Perth spatial strategy.

Highland Housing Market Area

6. The housing land requirement for the Highland Housing Market Area is set out in TAYplan and that was informed by the TAYplan Housing Needs and Demand Assessment. Neither of these documents is before this Inquiry and, consequently, no conclusions can be drawn.

7. The allocation of sites for housing within Pitlochry and its vicinity is dealt with under Issue 28c.

Kinross Housing Market Area

8. As noted above, TAYplan, including the housing land requirement, has been approved by Scottish Ministers. Its Policy 1 sets out the location priorities which the Proposed Plan is bound to follow. Kinross / Milnathort is identified as a tier 2 settlement: i.e. one which has the potential to make a major contribution to the regional economy of the TAYplan area. It has been explained under Issue 20c why it is appropriate that there should be a 10% reallocation from the Kinross Housing Market Area to the Perth Housing Market Area. The role of Kinross/Milnathort has been recognised in the council's allocations of housing land and, indeed, in all other related matters. These and related matters are dealt with under Issues 31-34.

9. There is no policy support for a dispersal of housing sites along the A977 at Blairingone, Powmill, Rumbling Bridge, and Crook of Devon none of which are principle settlements. These and related matters including the proposed allocation of housing land at Powmill are dealt with under Issues 35b and 36.

Strathearn Housing Market Area

10. Policy 1 of TAYplan identifies Crieff as a Tier 2 settlement and Auchterarder as a Tier 3 settlement. On that basis, all other things being equal, contrary to the representations, Crieff should be preferred to Auchterarder for housing allocations. Matters arising from the proposed allocations in these settlements are dealt with in Issues 38 and 37 respectively.

11. The council is correct in pointing out that neither Chapelhill nor Harrietfield has a settlement boundary identified in the Proposed Plan. Applications for residential development will be assessed against Policy RD3 Housing in the Countryside and any relevant supplementary guidance. Accordingly, there is no need to give consideration to the introduction of an embargo within the Proposed Plan as advocated by Methven & District Community Council.

Strathmore Housing Market Area

12. TAYplan Policy 1 identifies Blairgowrie / Rattray as a tier 2 settlement with Alyth and Coupar Angus as Tier 3 settlements. Accordingly, all other things being equal, the former is to be preferred to the latter when it comes to allocating sites to meet the housing land requirement. The council has pointed to the advantages of Blairgowrie / Rattray in terms of the provision of local services, employment and transport and the treatment of waste water. Likewise there are constraints on development which have been identified elsewhere in the housing market area. Allocations in Blairgowrie / Rattray and the immediate vicinity are dealt with under Issue 42.

13. Scottish Planning Policy (SPP) makes it clear at paragraph 80 that: “*Redevelopment of urban and rural brownfield sites is preferred to development on greenfield sites.*” The council has acknowledged the benefits of developing brownfield sites in terms of assisting regeneration of the town centre. Whatever may be the difficulties to be addressed in Blairgowrie and, indeed elsewhere in Perth and Kinross, the council is bound to recognise and then act upon the thrust of national policy and the clearly stated preference for brownfield development before greenfield land release.

Reporter’s recommendations:

1. Delete the diagram incorporated within paragraph 5.1.1. As a consequential amendment, for continuity, insert bullet points in advance of each of the settlements listed as being part of the Perth Core Area.

Issue 20f	Greenfield Land and Housing Density	
Development plan reference:	4.3.12 and 4.3.13 (including table) - Greenfield Land and Housing Density, page 64 & 65	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Martin Pettinger (00246) Councillor Michael Barnacle (02633) Persimmon Homes East Scotland (09004/19) Taylor Wimpey UK Ltd (09004/23) Homes for Scotland (10214) John Munro (10277)		
Provision of the development plan to which the issue relates:	Proposed housing density ranges	
Planning authority's summary of the representation(s):		
<p>Homes for Scotland (10214/1/030): Various density ranges are tabulated but there is no further obvious link to development sites. Within the individual settlements no reference is made to the required densities although total units are specified. Scottish Government's Designing Streets Policy (Core_Doc_014) will indicate density along with good design. This section is not required.</p> <p>Councillor Michael Barnacle (02633/1/027): Vigorously oppose housing density ranges at LDP paragraph 4.3.13. It is irrefutably the case that accepting the unsustainable level of growth in Perth & Kinross Council's Single Outcome Agreement (Core_Doc_100) forces choices between increasing housing density and the irrevocable loss of prime agricultural land. It is vital that prime land is retained for food production and has more robust policy protection.</p> <p>Martin Pettinger (00246/4/001): The housing numbers given for each housing site are estimates and not fixed. Stating numbers in the Plan could be used by developers to over-develop sites.</p> <p>Persimmon Homes East Scotland (09004/19/001); Taylor Wimpey UK Ltd (09004/23/001): It would be efficient use of Greenfield land within settlements to encourage increased densities where this may be compatible with the form and layout of the settlement and be of high accessibility (refers SPP paragraph 80 and 83 (S4_Doc_099) and (S4_Doc_310)). Rather than adhere to the flexible density ranges at LDP paragraph 4.3.13 where flexibility within the range would be assessed on a case by case basis, the LDP should encourage future development via planning applications and/or development briefs for sites where it will be up to the developer to demonstrate and justify any reasoning for the application of higher densities.</p> <p>John Munro (10277/1/012): The LDP recognises varying housing densities are appropriate but does not explain which densities would apply where. The LDP should at least state which density categories apply to which kinds of locations. Refers to the former SPP17 (S4 Doc 299) which states highest densities should apply to places with</p>		

good pedestrian, cycle and/or bus access to work, education etc. These would be close to service centres, major bus routes etc.

Modifications sought by those submitting representations:

Homes for Scotland (10214/1/030): Paragraph 4.3.13 and associated table should be deleted.

Councillor Michael Barnacle (02633/1/027): Not stated but is assumed that the housing densities at paragraph 4.3.13 and associated table should be deleted.

Martin Pettinger (00246/4/001): Wording should be changed to reflect that housing numbers given for each housing site are estimates of what may be possible subject to detailed site investigations including transport studies, flood studies and third party consultations.

Persimmon Homes East Scotland (09004/19/001) and Taylor Wimpey UK Ltd (09004/23/001): Last sentence of paragraph 4.3.12 should be reworded as follows: *'This can be achieved through higher density development where it can be demonstrated this is compatible with the form and layout of the settlement and has high accessibility to local services'*.

John Munro (10277/1/012): The LDP should state which housing densities apply to which kinds of location.

Summary of responses (including reasons) by planning authority:

Homes for Scotland (10214/1/030); Councillor Michael Barnacle (02633/1/027): LDP paragraphs 4.3.12 – 4.3.13 highlight that the availability of brownfield land in Perth and Kinross is extremely limited. The pressure for new development will therefore largely be on Greenfield land, much of which is prime agricultural land which is an important resource and therefore needs to be used sparingly. This can be achieved through higher density development. The MIR recognised one approach would be to apply a standard density across the whole area but this it was felt could inhibit the ability to reflect local character (MIR paragraph 4.2.16 (S4_Doc_215)). Research was undertaken at MIR stage to identify appropriate density ranges which were wide enough to allow a reasonable degree of flexibility. These ranges were used to inform the indicative housing numbers for each of the housing proposals in the Plan. Regarding the link between the density ranges identified in the table at paragraph 4.3.13 and development sites it is acknowledged that the current Kinross Area Local Plan does identify a separate column for each site which gives an indication of the expected density i.e. low, medium or high (e.g. page 53 (S4_Doc_555)). Given the need to use Greenfield land wisely and encourage higher densities on appropriate sites where proposals are in accordance with other LDP policies, it is considered appropriate to give an indication in the LDP as to what density ranges will be acceptable.

However if the Reporter considers that it would add clarity for applicants, the Council would have no objection to the inclusion of an additional column for each development site which gives an indication of the expected density of development.

Martin Pettinger (00246/4/001): Whilst this representation refers to the housing numbers for sites in the Kinross housing market area it is included here as the housing numbers stem from the density ranges identified in the table at LDP paragraph 4.3.13. It is made

clear in paragraph 4.3.13 that the housing numbers given for each housing site are indicative. Any development proposal would also have to accord with LDP Policy PM1: Placemaking (S4_Doc_396) which requires all development to “*respect the character and amenity of the place*”.

No modification is proposed to the Plan.

Persimmon Homes East Scotland (09004/19/001); Taylor Wimpey UK Ltd (09004/23/001): LDP paragraph 4.3.13 specifically recognises that unless a proposal indicates that the indicative housing numbers are a maximum “*there will be flexibility within the defined range as long as this does not compromise good design*”. There is therefore support in the Plan to allow higher density development where appropriate. Whilst such higher density developments would have to be compatible with the form and layout of the settlement and be highly accessible to local services as suggested in the representation, it is considered important to retain the emphasis that this must not be at the expense of good design.

No modification is proposed to the Plan.

John Munro (10277/1/012): Given the diverse and varying nature of settlements across Perth and Kinross trying to identify which density ranges should apply to which kinds of location would be difficult and would be unlikely to be comprehensive. LDP Policy PM1: Placemaking (S4_Doc_396) sets out the criteria which must be met for all development proposals. This is considered a more practical and useful guide to inform development proposals.

No modification is proposed to the Plan.

Reporter’s conclusions:

1. None of those making representations disputes the council’s position as set out in paragraph 4.3.12 that the availability of brownfield land in Perth and Kinross is limited and that greenfield sites, especially on prime agricultural land, should be used only when there is good reason to do so. The concerns are focussed on paragraph 4.3.13 and the associated table which sets out Proposed Housing Density Ranges. The council undertook research on the range of housing densities for sites included in the Main Issues Report and these were used to inform the indicative numbers for the housing proposals which appeared in that report. Since that information is available and was integral to the plan making process there seems to be no reason to exclude it from the requirements for development on sites now included within the Proposed Plan. The planning authority is bound to treat each planning application on its individual merits and any proposal for a development whose density would fall outside of the stated range, whether higher or lower, would require a persuasive reasoned justification.
2. The Council has drawn attention to Policy PM1: Placemaking which requires within Policy PM1A that all development “*respect the character and amenity of the place*”, and, beyond that, Policy PM1B sets out criteria which must be met for all development proposals. Bearing in mind the recommendation below regarding paragraph 4.3.13, minor modifications to these policies will ensure that there is no doubt about what is intended by the Council.

Reporter's recommendations:

1. For each housing allocation in the plan there should be included an additional column which provides for the users of the plan a range which sets out the expected density of development. As a consequence of that recommendation delete paragraph 4.3.13 including the associated table. Make any consequential changes elsewhere in the Proposed Plan.
2. Modify the first clause in the second paragraph of Policy PM1A to read: "*The design, density and siting of development.*"
3. Modify Policy PM1B at its item (c) to read: "*The design and density should complement...*"

Issue 21	Perth Strategic Development Area - West/North West Perth	
Development plan reference:	5.1.11 – Housing land supply table, page 69 H7 - Berthapark, page 77 H70 - Perth West, page 78 E38 - Ruthvenfield Road, page 80	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Margaret Lennon (00101) M Jamieson (00117) Jann Heigh (00119) Sarah Wilson (00120) Michael Nairn (00121) Joyce Nairn (00122) Mr & Mrs T Aitken (00123) Mr & Mrs L Morton (00124) Mary Cameron (00125) Mr & Mrs W Murray (00126) Catherine McCabe (00127) G Faulkner (00128) Mr & Mrs B Hood (00129) Mr & Mrs B Lewis (00130) Logan Fitchie (00131) Mr & Mrs L Slowman (00132) Mr & Mrs A Nixon (00137) Mr & Mrs D Orr (00143) ADIE Kennels & Cattery (00146) Kenny Montgomery (00154) Iris Temple (00155) Mr & Mrs I McIntyre-Miller (00156) Donald Sutherland (00157) J McIntosh (00158) Mr & Mrs K Campbell (00159) E Wilkie & E F Wilkie (00160) B Wilkie (00161) Jean Taylor (00162) Margaret Brown (00163) Mr & Mrs Stuart Cameron (00164) Mr & Mrs T McCash (00165) Mr & Mrs R Melville (00166) Sheena C Wright (00167) Mr & Mrs W Stewart (00168) W Birrell (00169) N Nicholson (00170) Mr & Mrs J Kennedy (00171) David Abercrombie (00172) Lorna Abercrombie (00173) Mr & Mrs C Shannon (00174) Mr & Mrs B Beekie (00175) Clive Wood & Liz Watson (00176)</p>	<p>Claire Milne (00193) Heather Brand (00275) A Thom (00303) P K & G B Johnston (00325) Mr & Mrs J Carratt (00343) Mr & Mrs A Mackintosh (00467) Stewart Milne Homes (00659) Mr & Mrs Walter Smith (00675) Harriet Lindsay (00698) Stewart McIntosh (00707) Mr & Mrs Michael Jackson (00740) Mr & Mrs Murray Flett (00753) Dorothy Guthrie (00763) Luncarty, Redgorton & Moneydie Community Council (00924) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) The Muir Group (07690) MBM Planning & Development (07693) Persephone Beer (07744) A Ritchie & Son/M & S M Bullough (08651) Forestry Commission Scotland (08988) Springfield Properties Ltd (09017) J W K Properties (09055) The Pilkington Trust (09086) Joan McEwen (09098) John Dewar Lamberkin Trust (09166) Methven & District Community Council (09221) CKD Galbraith (09289) SSE plc (09311) Burrelton & District Community Council (09376) Arklay Guthrie (09692) G S Brown Construction Ltd (09817) Dr Charles N Turner (09934) Jackie Turner (09935) Alistair Godfrey (09941) Margaret Simpson (10182) John Munro (10277)</p>	

Provision of the development plan to which the issue relates:	Strategic Development Areas within the Perth Core.
Planning authority's summary of the representation(s):	
<p><u>Almondvalley</u></p> <p>John Munro (10277/1/006): Almond Valley Area is more suitable than the large areas west of the by-pass for housing.</p> <p>G S Brown Construction Ltd (09817/6/003): Almond Valley has been identified as the long term expansion area for a significant period of time and is the most appropriate area for expansion well related to The City and contained within its landscape setting. The Plan was changed by the Council based on a spurious objection that the development will never happen. A planning application for the development was in the hands of the Council when the decision was made.</p> <p>The Pilkington Trust (09086/1/004): Almond Valley should be reinstated if there is to be any housing growth in the Perth core in the short term. Neither H7 Bertha Park nor H70 Perth West has the ability to deliver housing in the short or medium term. Not to do so will significantly impair the Council's ability to deliver sustainable economic growth and effectively disadvantages The City as Scotland emerges from recession. H70 is flawed through the requirement to provide an additional new major junction at Broxden as well as by ownership, landscape, visual impact and local access issues. Almond Valley is a long standing strategic housing site, which has been thoroughly assessed by both Officers of the Council, statutory bodies and professional advisors to the Pilkington Trust to establish that it can deliver in the short term.</p> <p>Stewart Milne Homes (00659/9/001): The decision to remove Almond Valley contradicts the spatial strategy of the proposed Strategic Development Plan (Core_Doc_099), Structure Plan (Core_Doc_093) and extant Local Plan (Core_Doc_003). The decision removes confidence needed by developers to deliver sites to the market. The site is the most logical place to accommodate expansion in the Perth Area and should be carried forward in preference to H7 Bertha Park.</p> <p>Joan McEwen (09098/2/007): Support for the reduction in numbers but the area can accommodate some housing rather than complete removal.</p> <p>Margaret Lennon (00101/1/001); Mr & Mrs D Orr (00143/1/001); ADIE Kennels & Cattery (00146/1/001); Kenny Montgomery (00154/1/001); Iris Temple (00155/1/001); Mr & Mrs I McIntyre-Miller (00156/1/001); Donald Sutherland (00157/1/001); M Jamieson (00117/1/001); J McIntosh (00158/1/001); Mr & Mrs K Campbell (00159/1/001); Mr & Miss E Wilkie (00160/1/001); B Wilkie (00161/1/001); Jean Taylor (00162/1/001); Margaret Brown (00163/1/001); Mr & Mrs Stuart Cameron (00164/1/001); Mr & Mrs T McCash (00165/1/001); Mr & Mrs R Melville (00166/1/001); Sheena Wright (00167/1/001); Mr & Mrs W Stewart (00168/1/001); W Birrell (00169/1/001); N Nicholson (00170/1/001); Mr & Mrs J Kennedy (00171/1/001); David Abercrombie (00172/1/001); Lorna Abercrombie (00173/1/001); Mr & Mrs C Shannon (00174/1/001); Mr & Mrs B Beekie (00175/1/001); Mr & Mrs C Watson (00176/1/001); Jann Heigh (00119/1/001); Sarah Wilson (00120/1/001); Margaret Simpson (10182/2/001); Michael Nairn (00121/1/001); Joyce Nairn (00122/1/001); Mr & Mrs T Aitken (00123/1/001); Mr & Mrs L Morton (00124/1/001); Mary Cameron (00125/1/001); Mr & Mrs W Murray (00126/1/001); Catherine McCabe (00127/1/001); G Faulkner (00128/1/001); Mr & Mrs B Hood</p>	

(00129/1/001); Mr & Mrs B Lewis (00130/1/001); Logan Fitchie (00131/1/001); Arklay Guthrie (09692/1/001); Mr & Mrs L Slowman (00132/1/001); Mr & Mrs A Nixon (00137/1/001); Claire Milne (00193/1/001); A Thom (00303/1/001); Heather Brand (00275/1/002); JWK Properties (09055/1/002); Mr & Mrs Walter Smith (00675/1/001); Methven & District Community Council (09221/1/019); Harriet Lindsay (00698/1/001): Support the non-inclusion of the Almond Valley Village in the Plan. Representations refer to the Climate Change: Scottish Implication Scoping Study 2003 (Core_Doc_125), Checklist of the Plants of Perthshire 1992 (Core_Doc_126), Development Control Committee minutes 7 Dec 2011 (S4_Doc_188) and the Council Meeting minutes of 7 Dec 2011 (S4_Doc_200) to support their position.

E38: Ruthvenfield Road

P K & G B Johnston (00325/1/001): There should be a buffer between the industrial estate and residential uses. The fire last year demonstrated how important this was. The area is rural and residential in nature and should remain so. The site should be designated as green/agricultural/open space.

Mr & Mrs A MacKintosh (00467/1/001): The western half of the site should not be identified for employment uses, a more suitable boundary would be the line of the new Cross Tay Link Road. The west side of the site would be better developed for housing as it has housing on its southern and western boundaries (S4_Doc_382). There is a natural boundary of mature trees which could form the boundary of the site. A planning application 11/02138/IPL (S4_Doc_201) has recently been granted for the area nearest the houses and this could be extended to include the remaining two fields.

Mr & Mrs Murray Flett (00753/1/001): There should be a reasonable buffer between the proposed employment area and the adjoining residential uses and the south west corner of the site is an area of existing woodland as identified in the Perth Area Local Plan 1995 (Core_Doc_003). The boundary should be redrawn along the lines shown in the attached map.

A Ritchie & Son/M & S M Bullough (08651/6/002): Would question whether the scale of the employment land is required in this strategic development area. The Employment Land Audit (Core_Doc_145) identifies a significant surplus of employment land in the Perth Core Area which brings into question the merit of significant employment land allocations in the short term.

Scottish Environment Protection Agency (03194/30/001): The site is located in or adjacent to a functional flood plain or area of flood risk. Studies indicate there may be issues with the East Pow and Mill Lade. The area suffered flooding in 1993 and 1999. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from national planning policy and the duties placed on local authorities to reduce the overall risk of flooding and the Site Specific Developer Requirements should be used to inform the scale layout and form of the development. The requirement should specify that no built development should take place on the functional flood plain or within an area of known flood risk.

Methven & District Community Council (09221/1/025): Modify Site Specific Developer Requirements to replace '*Green corridors...*' with '*The Lade, River Almond and River Tay...*' to correct the geography of the statement.

Springfield Properties Ltd (09017/1/006): There is no indication as to how the required integration of the Masterplans for Bertha Park, Perth West and E38 will be achieved. The Council should provide a framework so as not to delay the development process

Kenny Montgomery (00154/1/002); Iris Temple (00155/1/002); Donald Sutherland (00157/1/002); J McIntosh (00158/1/002); E Wilkie & E F Wilkie (00160/1/002); B Wilkie (00161/1/002); Jean Taylor (00162/1/002); Margaret Brown (00163/1/002); Mr & Mrs Stuart Cameron (00164/1/002); Mr & Mrs T McCash (00165/1/002); Mr & Mrs R Melville (00166/1/002); Sheena Wright (00167/1/002); Mr & Mrs W Stewart (00168/1/002); W Birrell (00169/1/002); N Nicholson (00170/1/002); Mr & Mrs J Kennedy (00171/1/002); Mr & Mrs C Shannon (00174/1/002); Mr & Mrs B Beekie (00175/1/002); Jann Heigh (00119/1/002); Sarah Wilson (00120/1/002); Margaret Simpson (10182/2/002); Michael Nairn (00121/1/002); Joyce Nairn (00122/1/002); Mr & Mrs T Aitken (00123/1/002); Mr & Mrs L Morton (00124/1/002); Mary Cameron (00125/1/002); Mr & Mrs W Murray (00126/1/002); Catherine McCabe (00127/1/002); G Faulkner (00128/1/002); Mr & Mrs B Lewis (00130/1/002); Logan Fitchie (00131/1/002); Mr & Mrs L Slowman (00132/1/002); Mr & Mrs A Nixon (00137/1/002); Claire Milne (00193/1/002); A Thom (00303/1/002): Support Site E38.

H7: Bertha Park

Springfield Properties Ltd (09017/1/007 & 09017/1/003): Reference to Schedule 4 no 20d Effectiveness of Strategic Sites 09017/1/001 Springfield Properties Ltd is highlighted for further information on this issue. The provision of a district heating system should not be a mandatory requirement but should be part of a balanced approach to sustainable development. There is an area of land of around 8ha (S4_Doc_383) which should be included within the development site. It may have potential for a park and ride or district heating system and it is well contained by structural landscaping.

There is no indication as to how the required integration of the Masterplans for Bertha Park, Perth West and E38 will be achieved. The Council should provide a framework so as not to delay the development process.

Stewart Milne Homes (00659/1/003 & 00659/9/002): The allocation of 3000 houses and 25 ha of employment land taken with the allocation at Perth West exceeds by a significant margin the strategy set out in TAYplan (Core_Doc_099) (2000 houses and 25ha of employment land). The allocation is completely at odds with both the extant Structure Plan (Core_Doc_093) and the Strategic Development Plan. Circular 1/2009 (Core_Doc_001) requires the Local Development Plan to be consistent with the Strategic Development Plan and the Council are in breach of their legal requirements. The scale of development is 50% above that required by TAYplan and is not deliverable within the timescales allowed. The Main Issues Report (Core_Doc_095) recognises that the delivery of infrastructure constrains the delivery of the site. The allocation of H7 jeopardises the delivery of the A9/A85 junction. The site is remote and will encourage private car use which is contrary to advice contained in Scottish Planning Policy (Core_Doc_048).

Alistair Godfrey (09941/1/012): The proposals for housing to the north and west of The City would increase its size by a third without any justification.

SSE plc (09311/1/012): Some of the east coast transmission line upgrading (likely to impact on Berth Park site H7 and proposed route of the Cross Tay Link Road) and associated substation development (proposals for a substation close to Alyth) should be fully recognised in the Local Development Plan.

Scottish Natural Heritage (05211/20/001): SNH should be added to the list of participants in the Action Programme for the development of a Masterplan to ensure this process takes into account current Scottish Government Policy on Designing Places and Scottish Planning Policy. The Masterplan requirement should initially establish broad landuse and Placemaking principles for the site as the current allocation is unrefined and does not provide information to ensure the protection of natural heritage, landscape biodiversity and the wider environment. The Site Specific Developer Requirements should seek the ecological survey requirements and the preparation of a recreation and access plan for the site to minimise the impacts on woodland and mitigate potential ecological effects, green space and green links, the proposed treatment at the interface of the development with the countryside and overall sustainability. The indicative landscape areas /woodland may need to change in response to the master planning process.

Scottish Natural Heritage (05211/25/028): The Site Specific Developer Requirements should reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_139).

Dr Charles Turner (09934/1/004); MBM Planning & Development (07693/17/001); Luncarty, Redgorton & Moneydie Community Council (00924/1/005); Jackie Turner (09935/1/004): The field to the north of the thick tree belt is isolated from the main development area and should not be part of the site (S4_Doc_383). It was not shown in the Main Issues Report (Core_Doc_095). No map has been provided defining which area of land is being referred to.

Alistair Godfrey (09941/1/002): The Site Specific Developer Requirements identifies enhancement of biodiversity but no protection which is an omission given the importance of the Bertha Park habitats.

Mr & Mrs C Watson (00176/1/002): We are concerned that a number of developments are planned on the west of Perth without consultation with local residents. Any further development on the west of The City will have a serious impact on traffic congestion and on the lifestyle of the people who live in this rural area. Support the development of a Masterplan.

Forestry Commission Scotland (08988/1/022): Wish to be involved in detailed planning for the site and all aspects of Masterplan. Like to see advance planting, fully integrated green network, and a detailed phased programme of works to improve and enhance green network.

Mr & Mrs Walter Smith (00675/1/004); Mr & Mrs A Nixon (00137/1/004); Jann Heigh (00119/1/004); Mr & Mrs T Aitken (00123/1/004); Mr & Mrs L Morton (00124/1/004); Mr & Mrs W Murray (00126/1/004); Logan Fitchie (00131/1/004); Mr & Mrs L Slowman (00132/1/004); Iris Temple (00155/1/003); Donald Sutherland (00157/1/004); J McIntosh (00158/1/004); Mr & Miss E Wilkie (00160/1/1004); B Wilkie (00161/1/1004); Mr & Mrs Stuart Cameron (00164/1/004); Mr & Mrs R Melville (00166/1/004); Mr & Mrs W Stewart (00168/1/1004); W Birrell (00169/1/1004); N Nicholson (00170/1/1004); Mr & Mrs J Kennedy (00171/1/004); David Abercrombie (00172/1/1002); Lorna Abercrombie (00173/1/002); Mr & Mrs B Beekie (00175/1/1004); Margaret Simpson (10182/1/1004): Support the development of a Masterplan for the site and seek that it is prepared in conjunction with local residents and the community council.

Scottish Natural Heritage (05211/23/002): Support the Site Specific Developer Requirements which refers to the protection of the existing woodland.

Mr & Mrs D Orr (00143/1/003); ADIE Kennels & Cattery (00146/1/002); Michael Nairn (00121/1/003); Joyce Nairn (00122/1/003); Persephone Beer (07744/1/003); Dorothy Guthrie (00763/1/004): Support site H7.

H70: Perth West

A Ritchie & Son/M & S M Bullough (08651/3/002): Support the allocation of a long term strategic development site but a first phase should be identified at Huntingtower View taking access from the A85. The site will be able to deliver 500 houses in the short term (with a further 300 in the second phase) and a mixed use site for employment/primary school. (Illustrative Masterplan attached) The illustrative Masterplan shows the good linkages that the area has with Perth including core paths and cycle routes. The later expansion of the site will take access from the A9 but there is also potential for a park and ride site on the west side of the bypass to take pressure off the existing Huntingtower interchange.

John Dewar Lamberkin Trust (09166/16/001): Support for the allocation of land to the west of Perth for a strategic development and submit a concept Masterplan and supporting information. Seek adjustment to the site boundaries to reflect the concept Masterplan (S4_Doc_384).

The Muir Group (07690/2/002): The site should be extended to the southwest (S4_Doc_384) as it would establish a new and more robust boundary based on advance planting and a strong shelterbelt/woodland framework.

Mr & Mrs J Carratt (00343/1/001): The development will increase the risk of flooding on the A85. The development will result in the loss of agricultural land which is contrary to national policy. More traffic will be encouraged on to the A85 which is already at capacity. Extra primary and secondary school will need to be funded. The land bordering Tibbermore Road opposite Agricar and Kings is particularly unsuitable for development. Development will exacerbate Perth's air quality problem. West Huntingtower's rural setting should be preserved. The community council and local residents should be consulted over any Masterplan.

G S Brown Construction Ltd (09817/6/001): It has been a fundamental principle of planning policy since the 1970s that the site is the most obtrusive location for residential development and would constitute a major violation of The City's landscape setting. Almond Valley is a much better location and should be chosen in preference. The Council ignored the advice of its Officials in reaching its decision to exclude Almond valley and substitute Perth West.

John Munro (10277/1/005): The allocation for housing to the west of the by-pass is subject to strong winds and is some distance from the city centre. Consequently it does not meet government policy about making use of existing infrastructure and services. The new road access could cost £100M in public funds.

CKD Galbraith (09289/24/001): The traffic from the development will place a considerable strain on the existing road network unless considerable upgrades are required. The area lies in an Area of Great Landscape Value (S4_Doc_666) which has been used to refuse planning applications for housing in the area in the past. The development of the site would breach the guidance for areas immediately adjacent to the Air Quality Management Area (Core_Doc_043). The historic site of the battle of Tibbermore lies in close proximity to the site and it should be protected. There are more suitable sites available for housing. The site should be in the Green Belt

Mr & Mrs Michael Jackson (00740/1/001): Object to H70 on grounds that the development will significantly increase traffic on the A85 which is already at capacity. There is unlikely to be a market for the homes. The development will destroy wildlife and important archaeological sites. The Council would be better concentrating its efforts on Perth City centre where sites are continuing to fall empty. Request that the field located along Tibbermore Road, adjacent to Agricar be removed from the site designation and kept as a greenfield site (S4_Doc_384). (No Plan was submitted identifying the specific field which is referred too in this Representation.)

Mr & Mrs Walter Smith (00675/1/003): The settlement of West Huntingtower should be retained and tree planting or bunding should surround it.

Mr & Mrs A Nixon (00137/1/003); Jann Heigh (00119/1/003); Sarah Wilson (00120/1/003); Michael Nairn (00121/1/004); Joyce Nairn (00122/1/004); Mr & Mrs T Aitken (00123/1/003); Mr & Mrs L Morton (00124/1/003); Mr & Mrs W Murray (00126/1/003); Logan Fitchie (00131/1/003); Mr & Mrs L Slowman (00132/1/003); Iris Temple (00155/1/003); Donald Sutherland (00157/1/003); J McIntosh (00158/1/003); Mr & Mrs R Melville (00166/1/003); Mr & Mrs W Stewart (00168/1/1003); W Birrell (00169/1/1003); N Nicholson (00170/1/1003); Mr & Mrs J Kennedy (00171/1/003); Mr & Mrs C Shannon (00174/1/1003); Mr & Mrs B Beekie (00175/1/1003); Margaret Simpson (10182/1/1003): A masterplan should be created for H70 and it should include landscaping and access.

Stewart McIntosh (00707/1/001): The A85 road is already congested and it is not feasible to take access for 300 houses onto this road as it cannot take the level of traffic which will be generated by the development.

Mr & Mrs Walter Smith (00675/1/002); G Faulkner (00128/1/003); Mr & Mrs B Hood (00129/1/002); Kenny Montgomery (00154/1/003); Mr & Mrs K Campbell (00159/1/002); E Wilkie & E F Wilkie (00160/1/1003); B Wilkie (00161/1/1003); Mr & Mrs Stuart Cameron (00164/1/003); Mr & Mrs T McCash (00165/1/003): Support the requirement for a Masterplan but the access to the site should not be dependant on the A85 which is already overcrowded. These details should all be set out in the Masterplan.

Scottish Natural Heritage (05211/21/001): Support the development of a Masterplan but it should be ensured that this process takes into account current Scottish Government Policy on Designing Places (Core_Doc_138) and Scottish Planning Policy (Core_Doc_048). The Masterplan requirement should initially establish broad landuse and Placemaking principles for the site as the current allocation is unrefined and does not provide information to ensure the protection of natural heritage, landscape biodiversity and the wider environment. The Site Specific Developer Requirements should include a framework of new native planting/green network and woodland corridors, and protected species where required. This is of importance to mitigate potential ecological effects, green space and green links, the proposed treatment at the interface of the development with the countryside and overall sustainability.

Springfield Properties Ltd (09017/1/005): There is no indication as to how the required integration of the Masterplans for Bertha Park, Perth West and E38 will be achieved. The Council should provide a framework so as not to delay the development process.

The Muir Group (07690/1/001): Support for Plan and puts forward initial Masterplan principles and concept showing how site can be developed.

Scottish Natural Heritage (05211/23/001): Support the Site Specific Developer Requirements which refers to the protection of the existing woodland.

Mr & Mrs D Orr (00143/1/002); ADIE Kennels & Cattery (00146/1/003); Burrelton & District Community Council (09376/1/003); John Dewar Lamberkin Trust (09166/4/002); Methven & District Community Council (09221/1/024); Dorothy Guthrie (00763/1/005): Support site H70.

Modifications sought by those submitting representations:

Almondvalley

John Munro (10277/1/006); G S Brown Construction Ltd (09817/6/003); The Pilkington Trust (09086/1/004); Stewart Milne Homes (00659/9/001): Modify the Plan to identify Almond Valley as a Strategic Development Area.

Joan McEwen (09098/2/007): Modify the Plan to allow some residential development to be accommodated in Almond Valley.

E38: Ruthvenfield Road

P K & G B Johnston (00325/1/001): Remove site allocation and designate as green/agricultural land/open space.

Mr & Mrs A MacKintosh (00467/1/001): Modify the Plan to exclude land west of the Cross Tay Link Road for employment use and to include the three fields to the north of Ruthvenfield House for residential use (S4_Doc_382).

Mr & Mrs Murray Flett (00753/1/001): Modify the site boundary to exclude the south west corner (S4_Doc_382) which should remain as an area of woodland and to exclude land west of the Cross Tay Link Road for employment use.

A Ritchie & Son & M & S M Bullough (08651/6/002): Delete the site.

Scottish Environment Protection Agency (03194/30/001): A flood risk assessment should be included in the Site Specific Developer Requirements and should specify that no built development should take place on the functional flood plain or within an area of known flood risk.

Methven & District Community Council (09221/1/025): Modify Site Specific Developer Requirements to replace '*Green corridors...*' with '*The Lade, River Almond and River Tay...*'.

Springfield Properties Ltd (09017/1/006): The Plan should include a framework identifying how the Masterplans for the Strategic Development Areas will integrate.

H7: Bertha Park

Springfield Properties Ltd (09017/1/007 & 09017/1/003): Reference to Schedule 4 no 20d Effectiveness of Strategic Sites 09017/1/001 Springfield Properties Ltd is highlighted for further information on this issue.

Modify the Plan to identify a first development phase of 300 homes taking access via the Inveralmond roundabout in advance of the Cross Tay Link Road and Almond crossings being in place.

Modify the Site Specific Developer Requirements to include that the requirement for a district heating system becomes an option as part of a mix of infrastructure requirements promoting sustainable development.

Modify the site boundary to include 8ha around Broxy Kennels as defined on submitted plan (S4_Doc_383).

The Plan should include a framework identifying how the Masterplans for the Strategic Development Areas will integrate.

Stewart Milne Homes (00659/1/003 & 00659/9/002): Delete the site and transfer the allocation to Almond Valley.

Alistair Godfrey (09941/1/012): Delete the site from the Plan.

SSE plc (09311/1/012): Modify the Site Specific Developer Requirements to recognise the constraint the existing 275kV line and the future 400kV line will place on the development of site H7.

Scottish Natural Heritage (05211/20/001): Include Scottish Natural Heritage in the list of participants in the Action Programme for the development of a Masterplan.

Modify the first Site Specific Developer Requirement to '*A Masterplan will be required for the comprehensive development of this site. The first stage of this process will be to establish broad landuse and place making principles for the site ...*'

Modify the Site Specific Developer Requirement to add ecological survey requirements and a Recreation & Access Plan.

Scottish Natural Heritage (05211/25/028): Modify the Site Specific Developer Requirements to include:

'Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.'

'Where the development of the site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.'

Dr Charles Turner (09934/1/004); MBM Planning & Development (07693/17/001); Luncarty, Redgorton and Moneydie Community Council (00924/1/005), Mrs Jackie Turner (09935/1/004): Modify the site boundary to exclude area to the north east of the site between thick tree belt and A9 (S4_Doc_383).

Alistair Godfrey (09941/1/002): Modify the Site Specific Developer Requirements to replace '*Enhancement of Biodiversity*' with '*Enhancement and protection of biodiversity*'.

Perth H70

A Ritchie & Son/M & S M Bullough (08651/3/002): Modify the Plan to identify a first development phase of 500 houses and a mixed employment/school site at Huntingtower View and a second phase for 300 houses.

Modify the Site Specific Developer Requirements to specify that the district heating system and combined heat and power infrastructure utilising renewables is not mandatory.

The Plan should include a framework identifying how the Masterplans for the Strategic Development Areas will integrate.

John Dewar Lamberkin Trust (09166/16/001); The Muir Group (07690/2/002): Modify the site boundary (S4_Doc_384).

Mr & Mrs J Carratt (00343/1/001): Modify the Site Specific Developer Requirements to ensure community consultation through the Masterplan process.

G S Brown Construction Ltd (09817/6/001); John Munro (10277/1/005): Delete the site.

CKD Galbraith (09289/24/001): Delete the site from the Plan.

Alternatively, the Site Specific Developer Requirements should identify the requirement for screening on the western boundary and the removal of the land identified on the supplied map (S4_Doc_384).

Mr & Mrs Michael Jackson (00740/1/001): Modify the Site boundary to exclude field adjacent to Tibbermore Road and identify it as open green field. (S4_Doc_384).

Mr & Mrs Walter Smith (00675/1/003): Modify the Plan to identify the provision of tree planting or bunding between the site and West Huntingtower.

Mr & Mrs Nixon (00137/1/003); Jann Heigh (00119/1/003); Sarah Wilson (00120/1/003); Michael Nairn (00121/1/004); Joyce Nairn (00122/1/004); Mr & Mrs T Aitken (00123/1/003); Mr & Mrs L Morton (00124/1/003); Mr & Mrs W Murray (00126/1/003); Logan Fitchie (00131/1/003); Mr & Mrs L Slowman (00132/1/003); Iris Temple (00155/1/003); Donald Sutherland (00157/1/003); J McIntosh (00158/1/003); Mr & Mrs R Melville (00166/1/003); Mr & Mrs W Stewart (00168/1/1003); W Birrell (00169/1/1003); N Nicholson (00170/1/1003); Mr & Mrs J Kennedy (00171/1/003); Mr & Mrs C Shannon (00174/1/1003); Mr & Mrs B Beekie (00175/1/1003); Margaret Simpson (10182/1/1003): Modify the Plan to require the creation of a Masterplan providing details on landscaping and access.

Stewart McIntosh (00707/1/001): Modify the Plan to identify how the site will be accessed.

Mr & Mrs Walter Smith (00675/1/002); G Faulkner (00128/1/003); Mr & Mrs B Hood (00129/1/002); Kenny Montgomery (00154/1/003); Mr & Mrs K Campbell (00159/1/002); E Wilkie & E F Wilkie (00160/1/1003); B Wilkie (00161/1/1003); Mr & Mrs Stuart Cameron (00164/1/003); Mr & Mrs T McCash (00165/1/003): Modify the Plan to show that the Masterplan should show that the site access is not dependant on the A85.

Scottish Natural Heritage (05211/21/001): Modify the first Site Specific Developer Requirement to *'A Masterplan will be required for the comprehensive development of this site. The first stage of this process will be to establish broad landuse and place making principles for the site ...'*

Modify the Site Specific Developer Requirements to include '*a framework of new native planting/green network and woodland corridors*' and '*protected species surveys*'.

Springfield Properties Ltd (09017/1/005): The Plan should include a framework identifying how the Masterplans for the Strategic Development Areas will integrate.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Almondvalley

John Munro (10277/1/006); G S Brown Construction Ltd (09817/6/003); The Pilkington Trust (09086/1/004); Stewart Milne Homes (00659/9/001): This site has an extensive history (S4_Doc_250) and was identified for residential use in the Perth Area Local Plan 1995 (S4_Doc_667). A planning application for the site was refused by the Council in December 2011 (S4_Doc_668) and a subsequent appeal of this decision refused (Core_Doc_201). The applicants have sought a judicial review of the appeal decision and the timescale for the completion of this process is not yet set. The Council acknowledges the significant support for the removal of this site from the Plan through both the Main Issues Report stage and in response to the Proposed Plan. This is contrasted with the support for the sites inclusion by a number of established house builders and the land owners. The case for its inclusion is based on the fact that the site is effective and the only one capable of immediate development to meet short term housing needs. The second reason for inclusion is that the required roads infrastructure improvements at the A9/A85 junction cannot be funded without the identification of this site for residential use.

Considering the justification for the inclusion of the site, with regards to it being effective and the ability to deliver in the short term the Council has no grounds to disagree with this statement. The Council would argue that it is not the only effective site and it is not required during the lifetime of the Plan to meet the 5 year effective housing land supply. Schedule 4 Topic 20c Housing Land Strategy and Table 5 in the Housing Background Paper (S4_Doc_442) define that the Local Development Plan has an effective land supply in place to meet the future housing land requirements if improvements in the economy are forthcoming.

The Council disagrees that development at Almond Valley is required to fund the A9/A85 Junction upgrade. The Council have committed to funding this project (S4_Doc_452) and have commissioned consultants to look at extending the link road across the River Almond into Bertha Park. A site is being considered for a new all through school to the north of Perth and Bertha Park forms one of the options. The delivery of this road link will support the early release of development land and may support the delivery of the new school.

No modification is proposed to the Plan.

Joan McEwen (09098/2/007): With the deletion of Almond Valley from the Plan the Council acknowledge that there may be some scope for some further residential development adjacent to Ruthvenfield. The settlement boundary has been drawn to allow for some infill development and reflects current planning permissions. In addition the area is excluded from the Green Belt which will allow consideration in the long term of the opportunity for some expansion of the existing residential areas. However for larger scale

development a detailed review of current infrastructure would be required to assess the level of development which would be economically viable. More than sufficient land is identified to meet the needs of the Plan but this position can be reconsidered through the first review of the Local Development Plan.

No modification is proposed to the Plan.

E38: Ruthvenfield Road

P K & G B Johnston (00325/1/001): The Local Development Plan supports future employment requirements through the designation of adequate employment land up to 2024 and beyond. The Inveralmond industrial estate supports a wide range of employment uses but due to access constraints it is reaching capacity. The Cross Tay Link Road and the final design of the A9/A85 junction will provide an opportunity to create additional accesses and support a natural extension to the existing employment land. The site is identified larger than the 25ha which is required and the final site boundary will be determined through the development of a Masterplan which will be informed by the final route of the road and the A9/A85 junction. The Masterplan will provide scope for a buffer between future uses and existing residential uses to be maintained.

No modification is proposed to the Plan.

Mr & Mrs A MacKintosh (00467/1/001); Mr & Mrs Murray Flett (00753/1/001): The Plan identifies that 25ha of land should be brought forward for employment use and the site area defined through a Masterplan. The Cross Tay Link Road runs through this site and the final road line is not yet finalised. The introduction of this road provides further access routes into this area and it would not be appropriate to limit development to the east of the new road as it would be unduly restrictive when defining the final site boundaries. The Masterplan process provides scope for a buffer between future uses and existing residential uses to be maintained. No map was provided identifying which fields should be identified for residential development through Representation 00467/1/001 but the Council has identified these as the same shown through Representation 00753/1/001 (S4_Doc_382). The Council acknowledges that there could be some scope for further residential development in this area, but the settlement boundary and existing planning permissions allow for more than sufficient land to meet the needs of the Plan; however, this position can be reconsidered through the first review of the Local Development Plan.

No modification is proposed to the Plan.

A Ritchie & Son & M & S M Bullough (08651/6/002): This site provides a natural extension to Inveralmond industrial estate. The Plan identifies a range of employment sites to meet future needs up to 2024 and beyond. Not all of the sites identified are viable but it is considered that due to the provision of the Cross Tay Link Road this site is considered effective and likely to contribute towards the short to medium term supply.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/30/001): The site is not within the identified flood risk area but, due to its close proximity to the risk area on its northern boundary and the flat topography of surrounding land, the Council would have no issue with the proposed modification. This ensures no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter was so minded the Council would have no objection to the proposed modification to the Site Specific Developer Requirements requiring a Flood Risk Assessment.

Methven & District Community Council (09221/1/025): The Site Specific Developer Requirements recognises the importance of the green corridors and that new development should provide these where possible. The Council considers that the existing wording is sufficient but the suggested modification could provide further clarity and transparency to applicants.

If the Reporter was so minded the Council would have no objection to the Site Specific Developer Requirements being modified to include *'Green corridors in particular along the Lade, River Almond and River Tay to link the site with Perth and wider countryside.'*

Springfield Properties Ltd (09017/1/006): The Council supports the idea behind a development framework but until the Plan is adopted and clarity provided over which two of the three strategic development options will come forward this is not possible. The draft Action Programme (S4_Doc_669) submitted with the Plan identifies the requirement for the provision of an integration framework which will be developed prior to the creation of the Masterplans for the Strategic Development Areas.

No modification is proposed to the Plan.

H7: Bertha Park

Of the three strategic development sites which have been considered through the Local Development Plan process, this site has received the smallest volume of representations from the general public and the vast majority of suggested modifications are of a technical nature.

Springfield Properties Ltd (09017/1/007 & 09017/1/003): Reference to Schedule 4 no 20d Effectiveness of Strategic Sites 09017/1/001 Springfield Properties Ltd is highlighted for further information on this issue. The Transport Scotland Strategic Transport Projects Review recognises that *'Congestion at the A9 / A912 Inveralmond Roundabout is significant, and arises out of conflict between local access needs and long-distance travel demands between the central belt and the north of Scotland.'* (S4_Doc_670). The addition of 300 dwellings taking access from Inveralmond will exacerbate this issue having a negative impact on the wider strategic and local road networks. No evidence has been submitted which would support the proposed modification. Planning permission has been granted for upgrades to the A9/A85 junction and the Council has commissioned consultants to look at extending the link road across the River Almond into Bertha Park. A site is being considered for a new all through school to the north of Perth and Bertha Park forms one of the options. The delivery of this road link will support the early release of development land and may support the delivery of the new school. With the requirement to develop a Masterplan for the entire site no development is likely to take place on this site within the next two years. This will provide an opportunity for the creation of a new access negating the suggested modification.

The Site Specific Developer Requirement identifies that the provision of a district heating system and combined heat and power infrastructure utilising renewable resources should be investigated but it does not specify that it is required. It is understood that the introduction of such schemes could impact on the viability of some developments. One of the key prerequisites of financial viability is to have an anchor user. The Council proposes to construct a major school campus located in one of the strategic development

areas and would seek the inclusion of this technology within this anchor use supporting the financial viability of the site. The development requirement as stated requires that this technology is investigated which is considered to be both reasonable and allow for suitable flexibility. It will allow the Council to review this position in future years to reflect government policy.

The 8ha of land around Broxy Kennels (S4_Doc_383) is identified within the Green Belt (Reference to schedule 4 no 14 Green Belt is highlighted for further information on this issue). The final developable area of this site will be defined through the Masterplan process. No evidence has been submitted to justify the inclusion of this land or its exclusion from within the Green Belt. The site will be developed from the south around the new River Almond crossing and development of this land will not be immediately required.

The Council supports the idea behind a development framework but until the Plan is adopted and clarity provided over which two of the three strategic development options will come forward this is not possible. The draft Action Programme (S4_Doc_669) submitted with the Plan identifies the requirement for the provision of an integration framework which will be developed prior to the creation of the Masterplans for the Strategic Development Areas.

No modification is proposed to the Plan.

Stewart Milne Homes (00659/1/003 & 00659/9/002); Alistair Godfrey (09941/1/012): The Plan needs to identify two strategic development sites to provide an effective housing land supply. It identifies Bertha Park and Perth West both of which the Council consider are effective during the lifetime of the Plan in meeting future development needs.

No modification is proposed to the Plan.

SSE plc (09311/1/012): Any constraints within the site boundary due to power line upgrades have not been identified to the Council through previous consultations. The site will be developed through a Masterplan which will provide an opportunity to define how the site will develop in line with this constraint. While the Council considers the existing Site Specific Developer Requirements to be sufficient the proposed modification would provide further clarity and transparency to applicants.

If the Reporter was so minded the Council would raise no objection to the proposed modification.

Scottish Natural Heritage (05211/20/001): The Council has included SNH in the list of participants for the development of a Masterplan in the draft Action Programme (S4_Doc_669) submitted with the Plan. The development of the Masterplan for the site will establish the broad landuse and place making principles of the site as well as identifying the specific surveys and plans required. While the Council considers the existing Site Specific Developer Requirements to be sufficient the proposed modification would provide further clarity and transparency to applicants.

If the Reporter was so minded the Council would raise no objection to the proposed modifications.

Scottish Natural Heritage (05211/25/028): 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_139) 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.

Dr Charles Turner (09934/1/004); MBM Planning & Development (07693/17/001); Luncarty, Redgorton & Moneydie Community Council (00924/1/005); Jackie Turner (09935/1/004): The area of land to the north of the tree belt is within the area of search for the Cross Tay Link Road and is likely to be subject to some built development. The final extent of the developable area will be defined through the Masterplan process including the identification of the detailed route of the Cross Tay Link Road. No justification has been provided for its exclusion from the site.

No modification is proposed to the Plan.

Alistair Godfrey (09941/1/002): The existing wording infers that through the enhancement of biodiversity it will be protected but to provide greater clarity and transparency to applicants the Council would have no issue with the proposed modification.

If the Reporter is so minded the suggested additional text by the respondent should be added to the Site Specific Developer Requirements.

H70: Perth West

A Ritchie & Son & M & S M Bullough (08651/3/002): Transport Scotland is undertaking a review of the A9 between Kier Roundabout and Luncarty. The initial findings of this study will be published in June 2013 and may have a bearing on the extent of the developable area of the site and how it is accessed. Through Representation 00092/8/001 Transport Scotland has raised concern over the proposed access strategy to this allocation and do not support it at present; Reference to schedule 4 no 20d Effectiveness of Strategic Sites is highlighted for further information on this issue. A comprehensive Masterplan for the entire site will require to be developed before phasing and access arrangements can be finalised. Due to the sites strategic nature it would not be appropriate, or make planning sense, to define the phasing of only part of the site through the Local Development Plan without providing a clear understanding of how the remainder of the site will come forward.

The Site Specific Developer Requirement identifies that the provision of a district heating system and combined heat and power infrastructure utilising renewable resources should be investigated but it does not specify that it is required.. It is understood that the introduction of such schemes could impact on the viability of some developments. One of the key prerequisites of financial viability is to have an anchor user. The Council proposes to construct a major school campus located in one of the strategic development areas and would seek the inclusion of this technology within this anchor use supporting the financial viability of the site. The development requirement as stated requires that this technology is investigated which is considered to be both reasonable and allow for suitable flexibility. It will allow the Council to review this position in future years to reflect Government policy.

The Council supports the idea behind a development framework but, until the Plan is adopted and clarity provided over which two of the three strategic development options

will come forward, this is not possible. The draft Action Programme (S4_Doc_669) submitted with the Plan identifies the requirement for the provision of an integration framework which will be developed prior to the creation of the Masterplans for the Strategic Development Areas.

No modification is proposed to the Plan.

John Dewar Lamberkin Trust (09166/16/001); The Muir Group (07690/2/002): Transport Scotland is undertaking a review of the A9 between Kier Roundabout and Luncarty. The initial findings of this study will be published in June 2013. The outcome of this study could have an impact on the extent of the developable area and how the site is accessed. The site will be developed through a Masterplan which will define the extent of the developable area. The proposed modified boundary extends into the Green Belt (reference to schedule 4 no 14 Green Belt is highlighted for further information on this issue) and the Council would consider that the existing site boundary is sufficient. If further land is required to facilitate access to this site this can be considered through the Masterplan process. At this stage the Council do not accept that the boundary requires to be extended.

No modification is proposed to the Plan.

Mr & Mrs J Carratt (00343/1/001): The issues which have been raised will be considered through the development of a Masterplan.

No modification is proposed to the Plan.

G S Brown Construction Ltd (09817/6/001); John Munro (10277/1/005): The Plan needs to identify two strategic development sites to provide an effective housing land supply. It identifies Bertha Park and Perth West which the Council consider are effective in meeting future development needs. It is considered that a suitable landscape framework is in place to support the development of this site. The developable area will be defined through the Masterplan process.

No modification is proposed to the Plan.

CKD Galbraith (09289/24/001); Mr & Mrs Michael Jackson (00740/1/001); Mr & Mrs Walter Smith (00675/1/003); Mr & Mrs Nixon (00137/1/003); Jann Heigh (00119/1/003); Sarah Wilson (00120/1/003); Michael Nairn (00121/1/004); Joyce Nairn (00122/1/004); Mr & Mrs T Aitken (00123/1/003); Mr & Mrs L Morton (00124/1/003); Mr & Mrs W Murray (00126/1/003); Logan Fitchie (00131/1/003); Mr & Mrs L Slowman (00132/1/003); Iris Temple (00155/1/003); Donald Sutherland (00157/1/003); J McIntosh (00158/1/003); Mr & Mrs R Melville (00166/1/003); Mr & Mrs W Stewart (00168/1/1003); W Birrell (00169/1/1003); N Nichelson (00170/1/1003); Mr & Mrs J Kennedy (00171/1/003); Mr & Mrs C Shannon (00174/1/1003); Mr & Mrs B Beekie (00175/1/1003); Margaret Simpson (10182/1/1003): The Site Specific Developer Requirements identifies that '*Acceptable multiple vehicular access points to the development site providing access to both the trunk road network and central Perth without detriment to the local and strategic road network*' will be required. Through the development of a Masterplan for the entire site the suitable access points will be determined, until this process is complete it is not possible to define specific access routes through the Plan. Access to the site will be taken at some point along the A85 as capacity for some development from this road exists. The assessment work being undertaken by Transport Scotland on the A9 will help inform where a secondary access will be taken. The final extent of the developable area will be

defined through the Masterplan process. Through this process the site boundary could be defined to exclude the identified areas of land and require suitable screening to be provided.

No modification is proposed to the Plan.

Stewart McIntosh (00707/1/001); Mr & Mrs Walter Smith (00675/1/002); G Faulkner (00128/1/003); Mr & Mrs B Hood (00129/1/002); Kenny Montgomery (00154/1/003); Mr & Mrs K Campbell (00159/1/002); E Wilkie & E F Wilkie (00160/1/1003); B Wilkie (00161/1/1003); Mr & Mrs Stuart Cameron (00164/1/003); Mr & Mrs T McCash (00165/1/003): The Site Specific Developer Requirements identifies that *'Acceptable multiple vehicular access points to the development site providing access to both the trunk road network and central Perth without detriment to the local and strategic road network'* will be required. Through the development of a Masterplan for the entire site the suitable access points will be determined, until this process is complete it is not possible to define specific access routes through the Plan. Access to the site will be taken at some point along the A85 as capacity for some development from this road exists. The assessment work being undertaken by Transport Scotland on the A9 will help inform where a secondary access will be taken.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/21/001): The development of the Masterplan for the site will establish the broad landuse and place making principles of the site as well as identifying the specific surveys and plans required. While the Council considers the existing Site Specific Developer Requirements to be sufficient, the proposed modification would provide further clarity and transparency to applicants.

If the Reporter was so minded, the Council would raise no objection to the proposed modifications.

Springfield Properties Ltd (09017/1/005): The Council supports the idea behind a development framework but, until the Plan is adopted and clarity provided over which two of the three strategic development options will come forward, this is not possible. The draft Action Programme (S4_Doc_669) submitted with the Plan identifies the requirement for the provision of an integration framework which will be developed prior to the creation of the Masterplans for the Strategic Development Areas.

No modification is proposed to the Plan.

Reporter's conclusions:

1. In order to obtain further information on a number of matters, the council, together with parties who made representations about the strategic sites, were asked to respond to a series of questions. Some were also invited to participate in a hearing session, which considered issues relating to Site H70. The council was also asked to confirm whether the proposed school on Site H7 had been factored into the traffic modelling. All of the additional evidence has been taken into account in examining this issue and making recommendations.

2. Reference should be made to Issue 20d, which discusses the effectiveness of strategic sites and Issue 24, which deals with transport infrastructure in the Perth area. Both have direct relevance to the matters considered here.

General points

3. Concern has been expressed that there has been insufficient consultation with local residents on the proposed Strategic Development Area to the west/north west of Perth and that there is no justification for such a significant expansion of the city. However, the council has given appropriate publicity to the Proposed Plan, in accordance with its participation statement. TAYplan, which is the document that established the principle of this Strategic Development Area, also offered local people the opportunity to comment on this issue. The Proposed Plan must be consistent with TAYplan so it is not possible for this examination to question the principle of the West/North West Perth Strategic Development Area.

Almond Valley Village

4. For Almond Valley Village to be considered suitable for inclusion within the Plan as a strategic development site, either in addition to, or as a replacement for either sites H7 or H70, an assessment must be made of the suitability and effectiveness of the sites that are proposed within the Proposed Plan and the consequent likelihood that the identified housing requirement will be met. Only if it is concluded that the Proposed Plan's approach to this issue is inappropriate or insufficient would there be grounds to recommend a modification to include Almond Valley Village.

5. It has been concluded under Issue 20d that an initial 750 unit phase of site H7, which would rely upon the delivery of the proposed new A9/A85 junction and an initial section of the Cross Tay Link Road (CTLR) project, should be regarded as effective. With regard to site H70, as is set out below and in Issue 20d, an initial phase of 550 units at the northern end of the site is also considered to be effective. However, for the remainder of that site, a new junction onto the A9, west of Broxden roundabout would be required. For reasons that are set out below and in Issue 20d, it would be inappropriate either to modify the plan so as to incorporate that access or to allocate this land for development when it could not be developed without an access (involving significant works within land that is currently proposed as green belt) for which there has been no assessment or publicity. For these reasons the majority of site H70 is unsuitable for allocation within this plan. In this respect therefore, the Proposed Plan's provisions cannot be regarded as appropriate or sufficient.

6. It has been concluded under Issue 24 that the proposed Cross Tay Link Road (CTLR) is unlikely to become a committed project within the Plan period. This has significant implications for housing delivery, as the proposed embargo on housing development to the east/north east of Perth, which has been concluded to be necessary, would rule out a significant quantum of development on which the Proposed Plan's housing strategy currently relies.

7. Against this background, the merits of any alternative strategic development site must be considered. The possibility of developing a new settlement at Craigend has been ruled out under Issue 40, due to its clear conflict with TAYplan. Other similar proposals have been ruled out for similar reasons under Issue 26b. And Almond Valley Village is the only candidate strategic site within the west /north west Perth area that has been put forward.

8. With regard to the effectiveness of Almond Valley Village, despite being allocated for housing development in the 1995 local plan, no progress has been made on developing it. However, prospective developers of the land now indicate that they are in a position to

bring it forward within the near future. The council has accepted this statement and no other party has provided convincing evidence to challenge the site's effectiveness. In order to accommodate the additional traffic that would be generated, the A9/A85 junction improvement scheme that is discussed in more detail under Issue 24, would require to be completed. The promoters of Almond Valley Village accept the need to contribute significant financial sums in order to secure the delivery of this improvement scheme and the council is committed to forward funding it so that it can be delivered within a reasonable timeframe. Planning permission for the junction works is already in place.

9. Looking at the effectiveness considerations that are set out in PAN 2/2010, the site is owned by a party which has confirmed its willingness to release the site for development. Bearing in mind its location and the surrounding land uses, the most suitable use for the land would be a housing-led scheme. There are no physical constraints that are likely to impose an insurmountable constraint to development. The only identified issue of any significance is the risk of flooding to part of the site. However the Scottish Environment Protection Agency (SEPA) is content that this issue could be addressed in the site masterplanning and there is no evidence to suggest that it would have such a significant effect on the extent of developable land that the site's viability would be undermined. No significant contamination concerns have been raised and there is no requirement for public funding to make the site viable. The only significant infrastructure issue is the provision of improvements to the road network, principally the A85 and its junction with the A9. The council has confirmed that it has resolved to forward-fund the road infrastructure works that would be required, and this process would be assisted by the release of Almond Valley Village for development, as that should improve the likelihood of securing developer contributions towards those works within a reasonable time frame. Finally, there is no reason why the site would not be marketable in the short to medium term. In conclusion, there are no grounds to doubt the effectiveness of this site.

10. Turning to the suitability of the site, through its inclusion as an option in the MIR it has been the subject of environmental assessment and habitats regulations appraisal. No significant issues were identified. It has also been publicised through that process. In response, it received quite significant opposition, and this is reflected in the representations, summarised above, which offer support to its exclusion from the Proposed Plan. The development of this site for housing, by building on open fields and by adding quite significant levels of additional traffic and activity, would undoubtedly introduce a significant change to the character of the locality, which would be noticeable, to varying degrees, to existing local residents. In comparison with sites H7 and H70, which have fewer residential neighbours, the number of parties likely to be affected by the development of Almond Valley Village would be significantly higher. However, there is no reason to conclude that any effects on existing residents would necessarily be objectionable or that any potential adverse impact could not be adequately mitigated in the masterplanning process for the site.

11. Moreover, if the Proposed Plan is to be consistent with TAYplan, which it is legally required to do, land must be found in west / north west Perth for very significant levels of new development including approximately 4000 houses. The short to medium term effectiveness of most of site H7 is constrained by the uncertainty that exists over the timing of the CTRL (see also Issues 20d and 24). And only a small portion of site H70 can be developed without a new access onto the A9, for which there is insufficient information to contemplate a site allocation and about which there is a degree of concern over the potential for significant adverse landscape impact (see below). That issue rules out the development of all but a relatively small area at the northern end of that site, which (as is discussed below) modelling confirms could be accessed from the A85. The

likely output from site H7 and the developable section of site H70 falls well short of that required to satisfy the expectations of TAYplan for a strategic expansion of west/north west Perth. And, bearing in mind the problems there will almost certainly be in delivering housing to the east/north east of Perth, where an embargo is proposed until the CTRLR becomes a committed project, the need for significant additional housing capacity in west/north west Perth becomes even more significant. If a five year effective supply is to be maintained and if the TAYplan housing requirement for the plan period is to be accommodated, additional land in this area must be found.

12. In landscape impact terms and in terms of how successfully new development could be integrated with existing community infrastructure, Almond Valley Village has much to commend it. The apparent disadvantage of having significant numbers of residential neighbours is in fact an advantage of this site in those terms.

13. Modelling work completed on behalf of the council has shown that, subject to the approved A9/A85 junction improvements being implemented and a link provided from the junction into site H7, the traffic effects of developing initial phases on Almond Valley Village, H7 and H70 would be acceptable. The costs of funding such road infrastructure improvements do not appear to be excessive and the council has taken the commendable step of undertaking to provide forward funding.

14. Taking all matters into account, it is concluded that Almond Valley Village should be allocated for development. A suitable plan defining the boundary of that allocation would be the planning application site boundary for planning application 08/00678/IPM minus the land within that boundary which is identified as site E38 and discussed below. The output from this site should be stated as 1500 units, of which 700 would be delivered within the plan period. It would be appropriate to identify the site as H73.

E38: Ruthvenfield Road

15. The Proposed Plan's overall employment land strategy is considered under Issue 20b. This concludes that the process of defining future demand for employment land is inevitably an imprecise process for which there is little national guidance. The council's approach has been to look at past trends to forecast the likely demand for employment land in the future. In the Perth area this has led to the identification of a number of sites of which E38 is one example. It is impossible to determine with any certainty whether the Proposed Plan has identified an appropriate supply of such land. However, given the level of housing development that is to be directed to Perth during the Plan period, and its role as the principal settlement within the Plan area, it is logical to make generous provision for employment land here. With the inclusion of Almond Valley Village there is no shortage of housing land and therefore no reason to designate part of E38 as a housing site.

16. This site would form a logical extension to the Inveralmond Industrial Estate. The route of the proposed CTRLR would run through the site before entering Almond Valley Village (discussed above) and entering site H7 via a new crossing of the River Almond. The Proposed Plan does not require the development of this site to make provision for this link but, in response to representations seeking greater integration of the masterplans for the west / north west Perth strategic sites, this is recommended as an addition to the site-specific developer requirements. In terms of how the different masterplans might be integrated, it is not essential for this to be specified in the Proposed Plan, as the process will depend upon the order in which strategic sites come forward for development, which cannot be predicted at this time. The council will need to ensure,

when considering each masterplan that the overall aims of the strategic development area are not prejudiced. That process would not be assisted by inserting into the Proposed Plan a requirement to follow some particular methodology.

17. There are residential neighbours to the west and south west of the site and there will be more such neighbours once site H73 is developed. However, this does not justify the identification of a buffer area within Site E38, within which employment uses would be precluded. The need to balance the productiveness of the site with the necessary protection of neighbouring residential amenity is a matter which can be dealt with adequately in the masterplanning process.

18. The developable area of the site is likely to be constrained by flood risk and it would be appropriate to specify this, and the requirement for a flood risk assessment in the site-specific developer requirements.

19. The reference to green corridors in the site-specific developer requirements is unambiguous and there would be no benefit in referring specifically to The Lade, River Almond or River Tay.

H7: Bertha Park

20. The Proposed Plan identifies Site H7 for the delivery of in excess of 3000 houses and over 25 hectares of employment land. When added to the development that is proposed on Sites H70 (as modified) and E38 and at Almond Valley Village (site H73), this will provide 50 hectares of employment land and in excess of 5000 homes. TAYplan Policy 4 requires land to be allocated within the West/North West Perth Strategic Development Area for 4000+ homes and 50 hectares of employment land. There is no inconsistency therefore between the Proposed Plan as modified and TAYplan. And in any event, TAYplan is clear that its figures are only indicative of the scale of development to be allocated.

21. The effectiveness of Site H7 is considered under Issue 20d. It is concluded there that, due to the likely delay in completing the CTRL, the majority of this site could not be regarded as effective within the Plan period. This conclusion does not necessarily undermine the predictions in the table which follows paragraph 5.1.11 in the Proposed Plan, as that predicted only 750 units would be delivered within the plan period, with a further 2500 beyond 2024. In order to test whether it is reasonable to assume that 750 houses could be delivered before 2024, further information was sought from the parties on how access to this site might be achieved in advance of the CTRL and what the traffic implications of this might be, when assessed in conjunction with a range of alternative scenarios including development on the Almond Valley Village site. This is also discussed under Issue 20d.

22. The outcome of this process was the identification of an access solution for a first phase of development on Site H7, serving 750 houses and a new secondary school (with primary and nursery schools to be added subsequently). This would involve an initial phase of the CTRL, which would access Site H7 from the new A9/A85 junction and Ruthvenfield Road spur through site E38. The revised cost of delivering this scheme has been taken into account in the council's resolution to forward-fund the A9/A85 junction improvements. Modelling work (presented in the council's document AI_23) has shown that a development of this scale in conjunction with that proposed for the northern phase of site H70 and an initial phase of Almond Valley Village would have acceptable traffic impacts in advance of the full CTRL. This modelling work originally assumed an output

from this site of 1000 houses within the Plan period. As this was conducted prior to the school being a firm commitment, the results have been reconsidered on the basis of 750 houses and the school and the results continue to confirm that there would be no unacceptable traffic implications. The site-specific developer requirement relating to the provision of the CTLR requires to be modified so as to reflect this phased approach.

23 The site-specific developer requirement to investigate the provision of a district heating system and combined heat and power infrastructure using renewable resources is a reasonable requirement of a site of this scale. It does not commit the developer to its provision, merely to investigating its feasibility.

24. There is ample land available within the boundaries of Site H7 in the Proposed Plan to accommodate the required level of development and there is no evidence that in order to incorporate a district heating system there would require to be any extension. No specific proposals have been put forward for park and ride facilities in this location. In conclusion, there are no grounds to consider the proposed site boundaries insufficient or inappropriate and therefore no reason to modify Site H7 by the inclusion of an additional eight hectares of land.

25. Any implications for development of the east coast transmission line upgrading project would be accounted for in the site masterplan as a matter of course and do not require to be highlighted in the proposed plan. It would however be appropriate for the site-specific developer requirements to be modified so as to reflect the outcome of the habitats regulations appraisal and for these requirements also to specify that the development should protect as well as enhance biodiversity by, among other measures, undertaking ecological surveys and considering appropriate access and recreation strategies for the site's wooded areas.

26 The MIR did not define site boundaries so it is not significant that a particular field that is included within Site H7 was not identified specifically at the MIR stage. The field in question to the north of a tree belt may have limited development potential, being detached from the more obviously developable areas of the site. However, as was discussed in relation to Issue 14 Green Belts, its inclusion within the site does not indicate that it would necessarily be built upon and could offer just as much protection from inappropriate development as if it had been omitted from the site and identified as green belt.

H70: Perth West (as identified in the Proposed Plan)

27. As has been referred to above, with the exception of a limited area at the north of this site (known as Huntingtower View), which could be accessed from the A85, it is not possible to access this site without the construction of a grade-separated junction on the A9 to the west of the existing site boundary, on land that is identified in the Proposed Plan as green belt. This was confirmed by all parties at a hearing session which discussed how one might gain access to this site. There has been no detailed assessment by the council of the impact of such an access on the character of the landscape, on visual amenity, ecological interests or archaeology. And the initial work that the landowner has carried out is insufficiently detailed to provide any conclusive assessment of its likely implications. Being detached from the urban edge of Perth, the landscape setting within which the proposed junction would be built is different to that around Broxden roundabout and in the immediate vicinity of the site itself, as the urbanising effect of the western edge of the city would be far less apparent. On the information that is available it cannot be concluded with any confidence that the impact of

the new junction and access (particularly in landscape and visual terms) will be acceptable. And without this, the majority of the site cannot be developed.

28. There has been no consideration of the required access in the SEA or HRA of the Proposed Plan. However, there is no evidence that any updating of such studies would be likely to identify any particular problems, so this issue could therefore have been left for the Council to address, were it recommended that the Proposed Plan be modified to incorporate the access, or could be dealt with at the development management stage, were it concluded that the site could be allocated for housing without such a modification to the plan.

29. There is however a significant problem with the lack of publicity that has been given to this essential site access. At no point in the publicity that has accompanied the preparation of the Proposed Plan has the council given any indication that such an access would be required, and it was also not contemplated at the MIR stage. The access in question would be a significant engineering project within land that is identified for designation as green belt. It would have the effect of visually extending built development westwards along the A9 into an area that at present has a more rural character than the more immediate environs of Site H70. It is an element of the development of H70 that is likely to be of considerable public interest and yet potentially interested parties, who are not necessarily just those living in the locality, have had no opportunity to make representations.

30. In conclusion, the plan's provisions for the majority of Site H70 are inappropriate and insufficient due to the reliance on an access that, on the evidence available to date is likely to cause unacceptable landscape and visual harm and which has not been properly considered or publicised. It would therefore be unsafe and inappropriate to sanction the development of this site by a specific allocation in the Proposed Plan.

31. It is conceivable that planning permission might be granted for such an access. A proposal of application notice has recently been submitted. Transport Scotland is agreeable to the principle of development on the basis that such an access would replace the at-grade junction with Tibbermore Road and provide associated road improvements by the closure of other at-grade A9 accesses and improvements to Broxden roundabout. The council considers that proposed Policy NE5 (e) might be supportive of such a proposal, on the basis that it could be described as essential infrastructure. The submission of a planning application would provide the opportunity for community engagement, which has been absent to date and would enable the full range of environmental assessment to be carried out.

32. The site itself, although prominent at present from the A9 to the south is well screened from the A9 north of Broxden. And where it can be seen clearly, this is in the visual context of the built up outskirts of Perth, which already present a rather hard urban edge to the city. Careful attention to design and landscaping could address the concerns that have been raised over landscape and visual impact. The site is somewhat detached from the city by the A9 but access for pedestrians could be improved and, in terms of pedestrian accessibility to the city, H70 is no worse than other strategic development options. Issues of traffic impact do not appear to be insoluble (albeit they would require the aforementioned A9 access) and the inevitable loss of agricultural land would not be objectionable, given the acceptance in TAYplan that significant areas of such land must be released for development in west / north west Perth if forecast housing requirements are to be met. There are no insurmountable flood risk concerns and no grounds to regard any particular part of site H70 as unsuitable for development other than for the

reason already identified above.

33. Taking all of these considerations into account, it is recommended that site H70 (with the exception of the northern phase, which could be accessed from the A85) is not allocated for residential development but is excluded from the green belt and included within the settlement boundary so as to preserve its development potential. The proposals map will require to be modified to reflect the revised site boundary and the site-specific developer requirements will need to reflect the scale and form of development which could be accommodated on the smaller site. However, it would be unnecessary to incorporate the modifications requested by Scottish Natural Heritage, as these were applicable to the much larger scale of development that was contemplated in the Proposed Plan.

Expansion of Site H70

34. Owners of the southern part of H70 propose that it is extended further to the south west in order to accommodate the access referred to above and to reflect initial concept masterplans that have been drawn up for the site. It is not proposed to increase the total number of houses on the H70 site beyond the 3000 identified in the Proposed Plan, but the site area would be very much larger.

35. The conclusions that have been set out above in respect of the proposed access apply equally to the proposed site extension. The landscape implications of a significant expansion of the site away from the built up area of Perth are likely to be a source of concern and there has been no opportunity for the public to comment on this proposal and no formal assessment of its likely environmental consequences. And as it is recommend to remove the H70 allocation from all but a relatively small area at the north of the site, it could not be appropriate to agree an extension to a site which itself has been concluded to be unsuitable for allocation in the Proposed Plan.

36. Even if there were no concerns over the lack of publicity and environmental assessment, the proposed extension would represent a very significant and (from the information that is available to date) harmful (in landscape and visual terms) expansion of the built up area of Perth into a landscape setting that, unlike the boundaries of H70 as defined in the Proposed Plan, is distinct from the existing urban form of the city. Any public benefits that have been identified (such as the opportunity to provide public access to woodland) would not overcome the issues outlined above, which indicate strongly against modifying the plan in the manner that has been requested.

37. A smaller extension has also been proposed but for the same reasons, that too must be regarded as an inappropriate modification to the Proposed Plan.

Reporter's recommendations:

Almond Valley Village

1. Add a new site, identified as H73 Almond Valley Village, the boundaries of which should be defined by the plan which accompanied planning application 08/00678/IPM minus the part of that site which is to be allocated site E38.

2. Add site-specific developer requirements for that site as follows:

Ref	Location	Size	Number
H73	Almond Valley Village		Approximately 1500

Site Specific Developer Requirements

- ⇒ A masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing and community land.
- ⇒ Flood Risk Assessment
- ⇒ Delivery of a suitable road access through the site from Site E38 into Site H7 across the River Almond (phasing details to be agreed).
- ⇒ Facilities to enable connection to Perth's bus network.
- ⇒ Network of paths and cycle routes providing good active travel links to Perth and Almondbank.
- ⇒ Green corridors in particular networks to link the site with Perth and the wider countryside.
- ⇒ Enhancement of biodiversity.
- ⇒ Integration of existing landscape framework into the development.
- ⇒ New Primary School provision.
- ⇒ Investigation of the provision of a district heating system and combined heat and power infrastructure using renewable resources.

3. Modify the table under paragraph 5.1.11 to include Site H73, specifying the delivery of 700 units by 2024 and 800 thereafter.

Site E38 Ruthvenfield Road

4. Add two additional site-specific developer requirements to read as follows:

"Masterplan and phasing to incorporate a suitable road access through the site into Site H72 (Almond Valley Village) and thence into Site H7."

"The developable area of the site is likely to be constrained by flood risk. A flood risk assessment will be required."

Site H7 Bertha Park

5. Modify the fourth site-specific developer requirement to read as follows:

"Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided."

6. Modify the eighth site-specific developer requirement to read as follows: *"Protection and enhancement of biodiversity."*

7. Modify the 10th site-specific developer requirement to read as follows:

"New secondary school with potential to provide an all-through school/campus."

8. Add two additional site-specific developer requirements to read as follows:

“Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.”

‘Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.’

Site H70 Perth West

9. Modify the boundaries of this site on the proposals map so that they match those set out representation 08651/3/002 (Huntingtower View).

10. Modify the site specific developer requirements for the site as follows:

Ref	Location	Size	Number
H70	Perth West		A maximum of 550 with employment space and/or primary school

Site Specific Developer Requirements

- ⇒ A masterplan will be required for the comprehensive development of this site setting out the phased release of housing, community and employment land.
- ⇒ Development not to commence before the A9/A85 junction improvements are complete.
- ⇒ Flood Risk Assessment
- ⇒ Facilities to enable connection to Perth’s bus network.
- ⇒ Network of paths and cycle routes providing good active travel links to Perth
- ⇒ Green corridors in particular networks to link the site with Perth and the wider countryside.
- ⇒ Enhancement of biodiversity.
- ⇒ Integration of existing landscape framework into the development.
- ⇒ New Primary School provision to be considered.
- ⇒ Investigation of the provision of a district heating system and combined heat and power infrastructure using renewable resources.

Issue 22	Perth Area (within Core) Green Belt	
Development plan reference:	3.9 – Green Belt map, page 45 5.2 – Perth Green Belt boundary, fold out map 5.5 – Almondbank, Pitcairngreen and Cromwell Park Green Belt Boundary, page 88	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Scone & District Community Council (00043) Dr S Devereux (00180) John Andrews (00398) Esme MacDonald (00484) The Trustees of St Mary’s Monastery (00529) J Donald McKerracher (00672) Michael Cairns (00781) Kathleen Flood (00903) Luncarty, Redgorton & Moneydie Community Council (00924) A & J Stephen (Builders) Ltd (03068) The Muir Group (07690) Scott Wilson/G S Brown Construction (07693/15) MBM Planning & Development (07693/19) Dach Planning (09078) Church of Scotland General Trustees (09167/10/001)	Scone Palace & Estate (09163) John Dewar Lamberkin Trust (09166/3) Ristol Ltd (09166/9) Methven & District Community Council (09221) Mr & Mrs S G House (09538) Arklay Guthrie (09692) Sue Kilby (09761) G S Brown Construction Ltd (09817) Dr Charles Turner (09934) Jackie Turner (09935) Alistair Godfrey (09941) Judith Carmichael (10028) The Gannochy Trust (10152) Lynne Graham (10186) John Munro (10277) Rachel Burns (10283) David Burns (10284) Mandy Burns (10285) Bruce Burns (10286)	
Provision of the development plan to which the issue relates:	Green belt boundaries and associated sites.	
Planning authority’s summary of the representation(s):		
<u>Kinnoull Hill Boundary</u> Dr S Devereux (00180/1/001); Kathleen Flood (00903/1/001); Esme MacDonald (00484/1/002): The monastery field at Hatton Road (S4_Doc_369) is amongst houses and part of the urban area with natural boundaries. The monastery field should not be in the Green Belt to allow its financial value to be realised; to support the monastery. The Trustees of St Mary’s Monastery (00529/1/001): The designation of the monastery field at Hatton Road (S4_Doc_369) as Green Belt does not comply with the guidance set out in SPP (Core_Doc_048) as the boundary has not been drawn to allow sufficient room for expansion and does not relate well to physical features on the ground. The Perth Green Belt study is not publicly available and in any event is over 12 years old. The development of the site for small scale housing would strengthen the existing natural and defensible settlement boundary along its southern boundary through structural planting. Perth Green Belt Study (Core_Doc_049), TAYplan policy 3 (S4_Doc_064), planning application 12/00008/FLM (Core_Doc_129), SPP paragraphs 159 (S4_Doc_078), paragraphs 161-162 (S4_Doc_075), and paragraph 164 (S4_Doc_102).		

Judith Carmichael (10028/2/001): Support St Mary's Monastery field lying in the Green Belt.

A & J Stephen (Builders) Ltd (03068/1/002): The Perth City boundary and associated Green Belt (S4_Doc_369) should be moved to identify a site for housing, tree planting and open space. There is an opportunity to provide a discreet car park/picnic area as part of a permanent edge to the city. The development of the site will improve the appearance of this strategically important edge to the city for both long distance and immediate impacts.

G S Brown Construction Ltd (09817/4/001): The 3 hectare site at Corsiehill (S4_Doc_369) is an obvious rounding off of the hamlet and could accommodate around 8 houses. The site has a strong landscape framework around its eastern and southern edges. The site is located on the edge of the city and main services are readily accessible. The site should not be in the Green Belt.

Scott Wilson & G S Brown Construction (07693/15/001 & 07693/15/002): The existing woodland on the higher ground above the site (S4_Doc_369) to the east provides a better Green Belt boundary than shown on the LDP and the site is well contained by existing properties topography and robust landscape features. The site would add a small effective housing opportunity which would help address the significant shortage of sites within the Perth Core. A more robust defensible Green Belt boundary would be created at the southern end of Fairmount Terrace by using the existing woodland edge, topography and existing residential properties.

The Gannochy Trust (10152/2/001): The Green Belt boundaries proposed adjacent to Site H3 are rather arbitrary and do not relate well to Murray Royal Hospital or the existing Gannochy housing area (S4_Doc_369). An alternative boundary is proposed which will be augmented with tree planting and landscape improvements. The boundary will allow the development of housing and community facilities and will not affect any of the objectives of the Green Belt including the protection of the important buffer between Perth and Scone.

John Munro (10277/1/008): The Green Belt boundary to the east of Perth on Kinnoull Hill (S4_Doc_369) does not have the required robust boundary but merely follows the edge of built up land. The lower edge of Kinnoull Forest Park would be a better boundary and would allow the release of attractive land for housing. This would remove unsightly open land and improve the appearance of the area by creating many more trees and gardens.

Perth City Boundary

Arklay Guthrie (09692/4/001); Methven & District Community Council (09221/1/026): The area of the Almond Valley Village around Huntingtowerfield and Ruthvenfield which was deleted as a site by the Council should be shown as Green Belt on the inset map.

The Muir Group (07690/2/001); John Dewar Lamberkin Trust (09166/3/001): The Green Belt boundary and the western boundary of housing site H70 is defined by a relatively weak combination of tree and watercourse lined field boundaries. Moving the boundary to the west (S4_Doc_375) would establish a more robust boundary based on advanced planting and a strong shelterbelt/woodland framework. It would also reflect the detailed landscape evaluation carried out for the masterplan and meet the aims and objectives of Scottish Planning Policy (Core_Doc_048). The boundary is shown on the submitted plan. (see Schedule 4 no 21 representations on H70 which deal with the expanded site).

Ristol Ltd (09166/9/001 & 09166/9/002): The provision of a significant area of woodland on the north west edge of Wester Tarsappie (S4_Doc_374) and the south east edge of the building group together with a high quality residential development will improve the strength of the landscape setting of the city and the environmental quality of the Wester Tarsappie building group. The site can be developed for five houses on site 1 and one house on site 2. The sites would meet local demand and are deliverable. A detailed landscape evaluation has revealed that the development proposals have the potential to strengthen the landscape framework and therefore improve the quality of the setting of the city. The site should be removed from the Green Belt.

G S Brown Construction Ltd (09817/5/001): Craigie Hill (S4_Doc_374) has no viable future as a golf course and an appropriate alternative use for part of the site is for residential development. The site should be removed from the Green Belt.

Outer Boundary

Mr & Mrs S G House (09538/1/001): The Green Belt boundary to the west of Almondbank does not follow the advice set out in SPP (Core_Doc_048) or TAYplan. (S4_Doc_064), The Green Belt should not extend to the west of Almondbank as it is not required to direct growth. The boundary does not leave the required room for long term growth and should relate to the designed landscape at Methven Castle or the contemporary designed landscape being created to the west of Moulin Almond within which there would be scope for a new house. (S4_Doc_376).

Methven & District Community Council (09221/1/023): The Green Belt boundary should be extended to encircle Methven, Stanley and Bridge of Earn

Alistair Godfrey (09941/1/004): The Green Belt should allow for development in different directions around Perth and not just the north and west. Bertha woods and Bertha Loch should be in the Green Belt (S4_Doc_376).

Dach Planning (09078/3/001): Green Belt designation should be used to direct development to sustainable locations not to prevent development from happening. Kinfauns Castle Gardens (S4_Doc_373) is in a sustainable location close to Perth and has the potential to provide limited capacity for further growth. These types of small settlements play an important role in the housing market increasing range and choice. The Green Belt designation is not necessary since it lies in a historic garden designation and within the AGLV shown in the Perth Area Local Plan (Core_Doc_003).

Church of Scotland General Trustees (09167/10/001) Rhynd should be identified as a small settlement with two sites allocated for residential development on the east and west of Rhynd house. The sites can be developed to have no adverse impact on the setting of the listed building (former Rhynd Parish Church Category B). The sites and existing buildings will form a logical building group and provide effective housing sites which are capable of development during the plan period.

John Andrews (00398/1/002): Unhappy with the removal of the current Area of Great Landscape Value status for the area between the south of the proposed housing site H27 at Luncarty and the river Tay and feel that this area should be part of the Green Belt so that no development of any kind is permitted in this area.

Dr Charles Turner (09934/1/002); MBM Planning & Development (07693/19/001); Lynne Graham (10186/2/001); Michael Cairns (00781/1/002); Jackie Turner (09935/1/002); Luncarty, Redgorton & Moneydie Community Council (00924/1/003 & 00924/1/002): The

area to the south of Luncarty and the river Tay (S4_Doc_377) is currently identified as an Area of Great Landscape Value(Core_Doc_003). The area was also identified as Green Belt in the Draft Plan of 2004 (Core_Doc_128) and rejected at public inquiries in the 1990 for reasons based on prime land and landscape quality. It is the only part of 2004 green belt area which has been deleted nothing has changed and there is no justification for the area not being in the Green Belt.

Rachel Burns (10283/1/002); Bruce Burns (10286/1/002); Mandy Burns (10285/1/002); David Burns (10284/1/002): The area to the south of Luncarty (S4_Doc_377) is an area of outstanding landscape value which is used for outdoor recreation by residents and visitors. Its loss is a significant change from the Green Belt proposed in the 2004 Draft Local Plan and represents a significant constriction in the size of the Green Belt in this area.

Sue Kilby (09761/1/001): The Green Belt should completely encircle Perth so that all areas are equally advantaged/disadvantaged by the designation. Leaving the A9 corridor unprotected disadvantages the communities of Luncarty and Redgorton and it seems to have been drawn merely to allow housing development.

Scone Palace & Estate (09163/4/019): The existing south east boundary of Pitcairngreen (S4_Doc_376) could be improved by being developed. The existing farm buildings are no longer used and these listed buildings together with new development could create an attractive edge to the village. Though a small watercourse runs through the site it does not pose any flooding threat. The site has good access to local facilities. The green belt (and village) boundary would have to be adjusted accordingly.

J Donald McKerracher (00672/1/004): The way the Green Belt is represented is confusing. The Green Belt map is to a very small scale and the village plan appears to show the location of proposed developments. The irregular shape of the Green Belt around Scone is causing concern a large area on the east side of Scone has been left out of the Green Belt.

Scone & District Community Council (00043/1/004): The land to the east of Scone towards Murrayshall golf course should be in the Green Belt (S4_Doc_370).

Scone Palace & Estate (09163/4/033): The area of land at Spoutwells west (S4_Doc_370) has good landscape containment would be a logical expansion to the north Scone site H29 and not detract from any of the key objectives of the Green Belt. A strong tree belt can be put in place to create a strong settlement edge. Residential development would maximise the benefits of the CTLR and create a development in a woodland setting with good path links to the local network.

Scone Palace & Estate (09163/4/023) removal of an area from the Green Belt at Pickstonhill on both sides of the Perth Road (S4_Doc_370) will improve the green belt boundary by providing a more defined edge by using planting and allotments.

Scone Palace & Estate (09163/4/012): Balboughty steadings have the potential for development which cannot be realised by the Green Belt policy this is contrary to sustainable rural development.

Modifications sought by those submitting representations:Kinnoull Hill Boundary

Dr S Devereux (00180/1/001); The Trustees of St Mary's Monastery (00529/1/001); Esme MacDonald (00484/1/002); Kathleen Flood (00903/1/001): The field should be excluded from the Green Belt and identified as a housing site (S4_Doc_369).

A &J Stephen (Builders) Ltd (03068/1/002): The City boundary (and Green Belt) should be adjusted to included a site for 10 houses and associated landscaping and recreational uses (S4_Doc_369).

G S Brown Construction Ltd (09817/4/001): The site shown on the submitted plan should be taken out of the Green Belt and identified for housing (S4_Doc_369).

Scott Wilson & G S Brown Construction (07693/15/001 & 07693/15/002): The site should be removed from the Green Belt and identified for housing (S4_Doc_369).

The Gannochy Trust (10152/2/001): The Green Belt boundary adjusted to follow the boundary shown on the submitted plan (S4_Doc_369).

John Munro (10277/1/008): The Green Belt boundary on the east side of Perth should be the lower edge of the Kinnoull Forest Park (S4_Doc_369).

Perth City Boundary

Arklay Guthrie (09692/4/001); Methven & District Community Council (09221/1/026): The area of the Almond Valley Village including the areas around Huntingtowerfield and Ruthvenfield which was deleted by the Council should be shown as Green Belt.

The Muir Group (07690/2/001); John Dewar Lamberkin Trust (09166/3/001): Moving the Green Belt and Housing site H70 boundary to the west (S4_Doc_375).

Ristol Ltd (09166/9/001 & 09166/9/002): The settlement boundary for Perth be extended to include an area at Rhynd Road and Wester Tarsappie (the area also to be excluded from the Green Belt) (S4_Doc_374). The two sites should be identified for a total of 6 houses (map supplied).

G S Brown Construction Ltd (09817/5/001): The site (S4_Doc_374) should be removed from the Green Belt and identified for housing.

Outer Boundary

Mr & Mrs S G House (09538/1/001): That the Green Belt not extend to the west of Almondbank or that it be redrawn to allow scope for development as shown on the submitted plans (S4_Doc_376).

Methven & District Community Council (09221/1/023): Extend Green Belt boundary to include all settlements in the Perth Core Area.

Alistair Godfrey (09941/1/004): Bertha woods and Bertha Loch should be in the Green Belt (S4_Doc_376) and the boundary should be redrawn to allow development in all directions around Perth.

Dach Planning (09078/3/001): Kinfauns Castle Gardens (S4_Doc_373) should be identified as a settlement outside the Green Belt with some limited scope for further

development as shown on submitted plan.

Church of Scotland General Trustees (09167/10/001) Rhynd should be identified as settlement with scope for the development of two housing sites

John Andrews (00398/1/002): That all the area between the southern edge of housing site H27 and the river be included with the Green Belt and the Green Belt also be extended to include the landscaping areas shown within the housing site H27.

Dr Charles Turner (09934/1/002); Jackie Turner (09935/1/002); Luncarty, Redgorton & Moneydie Community Council (00924/1/003 & 00924/1/002): That all the area between the southern edge of Luncarty and the river be included with the Green Belt together with the woodland gap to the south of Redgorton.

MBM Planning & Development (07693/19/001): That all the area between the southern edge of housing site H27 and the river be included with the Green Belt (S4_Doc_377).

Rachel Burns (10283/1/002); Bruce Burns (10286/1/002); Mandy Burns (10285/1/002); David Burns (10284/1/002); Lynne Graham (10186/2/001); Michael Cairns (00781/1/002); Sue Kilby (09761/1/001) That the land to the south of Luncarty be identified as Green Belt (S4_Doc_377).

Scone Palace & Estate (09163/4/019): The Pitcairngreen village and Green Belt boundary should be moved to the south and east and a site should be identified for housing (S4_Doc_376).

Scone & District Community Council (00043/1/004); J Donald McKerracher (00672/1/004): The Green Belt should be extended to be immediately adjacent to the settlement boundary for Scone village (S4_Doc_370).

Scone Palace & Estate (09163/4/033): The area to the west of H29 should be excluded from the Green Belt as it has potential for housing development (S4_Doc_370).

Scone Palace & Estate (09163/4/023): The village boundary and green belt boundary should be moved south on both sides of the Perth road as there is potential for housing development (S4_Doc_370).

Scone Palace & Estate (09163/4/012): Balboughty steadings and an adjoining area should be identified for development

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Kinnoull Hill Boundary Overview

Kinnoull Hill forms an impressive backdrop to the east side of the city sloping steeply up from the river with dramatic cliffs on its southern flanks where the Tay turns east towards its estuary. It is this significant feature which defines the landscape setting of Perth. There is a significant tree cover on the hill and this consists of those in open space and private gardens on the lower slopes, then a transitional mixture of woodland and paddocks before this gives way to the extensive woodland cover which extends to the

summit.

The importance Kinnoull Hill to the setting of the city has been recognised by its designation for over 40 years as an Area of Great Landscape Value and this remains its current status in the Adopted Perth Area Local Plan (Core_Doc_003), David Tyldsley's Green Belt Study of 2000 (Core_Doc_049) concluded that any green belt boundary for the hill should follow boundaries generally similar to that shown as the AGLV in the Adopted Plan. However some development potential on the edge of the hill was identified between Perth and Scone to the east side of Gannochy.

The importance of the hill to the setting of the city can be seen from a wide range of locations through out the city and in particular from, the south inch, the footpaths on Tay street especially between the railway bridge and the Queen's Bridge, the viewing platform on Tay Street at the east end of High Street and the car park on Moncrieffe hill.

There are 6 representations which relate to this area, 5 relate to the identification of housing land 1 to the general boundary (S4_Doc_369). The development of 4 of the sites (the exception would being land put forward by the Gannochy Trust) would be contrary to the guidance on Green Belts and boundaries set out in paragraph (159 of SPP S4_Doc_078) which indicates that one of the purposes of Green Belt designation is to protect and enhance the quality, character, landscape setting and identity of towns and cities. The development of the 4 sites would also be contrary to Policy 3 of TAYplan (S4_Doc_064).

Dr S Devereux (00180/1/001); The Trustees of St Mary's Monastery (00529/1/001); Esme MacDonald (00484/1/002); Kathleen Flood (00903/1/001): The site is a transitional paddock area with extensive woodland on its south and east boundaries. While the site is not prominent in any long distance views the Monastery is and the building provides a visual edge to the built up area. The public (Hatton) road provides a robust long term Green Belt boundary. Through the Green belt study is 12 years old it still reflects current physical features in the this area. Development of the area would have significant impact on the character of the green belt and on the setting of the Monastery buildings which are B listed. A core path giving access to Kinnoull Hill runs along the eastern boundary of the site. Planning permission for residential development was refused in May 2011 for reasons based on the impact on the area of great landscape value.

Subsequently the Council granted planning permission for residential development on this site as part of an enabling development to allow the refurbishment of the monastery buildings (planning application 12/00008/FLM (Core_Doc_129), However given the exceptional individual circumstances associated with the application the site should remain in the Green Belt until the consent has been implemented.

The green belt boundary can be reviewed at the first review of the plan.

No modification is proposed to the Plan.

A & J Stephen (Builders) Ltd (03068/1/002): This is an open prominent field which can be easily seen from the A94 Perth to Scone Road development here would significantly extend the urban area into open countryside which is part of the hill and important to the setting of the city. The planting and car park would be compatible with the objectives of the green belt policy if they were to be provided without the housing.

No modification is proposed to the Plan.

G S Brown Construction Ltd (09817/4/001): The site (S4_Doc_369) is one of the transitional paddock areas with extensive woodland on its east and south boundaries. Though these areas are screened from long distance views they are important parts of the local landscape and contribute significantly to the overall character of the area. If housing were allowed it would destroy the patchwork nature of the area which makes it so attractive. Core paths run on the edges of the area which give access to the Kinnoull Hill and Deuchny wood the site is highly visible to walkers using these routes. The site has history of refusals for housing development on the grounds of the impact on the AGLV and was the subject of the Perth Area Local Plan Inquiry where the reporter did not support the development of the site (S4_Doc_657).

No modification is proposed to the Plan.

Scott Wilson & G S Brown Construction (07693/15/001 & 07693/15/002): Development of this site (S4_Doc_369) would extend the urban edge of the city south and east into a prominent area at Barnhill. This would have a detrimental effect on the landscape setting of the city with a local impact and an impact on long distance views especially from the west bank of the river. A right of way/core path runs past the site giving access to Kinnoull Hill. While the site could be effective this does not take precedence over the need to protect the setting of the city as required by Policy 3 of TAYPlan (S4_Doc_064). A total of 6 houses are suggested for the site which will have no significant impact on the effective housing land supply. The development would also set an undesirable precedent extending the urban area into a relatively open part of Barnhill/Kinnoull hill.

No modification is proposed to the Plan.

The Gannochy Trust (10152/2/001): The area is gently rising south from Gannochy Road then falling towards the un-named burn before rising towards the Sidlaws. It is an area highlighted in the Green Belt Study (Core_Doc_049) as having potential for development and the boundary suggested in the study is the 50m contour. It is accepted that the south and east boundary of the green belt shown in the Plan for this area is not well defined. The proposal is to create a planted and designed long term Green Belt boundary using the 50m contour. The existing H3 (the correct area for the site is 2.6 ha) is an infill area between existing residential uses and the site's extension will provide a suitably robust designed green belt boundary linking to the farm track on the south side of the extended site. (see schedule 4 No 23a)

If the reporter was so minded the Council would have no objection to the green belt being amended as shown in the enclosed plan (S4_Doc_371).

John Munro (10277/1/008): The boundary of the woodland park would not make an appropriate green belt boundary as it would omit a significant area of woodland and paddock on the western slopes of the hill and it would not meet the criteria set out in 159 of SPP (S4_Doc_078) of protecting the quality, character, landscape setting of the city. Development of the area would be very prominent particularly from the locations on the west bank of the Tay including the south Inch and Tay Street and detract significantly from the setting of the city.

No modification is proposed to the Plan.

Perth City Boundary

Arklay Guthrie (09692/4/001); Methven & District Community Council (09221/1/026); The area is not included as the Council decided that there was some potential for small scale

development in the area and the area should not be part of the Green Belt. It should be noted that this area is a well contained valley and is not critical to the wider landscape setting of Perth. This would also leave the option open for future Plans to consider further small scale development opportunities in the area. The area is shown as lying outside the Green Belt in the study carried out by David Tyldesley (Core_Doc_049).

No modification is proposed to the Plan.

The Muir Group (07690/2/001); John Dewar Lamberkin Trust (09166/3/001):
The Green Belt boundary abuts the boundary of site H70 (S4_Doc_375). The LDP boundary reflects the site boundary submitted to the Council during the search for sites as part of the pre main issues part of the LDP process. The boundary suggested follows farm tracks (with some tree planting) which provides a suitably robust boundary for this area of the green belt in line with the guidance set out in the SPP (S4_Doc_075). It is accepted that until a master plan is prepared for this area it may be appropriate for the boundary to be amended as suggested in the objection. This could be reviewed by a future LDP informed by the master plan.

The issue raised is noted and accepted. If the Reporter is so minded to recommend that the proposed modification is adopted, the Council would be comfortable with this modification because it would not have any implications on Policy NE5 and other policies within the LDP (see Schedule 4 no 21 representations on H70 which deal with the expanded site).

Ristol Ltd (09166/9/001 & 09166/9/002): The area is a part of highly prominent steeply sloping hillside which rises up from the river to a ribbon of 1940's style houses which extend along the north side of the Rhynd Road. The area is prominent from the Friarton Bridge, the railway, the sailing club and the river as well as from the road network at Walnut Grove and from Kinnoull Hill. The area is identified as Green Belt in the study (Core_Doc_049). Policy 3 of TAYplan (S4_Doc_064) indicates that preservation of the setting of Perth is one of the purposes of the Green Belt and this development of this area will damage the integrity of the green belt and adversely affect the setting of the city.

No modification is proposed to the Plan.

G S Brown Construction (09817/5/001): Craigie hill golf course is a prominent feature in the setting of the southern edge of the City. David Tyldesley indicates that is an important part of the Green Belt in the study (Core_Doc_049). The site has been suggested for residential development for a number of years and a planning application to relocate the golf course to a site at Kinnon Park near Methven was approved in principle in 2008 though it now lapsed. There are three significant difficulties with developing the site:

- the first is the impact any development would have on the setting of the City, though it is accepted that limited development on the lower part of the course might have limited impact on the wider setting of the City
- the second is the difficulty in establishing a robust green belt boundary further south and up the hill in the absence of any geographical features
- the third is the impact any development will have on flood risk from the Craigie Burn due to run off from the site, affecting property down stream from the site the issues being the steepness of the slopes and the closeness of rock to the surface which makes the construction of any attenuation measures technically difficult and expensive SEPA Flood Risk Report: Craigie Hill Golf Course (S4_Doc_169).

If the site were to be removed from the green belt it may not have any development potential and would not be an effective housing site. The golf course makes a contribution to active recreation in the local area something that the remote location at Kinnon Park would not achieve. The council did not consider the redevelopment of Craigiehill when granting consent for Kinnon Park. The golf course is important to the setting of the city Policy 3 of TAYplan (S4_Doc_064) indicates that preservation of the setting of Perth is one of the purposes of the green belt and this development of this area will damage the integrity of the green belt and adversely affect the setting of the city.

No modification is proposed to the Plan.

Outer Boundary

Mr & Mrs S G House (09538/1/001): The indicative boundary set by TAYplan (S4_Doc_064) extends to the western edge of Methven and includes Almondbank and the surrounding area.

SPP requires green belt boundaries to reflect long term growth with robust boundaries including tree belts. SPP paragraph 162 (S4_Doc_075). In this location the Green Belt boundary follows a tree belt which forms the boundary of the property and does allow for some limited expansion. The proposed boundary which follows much less mature planting would not be as robust and the alternative of following the Methven Castle Designed Landscape would indicate that a much larger area was available for development than is appropriate in this location.

No modification is proposed to the Plan.

Methven & District Community Council (09221/1/023): The extent of the Green Belt boundary is set by TAYplan Policy 3 of TAYplan (S4_Doc_064). The diagram in policy 3 clearly shows that Bridge of Earn, Stanley and of Methven are not in the Green belt. The Plan must be consistent with TAYplan and cannot have a different boundary.

No modification is proposed to the Plan

Alistair Godfrey (09941/1/004): Bertha Woods and to a lesser extent Bertha Loch (S4_Doc_376) form an integral part of the strategic development site H7 Berthapark better protection will be given to the area if it is identified as part of the site rather than part of the Green Belt. This will be achieved by requiring an integrated management plan for these important landscape and biodiversity features. The area is to be brought forward for development by way of a master plan and it would be impractical for this to include an area that was part of the Green Belt.

No modification is proposed to the Plan.

Dach Planning (09078/3/001): Kinfauns Castle Garden is a small group of houses (S4_Doc_373) which have been constructed in and around the former walled gardens of Kinfauns Castle. The representation seeks to change the policy framework and allow the construction of housing between the buildings associated with the former home farm and those associated with the walled garden. This area consists of a large number of mature trees which contribute significantly to the character of the green belt. Both the trees and the area are highly visible from the A90 and development here would have a significant impact on landscape which is important to Kinnoull Hill and as a consequence to the setting of the city. In line with the guidance contained in the SPP SPP paragraph 162 (S4_Doc_075) settlements, which are generally larger places with community facilities,

are not shown as part of the Green Belt. However, there are a small number of building groups such as at Kinfauns which lie within the green belt. These groups have not been defined as settlements in the Plan and they do not have potential for further development. To exclude these small building groups from the green belt would devalue the overall effectiveness of the Green Belt Policy (NE5).

No modification is proposed to the Plan.

Church of Scotland General Trustees (09167/10/001): Rhynd is a small fragmented attractive group of generally traditional houses and buildings which occupy a prominent position on the north slope of Moncrieffe Hill which is a major component in the landscape setting of the city and an important part of the green belt. The area is shown as part of the Green Belt in David Tyldesley's Study (Core_Doc_049). The two sites measure 0.8ha (west) and 2.6ha (east) the location and scale mean that developing these sites for housing would have a significant adverse impact on the appearance and form of Rhynd and the green belt. The sites are so small that development would not have any significant impact on the effective housing land supply. The sites are very open and any development will be prominent particularly when viewed from the minor road which passes the site and runs around the hill. In line with the guidance contained in the SPP paragraph 162 (S4_Doc_075) settlements, which are generally larger places with community facilities, are not shown as part of the Green Belt. However, there are a small number of building groups such as at Rhynd which lie within the green belt. These groups have not been defined as settlements in the Plan and they do not have potential for further development. To exclude these small building groups from the green belt would devalue the overall effectiveness of the Green Belt Policy (NE5).

No modification is proposed to the Plan.

John Andrews (00398/1/002); Dr Charles Turner (09934/1/002); MBM Planning & Development (07693/19/001); Lynne Graham (10186/2/001); Michael Cairns (00781/1/002); Jackie Turner (09935/1/002); Rachel Burns (10283/1/002); Bruce Burns (10286/1/002); Mandy Burns (10285/1/002); David Burns (10284/1/002); Sue Kilby (09761/1/001); Luncarty, Redgorton & Moneydie Community Council (00924/1/003 & 00924/1/002): Policy 3 of TAYplan (S4_Doc_064) shows the general area of the Perth Green Belt and shows that the southern settlement boundary for Luncarty and the green belt boundary are not contiguous. This follows the guidance contained in the SPP (paragraph 162 S4_Doc_075) and indicates that Luncarty has potential for further expansion and seeks to establish a robust long term Green Belt boundary. This is in line with the strategy of TAYplan (S4_Doc_067) to identify Luncarty as one of the principle settlements in the Perth core to accommodate development during the life of the Plan. The area is undulating countryside between the road/railway corridor and the river Tay. Only a small strip immediately adjacent to the river is classified as prime land (where there is an issues of flood risk) the majority of the area being identified as non prime (3.2). There is a popular road and path network in the area most of which are identified as core paths (S4_Doc_658). It is intended that the development of site H27 to the south of Luncarty will connect with these important routes and the public access to the area will be retained and in the long term improved by increased linkages. The reference to the woodland gap to the south of Redgorton relates to the area shown as part of Bertha Park it is felt that greater protection is given to this area by being identified as part of a the strategic development site H7. The details of green networks will come through the development of the required masterplan

The AGLV designation no longer applies and it is not a term recognised in the SPP being

replaced by local landscape designations (SPP paragraph 139 S4_Doc_130). The area was originally designated to limit development to the south of Luncarty and as explained above circumstances have changes in relation to this policy. The second reason for the designation was to protect the setting of the river and promote improved access to this area. The LDP contains a suite of policies which along with the core path legislation will achieve the same end as the original AGLV designation without a specific land use designation being required (see placemaking policies PM1 (S4_Doc_396), PM2 (S4_Doc_515) and CF2 on public access (S4_Doc_485)) The requirement for site H27 to be developed by way of a masterplan will also protect the riverbank area (shown as a area of indicative landscaping).

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/019): It is accepted that the Green Belt boundary which follows some poorly defined property boundaries is not particularly robust around this part of Pitcairngreen (S4_Doc_376). The proposed development could create a better defined and more robust green belt boundary. However the site can only accommodate a limited number of houses (6) and will only make a very limited contribution to the effective housing land supply. A watercourse runs through the middle of the site and does not feature on SEPA's flood risk maps but any development in the area would require a flood risk assessment. Design would have to reflect the edge of conservation area location and B listed Inn but the area is not critical to the overall integrity or objectives of the green belt. Sensitive development of the site would produce a more robust green belt and village boundary in line with the green belt policy objectives and the principles set out in SPP (paragraph 162 S4_Doc_075). (Cross reference with Schedule 4 25c within core west settlements).

In view of the above if the Reporter is so minded to recommend that the representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications on the wider Green Belt or other policies within the Plan.

J Donald McKerracher (00672/1/004); Scone & District Community Council (00043/1/004): The Green Belt map shown on page 45 of the LDP is at a scale of 1:80,000 and indicates that an area to the east of Scone is not in the green belt further detail can be obtained by referring to the Scone settlement map which clearly shows the settlement boundary and an area to the east of this which does not lie in the Green Belt. The online version of the Green Belt map has a zoom function which aids clarity. The settlement boundary is defined by the boundary of the housing development at Bargarvie Farm and which is still under construction. However the area has long term development potential (as identified in TAYplan (S4_Doc_064) and in line with the guidance contained in SPP paragraphs 161-162 (S4_Doc_075), it is not shown as lying within the Green Belt. The Annaty Burn is used to provide a robust Green Belt boundary on the eastern side of Scone and this represents a good robust long term Green Belt boundary

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/033): The Council sees merit in the representation. The site (S4_Doc_370) is an area of flat agricultural land with mature tree planting on its east and west boundaries these tree boundaries could provide a robust green belt boundary in line with the guidance contained in SPP paragraphs 161-162 (S4_Doc_075). There is anecdotal evidence that the site was used by the military during and after the second world war. (See representation in Schedule 4 No 25b on extension to site H29)

In view of the above if the Reporter is so minded to recommend that the part of representation is accepted and the plan modified, the local authority would be comfortable with this modification because it would not have any implications on the wider green belt or other policies within the Plan.

Scone Palace & Estate (09163/4/023): The Council see merit in part of the representation. The open area to the west of the A94 (Perth Road) (S4_Doc_370) is important to the setting of Scone and particularly prominent from the A94. The area is important and should be retained as Green Belt. Policy 3, of TAYplan states that '*One of the functions of Perth's green belt is to sustain the identity of Scone and this area is very important in this function.*'

The Green Belt boundary on the east side of the A94 (Perth Road) (S4_Doc_370) consists of a harsh urban edge created by a uniform row of houses and could be improved by sensitive planting and creative urban design. An approach that would be in keeping with TAYplan's requirement to sustain the identity of Scone (mentioned above) and guidance on the features which make good Green Belt boundaries SPP paragraph 162 (S4_Doc_075). Though the area lies above the Perth Road it also lies behind the graveyard and does not visually reduce the important gap between Perth and Scone it is therefore much less visible than the area on the west side of the Perth Road.

In view of the above if the Reporter is so minded to recommend that the part of representation is accepted and the plan modified, the local authority would be comfortable with this modification to exclude this area from the Green Belt. For the avoidance of doubt the Council would wish this area to remain outwith the boundary of Scone leaving future a LDP to consider any future housing allocations (S4_Doc_370).

Scone Palace & Estate(09163/4/012): The Council sees merit in the representation. The Estates' aspirations towards the steading buildings and wider area at Balboughty do not fit with the general thrust of Green Belt policy. The Council accept that most of what is proposed is development on brownfield land and a slight adjustment to the Green Belt boundary may clarify this issue. The boundary could be placed around Dairy Wood and some associated tracks removing Balboughty from the Green Belt without damaging its integrity, (S4_Doc_370) while creating a robust Green Belt as required by SPP paragraph 162 (S4_Doc_075).

If the Reporter is so minded to recommend that this suggestion relating to the Green Belt boundary and Balboughty is accepted and the Plan so modified, the Council would be comfortable with this modification because it would not have any implications on the wider Green Belt or other policies within the LDP.

Reporter's conclusions:

Kinnoull Hill Boundary

1. Kinnoull Hill is a very important feature in Perth's landscape setting. The proposed green belt boundary at this point is drawn tightly around existing built development so that all of the hill, including its lower slopes, is within the green belt. A number of proposed modifications to the green belt boundary around Kinnoull Hill are considered below.

2. The two sites at Corsiehill are situated on the rural, eastern side of Corsie Hill Road which forms a logical and clearly defined edge to this side of Perth. As such, they are

poorly related to the established built form of this edge of the city and, if developed, would have the appearance on an urban encroachment into the landscape setting of the city. Any benefits associated with the provision of high quality landscaping and the provision of car parking and picnic facilities would not outweigh the harm this would cause.

3. The land at the end of Fairmount Terrace and that within the Barnhill Estate to the east of Fairmount Road occupy higher positions on the slopes of Kinnoul Hill than the proposed green belt boundary. Moving the boundary in this way, so that it followed the lower edge of the tree line rather than the edge of the existing built development, would not strengthen the boundary; it would weaken it, as the trees to which the new boundary would relate cannot be regarded as permanent landscape features. And the opportunities it would offer for residential development on the slopes of the hill would detract significantly from the landscape character of the hill, when viewed from both nearby and further away and from the enjoyment of users of the popular core paths network in the locality.

4. The St Mary's Monastery field appears as part of the surrounding countryside rather than the built up area; Hatton Road forms a logical boundary for the green belt at this point. The requirement in SPP for inner green belt boundaries to be drawn widely enough to permit future development has to be considered on a settlement-wide basis rather than to enable every edge of settlement site to extend into the adjacent countryside. Planning permission has been granted to develop this land, as a form of enabling development. However, the permission has yet to be implemented and the site remains an open and attractive part of the wider Kinnoul Hill landscape. It should remain within the proposed green belt. In the event that alternative enablement proposals were submitted which required a new planning application, the benefits of securing the refurbishment of the monastery buildings would be a material consideration to weigh against the site's green belt status.

5. The proposed enlargement of site H3 at Gannochy by redrawing the green belt boundary at this point, would facilitate additional affordable housing and community facilities, which would have no adverse effect on the green belt while providing valuable social benefits. The merits of the proposed extension to site H3 are also discussed under Issue 23a.

Perth City Boundary

6. Due to concerns with the suitability and/or effectiveness of the proposed strategic development sites and some of the smaller proposed housing sites in the Perth area, it is recommended under Issue 21 that the site known as Almond Valley Village is identified for housing development. It would therefore be inappropriate for this site to be designated green belt.

7. The green belt boundary which abuts the western edge of site H70, as defined in the proposed plan, features no particularly robust boundary elements at present. However, the alternative green belt boundary that is proposed would not provide a significantly stronger or more defensible edge and, by removing from the green belt (and thereby significantly increasing the potential for development), land which is rural in character and not visually associated with the city, it would detract significantly from the setting of the city by extending its western edge too far out. Without this unacceptable western extension, the effectiveness and indeed the appropriateness of the southern end of site H70 must be brought into question. These matters are addressed under Issues 14 and,

particularly, 21.

8. The visual impact of the proposed green belt boundary modifications around the small hamlet of Wester Tarsappie would be softened to a degree by the proposed extensive tree planting around what would become the new settlement edge. However, the effectiveness of any planting would be lessened by the slope of the land, and the enlarged settlement would remain prominent, particularly from the M90, in a location that is illogical in relation to the remainder of the green belt boundary, being detached from Perth by the motorway.

9. No convincing evidence has been submitted to demonstrate that Craigie Hill Golf Course has no viable future in its current authorised use. And even if that were proven to be the case, it would not necessarily justify its removal from the green belt. The site provides a valuable landscape buffer between the southern edge of the city and the M90. The impact of its removal from the green belt and subsequent redevelopment for housing could be mitigated to some extent by keeping development away from the southern boundary and by careful landscaping. If there had been too few sites identified in the Plan on which to meet the housing requirement, there might have been some merit in exploring such issues. However, as has been concluded elsewhere in this examination, that is not the case. The Proposed Plan identifies a generous supply of sites to satisfy the housing that is required for the Plan period and beyond. Therefore, there would be no benefit in modifying the green belt boundary in the manner proposed.

Outer Boundary

10. The Green Belt boundary to the west of Almondbank allows for some limited expansion commensurate with the size of the settlement. The modified boundary that is proposed would follow a less easily identifiable line than is currently proposed and is not justified.

11. The request for the green belt boundary to be extended to encircle Methven, Stanley and Bridge of Earn is addressed under Issue 14.

12. The principle of encircling Perth with a green belt, leaving a strategic development area to the west and north west of the city was established in TAYplan, with which the Proposed Plan must be consistent. Bertha Woods and Bertha Loch are both attractive and important elements in the setting of the city that require to be protected. However, their incorporation within site H7 rather than being included within designated green belt need not reduce the protection they will receive, as this is a matter that will require to be set out in the site masterplan. On balance therefore, it is concluded that there would be no benefit in modifying the green belt boundary to exclude these features from site H7.

13. Further development at the small building group at Kinfauns Castle Gardens is likely to be prominent and visually harmful. There are no facilities at this location and any housing here would be likely to serve car-borne commuters to either Dundee or Perth. Therefore in addition to being harmful to the landscape, this would be inconsistent with the location priorities that are set out in TAYplan Policy 1. Designation of the land between Perth and Dundee as green belt not only aims to protect the landscape, it also seeks to direct development to the two cities where it may be more sustainably accommodated and where it may contribute to regeneration. Both of these objectives would be undermined if this building group were excluded from the green belt.

14. Similarly, excluding the hamlet of Rhynd from the green belt in order to permit residential development would be inappropriate because it too lacks the facilities required

to sustainably support and accommodate new residential development.

15. Land to the south of site H27 in Luncarty might offer the potential for longer term further expansion of the settlement but, as it lies outside the proposed settlement boundary, this is intended to be a matter for consideration in a future plan. It is logical for the green belt boundary to follow the river rather than the southern edge of site H27, which is not reflected by any physical feature on the ground.

16. The former farm buildings at Bridgeton, at the south east corner of Pitcairngreen are reasonably attractive structures which might be suitable for conversion to another use. However, this would not require the site to be extended into the adjacent field. Modifying the green belt boundary at this point so as to permit additional new build development would cause harmful encroachment of the village into the surrounding countryside and would be disproportionate to the size of the settlement.

17. The proposed green belt boundary to the east of Scone excludes from the green belt a very significant area of land between the settlement edge and the golf course. However, the majority of this lies outside the proposed settlement boundary and would therefore have little development potential during the lifetime of the Proposed Plan. Although rather remote from the settlement, the proposed green belt boundary would follow an existing watercourse and would therefore meet the expectation in Scottish Planning Policy (SPP) that such boundaries are clearly identifiable on the ground, using strong visual or physical landscape features. There is no boundary feature of comparable strength any closer to the settlement edge.

18. Releasing the area of land at Spoutwells to the north of the access to site H29 from the green belt is unlikely to have any adverse effect upon the integrity of the green belt or the character of the landscape around Scone. However, it has been concluded elsewhere in this examination that there is no shortfall in the supply of housing land in the Perth area. In addition, the proposed plan imposes an embargo on new green field housing development to the north and east of Perth until the Cross Tay Link Road (CTLR) is a committed project. In the consideration of Issue 24 it has been concluded that it is unlikely that there will be the required commitment to delivery of the CTLR within the Plan period. It has also been accepted under Issue 25b that an initial phase of 100 houses on site H29 could proceed in advance of the CTLR but that otherwise, the embargo should apply. Therefore, there would be no benefit to the delivery of housing within the Plan period if the green belt boundary were modified to facilitate development on this site. This issue could be considered again in a future plan. A further reason why the proposed modification should not be supported at this time is the fact that this proposal was not considered in the Main Issues Report (MIR) and has not been subject to SEA, HRA or to publicity.

19. On the southern approach to Scone, the land to the west of the A94 is very prominent. The existing settlement edge at this point is not unattractive and the green belt boundary logically follows the burn. Any minor visual benefit that might be secured by landscaping along the edge of the proposed modified green belt boundary would not compensate for the harm caused by the unnecessary and prominent incursion of the village into its landscape setting and the reduction in visual separation between Scone and Gannochy.

20. On the opposite side of the A94, development that would be facilitated by the proposed modification to the green belt boundary would be less prominent from the A94 although it would be highly prominent from the minor road past Picstonhill Farm.

Nevertheless, a well designed and landscaped development could mitigate the existing rather harsh visual contrast between the houses in Mayfield Road and the surrounding countryside without itself causing significant harm to the setting of Scone or coalescence with Gannochy to the south west. As such, the proposed modification to the green belt boundary at this point has some merit. However, three factors count against modifying the green belt boundary at this time. First, as confirmed elsewhere in this examination, there is already a generous supply of housing land identified in the Proposed Plan so there is no pressing need to find additional housing sites. Second, the Proposed Plan's embargo on new green field housing development to the north and east of Perth until the Cross Tay Link Road (CTLR) is a committed project means there is no likelihood of this site becoming an effective housing site within the lifetime of this plan. Finally, this modification to the green belt boundary was not contemplated in the MIR and has not been subject to SEA, HRA or to publicity. The merits of this proposed green belt boundary modification should therefore be considered in the next local development plan.

21. It would be illogical to release Balboughty steadings from the green belt as it is clearly detached from Scone on the opposite side of the A93, is a building group of relatively modest scale and lies at the heart of the important landscape around Scone Palace. SPP states that existing settlements should be excluded from green belt designations, as should existing major educational and research uses, major business and industrial operations, airports and Ministry of Defence establishments. Balboughty steadings is of an entirely different scale and character to those examples. The conversion of existing buildings to alternative uses would not be prevented by green belt designation and would provide the estate with a potential return if the buildings are no longer required for their original use. It is not unsustainable to limit development opportunity when there are valid reasons in the public interest for doing so and, in this instance, the balance lies in favour of protecting the integrity and effectiveness of the Perth green belt even if this imposes some limitations on Scone Estate's ability to realise maximum development value from its land .

Reporter's recommendation:

1. Modify the green belt boundary adjacent to site H3 to reflect that proposed in representation 10152/2.

Issue 23a		Perth Area (within Core) Perth City Proposals	
Development plan reference:		H4 - Marshalling Yards, Perth, page 78 MU1 - Broxden, Perth, page 79 E1 - The Triangle, Dunkeld Road, Perth, page 79 E2 - Broxden, Perth, page 79 E3 - Arran Road, Perth, page 79 H2 - St John's School, Stormont Street, Perth, page 80 H3 - Gannochy Road, Perth, page 80 OP7 - Newton Farm, Perth, page 80 OP8 - Friarton Road, Perth, page 81 OP2 - Thimblorow Car Park, Perth, page 81 OP9 - Bus Station, Leonard Street, Perth, page 81	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):			
Louise Crawford (00087) Janie Scott (00112) Alastair Grant (00140) James Taylor (00145) Mr & Mrs Purves (00152) James Strang (00181) Lynne Palmer (00239) H W Webb (00301) Hansteen Property Investments Ltd (00370) Louise Gauld (00425) Chris Irvine (00426) M Mailer (00489) Lucy Stott (00610) James Murray (00613) Dr & Mrs Andrew Stirrat (00620) Jane Andrew (00626) Robert Curtis (00636) Gannochy & Kinnoull Community Council (00667) Rebecca Livingstone (00686) Alasdair Cant (00699) Mr & Mrs P Rodgers (00700) Annelie Carmichael (00731)		Deirdre A Beaton (00741) George Beaton (00742) Vivien Stewart (00802) Universities Superannuation Scheme Ltd (00844) Manse LLP (00850) Lysa Wallace (00919) Scottish Environment Protection Agency (00947) Scottish Environment Protection Agency (03194) S Howie (07693) Persephone Beer (07744) Kinnoull Properties Ltd (08669) Scotland's Gardens Trust (08816) Episo Boxes LP (09035) Errol Park Estate (09060) John Dewar Lamberkin Trust/Needhill LLP (09084) Joan McEwen (09098) DB Schenker (09164) Burrelton & District Community Council (09376) The Gannochy Trust (10152)	
Provision of the development plan to which the issue relates:		Designated sites within Perth City	
Planning authority's summary of the representation(s):			
H4: Marshalling Yards, Tulloch Mr & Mrs Purves (00152/1/001): Do not want Allan Terrace to become a through route as			

it will be detrimental to amenity and safety of residents. Any access to the Maltings could be a rat run for SSE staff. Fail to see how Tulloch Primary School will cope with 300 additional families.

Janie Scott (00112/1/001): Welcome houses but concerned that there is not enough capacity in Tulloch Primary School which does not have sufficient nursery places. A new school or extension should be provided.

DB Schenker (09164/1/001): The identification of the site is welcomed and it is hoped that it can be brought forward by 2014 and be fully built by 2024. The site should be designated as a housing site as mixed uses are no longer proposed for the yards. The numbers should be designed by masterplan but up to 350 units would be a more appropriate figure. The economics of developing the site are challenging and any planning gain for the site should take into account the particular and unusual development costs associated with the site so that development of this brownfield site is not inhibited.

Kinnoull Properties Ltd (08669/1/001): The site should be identified for mixed use and it appears under this heading on page 78 of the Plan. The definition should include retailing and be added to Policy RC4 (S4_Doc_497).

The site has an area of 10.6 hectares and typical densities are set out in page 65 of the Plan. The site could accommodate some high density housing which would increase the numbers on the site. The actual numbers should be designed by masterplan. The reference to open space and landscape structure should be indicative and the reference to footbridge should be potential contribution.

The area should be extended to include the open space and football pitch and create an access to Tulloch Road (S4_Doc_368). The football pitch should be relocated to the southern part of the site with some local shops provided at the Tulloch edge of the proposal.

Lynne Palmer (00239/7/001): The site could accommodate some temporary uses prior to being developed. Bee hives and wild flowers could be introduced. The sale of honey could help with the cost of buying seed and volunteers could look after the bees and hives.

Persephone Beer (07744/1/004): Support for the Plan; funding to improve the white bridge.

MU1: Broxden, Glasgow Road

Hansteen Property Investments Ltd (00370/2/001): The mixed use area on the east side of the site together with an area at Pitheavlis identified as employment land has the benefit of planning permission (S4_Doc_232).and should not be part of the main MU1 site but be shown as a separate site. In line with government policy and to promote greatest flexibility this should be identified for mixed uses with the potential uses governed by a reworded Policy ED1b (S4_Doc_483) (allowing a single use). The landscaping designation is not required as the entire site should be developed by a masterplan and the landscaping should be designed by that process

John Dewar Lamberkin Trust & Needhill LLP (09084/1/003): The eastern third of the site (the mixed use area and what was Cherrybank Gardens) is not in our clients ownership and they cannot bring forward the masterplan required for the site and the site is not

effective under the terms of PAN 2/2010 (Core_Doc_097) The boundary should be adjusted to exclude the area which should become a separate mixed use site. A detailed review indicates that the site cannot accommodate 4.5hectares of employment land and 9.6hectares of residential land and provide the required suds schemes and open space. The site can accommodate 2hectares of employment land and 7.4hectares of residential, around 200 houses. Note a planning application for the development of the site on the above basis is currently with the Council.

Scotland's Gardens Trust (08816/1/001): It is not clear who is to lead the required masterplan for the development of the site and it would be best if this role was undertaken by Perth & Kinross Council as there is more than one owner involved. While accepting that the landscaping is indicative, the site owned by Scotland's Garden Trust is a prime development site and can deliver the much needed housing for Perth. Scotland's Garden Trust expects to be involved in the masterplanning process.

Dr & Mrs Andrew Stirrat (00620/1/001): The scale of development is out of keeping with the character of this part of Perth which is an important entry to The City. The large site at Necessity Brae has been for sale for around two years without finding a buyer and a reasonable use should be found for this area before the site is developed. Development should also fund a regenerated Cherrybank Gardens or an alternative to mitigate any environmental impact and improve the area for residents and visitors.

Burrelton & District Community Council (09376/1/004); John Dewar Lamberkin Trust & Needhill LLP (09084/1/001): Support for the Plan.

E1: The Triangle, Dunkeld Road

Persephone Beer (07744/1/005): The LDP should contain more improvements for cyclists and walkers.

Scottish Environment Protection Agency (03194/23/001): A small watercourse flows along the southern boundary of the site and developers should be made aware of a potential flood risk from this. Historical records show that the site flooded in 1993. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from National planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Errol Park Estate (09060/1/003): The site is at risk of flooding as shown on the Scottish Environment Protection Agency maps and cannot be a logical location for employment uses.

E2: Broxden

John Dewar Lamberkin Trust & Needhill LLP (09084/1/004): An area to the east of the site was the location of Broxden farmhouse now demolished and is vacant land suitable for employment uses. The extended site should be shown as 2.5 hectares of developable land to take account of Sustainable Urban Drainage Systems and high quality landscape setting.

John Dewar Lamberkin Trust & Needhill LLP (09084/1/002): Support for the Plan.

E3: Arran Road

Louise Crawford (00087/1/001): The view from my house will be ruined by the proximity of the development.

Persephone Beer (07744/1/006): Improve the level of cycle and walking provision throughout the Plan area.

Scottish Environment Protection Agency (03194/24/001): A small watercourse flows along the southern boundary of the site and developers should be made aware of a potential flood risk from this. Historical records show that the site flooded in 1993. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale, layout and form of development. This guidance follows from National planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Errol Park Estate (09060/1/004): The site is at risk of flooding on the Scottish Environmental Protection Area maps and cannot be a logical long term employment allocation.

H2: St John's School, Stormont Street

M Mailer (00489/1/001); Lucy Stott (00610/1/001); Jane Andrew (00626/1/001); Robert Curtis (00636/1/001); Mr 7 Mrs M Rodgers (00700/1/001); Alasdair Cant (00699/1/001); Rebecca Livingstone (00686/1/001); Vivien Stewart (00802/1/001); Lysa Wallace (00919/1/001); James Murray (00613/1/001): The building will require to be three stories high to accommodate 50 flats which will detract from the character of the area and affect daylight entering into adjoining properties. The opportunity should be taken to improve the area rather than allowing something that will ruin it by over development. The uncertainty over the larger population is perceived as a threat. Privacy is also a problem. Parking is already difficult and this proposal will make it worse unless parking is allocated within the site. The existing infrastructure will not be able to accommodate the development; the existing drains are easily flooded. The development will also increase the amount of air pollution in the area. The building work will be particularly disruptive.

H3: Gannochy Road

The Gannochy Trust (10152/1/001): The Trust holds land at Gannochy and Muirhall farms and is required to consider laying out additional housing schemes upon the same lines as the original model village. The Trust will provide additional Affordable Housing without public subsidy and is developing such a scheme. The site measures 2.6 hectares (not 0.3 hectares) and the Trust would like to extend the site to 5 hectares to accommodate 50 Affordable Houses together with a community hub which might be provided by the conversion of one or more of the traditional buildings (S4_Doc_478). Separate Representations have been made in relation to Green Belt policy and Affordable Housing.

Gannochy & Kinnoull Community Council (00667/3/001): Supportive of potential mixed housing development but it should not be developed prior to the Cross Tay Link becoming a commitment as it will increase traffic and air pollution at Bridgend. There are little to no community development facilities in the community council area and the LDP makes no provision for any being developed. A relief road from the Perth Road should be developed to add safe road capacity access to the proposed housing development as well as a relocated Kinnoull Primary School and general access to the Kinnoull area. (Reference to the Schedule 4 number 24 (Perth Area (within Core) Transport) is highlighted for further information on this issue).

George Beaton (00742/6/001); Deirdre A Beaton (00741/6/001); Annelie Carmichael (00731/2/001): The present infrastructure in our area cannot support more housing. Roads are overburdened with Bridgend being at full capacity with air quality at Bridgend

at levels injurious to health. Other access roads (Lochie Brae, Manse Road, Muirhall Road) are dangerous and inadequate. There is a lack of sports and community facilities in our area.

Scottish Environment Protection Agency (03194/31/001): A small watercourse flows along the southern boundary of the site and developers should be made aware of a potential flood risk from this. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from National planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Op7: Newton Farm

Episo Boxes LP (09035/6/001): Retail capacity and impact are two different concepts and should not be linked as they are in the Plan. As the site is identified for retail there must not be any problem with capacity. Retail impact is a relevant consideration of specific development proposals and the addition of wording relating to the sequential approach would make it clear that the potential for retail use does not supersede the sequential approach in relation to comparison goods.

Universities Superannuation Scheme Ltd (00844/1/012): The identification of the site for retailing will have a significant impact on the vitality and viability of the city centre and there is no justification in the LDP for introducing a step change in the network of retail centres in Perth. There would be no objections however if a food store was provided in the location provided that it was linked to housing growth at the north west side of Perth. The Plan should be amended to restrict development to convenience goods only. A restriction should be placed on mezzanine floors if the Plan is amended to provide a supermarket only. Proposals for any other retail floorspace must be subject to a sequential assessment.

Manse LLP (00850/1/009): The Crieff Road commercial centre should be extended to include site OP7 to allow the centre to expand to accommodate the additional necessary facilities notably an additional supermarket to serve new development at Perth west.

Scottish Environment Protection Agency (03194/45/001): A culverted section of the Newton Burn flows through the middle of the development site and there may be a way to restore the water channel to its natural state by removing the culvert. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from National planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Op8: Friarton Road

Chris Irvine (00426/1/001): I support the allocation of the site but any proposed use must be compatible with surrounding business uses and this would complement Policy EP4 (S4_Doc_513) on health and safety consultation zones.

Scottish Environment Protection Agency (03194/46/001): A small watercourse flows through the middle of the site and developers should be made aware of a potential flood risk from this. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from National planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Scottish Environment Protection Agency (00947/1/022): The mitigation measures in Appendix C of SEA Addendum No.2 (Core_Doc_089) refer to the need for a Flood Risk Assessment (FRA) to be undertaken to inform the development of this site but it has not been included in the Developer Requirements in the Proposed Plan for site Op8 Friarton Road.

Op2: Thimblelow Car Park

Alastair Grant (00140/1/001): The car park should not be redeveloped, the parking spaces are vital to the residents and business uses in the area.

James Strang (00181/1/001): The scale of development is out of keeping with the character this part of The City and any development should be no more than one storey high. Retail and business could be incompatible with the residential nature of the area. The loss of car parking would be detrimental to The City.

S Howie (07693/6/001): The removal of the successful car park would be detrimental to shoppers, tourists and commuters alike. The creation of additional retail floorspace would have an adverse effect on the retail core which is already struggling. No funding is in place and the site has not been marketed to see if there is any interest. The massing and scale suggested would have an adverse effect on the nearby listed buildings and the appearance of the adjacent conservation area.

H W Webb (00301/1/001): Development should not obscure our view to Kinnoull Hill and should be no more than one storey high.

Joan McEwen (09098/2/006): Removal of the car parking will increase air pollution by encouraging more cross town vehicle moves. The development of the site will result in the unacceptable loss of a parking area which is important for local residents, businesses and visitors. The location of the car park on the west side of The City means drivers from all directions except the east do not have to travel through the city centre but can proceed on foot thus reducing air pollution.

Persephone Beer (07744/1/007): The LDP should improve facilities and routes for pedestrians and walkers.

Universities Superannuation Scheme Ltd (00844/1/011): The site lies in the city centre and it is clear from the capacity exercise in our appendix 3 that it is capable of accommodating new and larger retail units whilst retaining much needed car parking.

Scottish Environment Protection Agency (03194/44/001): Historical records show that the site may be at risk of flooding. Flooding of the Ramada Jarvis in 2010 has been recorded. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from National planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Op9: Bus Station Leonard Street

James Taylor (00145/1/001); Louise Gauld (00425/1/001): The bus station should be retained and upgraded as it is a good location being central for both tourists and locals. There is not enough parking for more houses and a lack of play space, schools and other facilities. It should not be lost to residential development.

Lynne Palmer (00239/6/001): The bus station should be moved so that the area can be

used for housing. There is room for another high rise block near to the Pomarium where the bus station is now. The present housing crisis means that we must build where we can. A new bus station could go where the Station Hotel garden is now, that area is at least as big as the present bus station.

Modifications sought by those submitting representations:

H4: Marshalling Yards, Tulloch

Mr & Mrs Purves (00152/1/001): Do not wish Allan Terrace to become a through route as a result of the development.

Janie Scott (00112/1/001): New school or funding for significant extension as developer requirement.

DB Schenker (09164/1/001): The site be identified as a housing site with the following specific developer requirements:

A conceptual masterplan will be required setting out the proposed phasing for the release of land from 2014 onwards. Subsequent planning applications for the development of phases of the site will require to be accompanied by a detailed masterplan that dovetails with the conceptual masterplan Flood Risk Assessment, taking into account any strategic actions funded by the Council in respect of the Lade, to define permanently protected open space/flood plain next to the Lade.

Improved access from Tulloch Road/Crieff Road. Links to the Lade green corridor including enhancement of biodiversity and habitats with reference to the Lade Management Plan. The conceptual masterplan to identify the linkage of paths within the site to the wider path network, including core paths. The updating of the previous contaminated land investigations together with a phased programme of appropriate remediation works. A financial appraisal for the proposed development, taking into account the decontamination and Social/Affordable Housing Contribution towards improving/replacing the White Bridge over the railway line. Contribution towards education provision.

Kinnoull Properties Ltd (08669/1/001): The site should be identified for mixed use development with the house numbers to be designed by masterplan, retailing should also be included. The reference to footbridge should read '*potential contribution*', and the landscape and open space should be indicative. The site should be extended to include the area of open space extending to Tulloch Road (S4_Doc_368) shown for local shops and housing with the football pitch relocated to the main part of the site. The extended area would also contain the main access to the site.

Lynne Palmer (00239/7/001) Temporary uses should be encouraged on the site prior to it being developed.

MU1: Broxden, Glasgow Road

Hansteen Property Investments Ltd (00370/2/001): The whole site including the area at Pitheavlis should be zoned for mixed uses and not be included with site MU1 but be a separate site. The site should not have a specific indicative landscape designation.

John Dewar Lamberkin Trust & Needhill LLP (09084/1/003): The site boundary should be redrawn to exclude an area on the eastern edge and this should be shown as a separate site for mixed use. The western portion of the site should be identified for 4.5hectares of

employment and 9 hectares of residential to accommodate 200 houses. The site should also be extended to the south west to incorporate the area to the south and west of the park and ride.

Scotland's Gardens Trust (08816/1/001): The Council should take the lead in the preparation of the masterplan for the area. The site (former Scotland's Garden) has potential for housing and should not be for landscaping.

Dr & Mrs Andrew Stirrat (00620/1/001): The site should not be identified for high density housing business etc. The site should not be developed until suitable uses are found for the site at Necessity Brae. Cherrybank Gardens should be regenerated through the development or an alternative provided.

E1: The Triangle, Dunkeld Road

Persephone Beer (07744/1/005): Safeguard cycle and pedestrian access through this site to the Riverside Path, North Muirton Commuter route and Dunkeld Road including the Triangle. Inveralmond roundabout should be made more cycle friendly. Toucan crossings required on roundabout and north side of Dunkeld Road. These should be Developer Requirements for the site.

Scottish Environment Protection Agency (03194/23/001): A flood risk assessment should be a Specific Developer Requirement used to inform the scale layout and form of the development. No built development should take place on the functional flood plain or within an area of known flood risk.

Errol Park Estate (09060/1/003): Delete site (assumed) in favour of an allocation at Drums of Ardgath (cross reference Schedule 4 number 26b).

E2: Broxden

John Dewar Lamberkin Trust & Needhill LLP (09084/1/004): The site should be extended eastwards to include the former site of the Broxden farmhouse with the developable area being 2.5 hectares.

E3: Arran Road

Louise Crawford (00087/1/001): An area of landscape screening adjacent to the site boundary.

Persephone Beer (07744/1/006): Safeguard cycle and pedestrian access to the riverside path north Muirton commuter route and Dunkeld Road.

Scottish Environment Protection Agency (03194/24/001): A flood risk assessment should be a Specific Developer Requirement used to inform the scale layout and form of the development. No built development should take place on the functional flood plain or within an area of known flood risk.

Errol Park Estate (09060/1/004): Delete the site in support of a site at Drums of Ardgath. (cross reference schedule 4 number 26b).

H2: St John's School Stormont Street

M Mailer (00489/1/001); Lucy Stott (00610/1/001); Jane Andrew (00626/1/001); Robert Curtis (00636/1/001); Mr & Mrs M Rodgers (00700/1/001); Alasdair Cant (00699/1/001); Rebecca Livingstone (00686/1/001); Vivien Stewart (00802/1/001): Delete the site (assumed).

James Murray (00613/1/001); Lysa Wallace (00919/1/001): Reduce the number of units and provide them with allocated parking within the site.

H3: Gannochy Road

The Gannochy Trust (10152/1/001): Extend the site to 5 hectares to accommodate 50 affordable houses and community facilities.

Gannochy & Kinnoull Community Council (00667/3/001); George Beaton (00742/6/001); Deirdre A Beaton (00741/6/001); Annelie Carmichael (00731/2/001): That the proposed Bridgend embargo (Page 76) is extended to include this site. That any development includes the provision of facilities which can be used to develop social capital for the whole Ward 12 area. A new road be developed running south from the A94 (between Gannochy and Scone) to provide access to this site, the Murray Royal Hospital 'surplus assets' area and Muirhall Road.

Scottish Environment Protection Agency (03194/31/001): A flood risk assessment should be a Specific Developer Requirement used to inform the scale layout and form of the development. No built development should take place on the functional flood plain or within an area of known flood risk.

Op7: Newton Farm

Episo Boxes LP (09035/6/001): Text changed to read '*subject to a retail impact assessment and a sequential assessment in relation to any floorspace which proposed the sale of comparison goods*'.

Universities Superannuation Scheme Ltd (00844/1/012): Uses to be residential or convenience retailing. The following to be added to Developer Requirements;

- *'This opportunity will support the significant housing proposed for the north and west of Perth, as and when that housing is built out.'*
- *'A restriction will be imposed on the amount of comparison goods floor space allowed within the food store and on the ability to create mezzanine floors.'*

Manse LLP (00850/1/009): Opportunity site OP7 should be amended to refer to retail on the Newton Farm part of the site and the reference to the need to '*reveal capacity*' should be deleted.

Scottish Environment Protection Agency (03194/45/001): A flood risk assessment should be a Specific Developer Requirement used to inform the scale layout and form of the development. No built development should take place on the functional flood plain or within an area of known flood risk. A feasibility study should be undertaken to assess the potential for channel restoration by removal of the culvert at the Newton Burn and this is a recommended Site Specific Developer Requirement.

Op8: Friarton Road

Chris Irvine (00426/1/001): Add a Developer Requirement that any proposed use must be compatible with surrounding uses.

Scottish Environment Protection Agency (03194/46/001 & 00947/1/022): Add the following to the Specific Developer Requirements list as per the SEA. '*A flood risk assessment should be included. In addition, we recommend that the requirement specifies that no built development should take place on the functional flood plain or within an area of known flood risk.*'

Op2: Thimblerow Car Park

Alastair Grant (00140/1/001); James Strang (00181/1/001); S Howie (07693/6/001): The car park should not be developed; delete the site.

H W Webb (00301/1/001): Detailed plans for the site development should be no more than one storey.

Joan McEwen (09098/2/006): The site should continue to be used as a significant parking site.

Persephone Beer (07744/1/007): Design should include through routes for pedestrians and cyclists including links to the Lade Path.

Universities Superannuation Scheme Ltd (00844/1/011): The site description should be amended to explain that the site is capable of helping remedy the need for new and larger floor space in the city centre.

Scottish Environment Protection Agency (03194/44/001): '*A flood risk assessment*' should be included as a Site Specific Developer Requirement. In addition, we recommend that the requirement specifies that '*no built development should take place on the functional flood plain or within an area of known flood risk.*'

Op9: Bus Station Leonard Street

James Taylor (00145/1/001); Louise Gauld (00425/1/001): Delete proposals for housing and redevelop bus station as a bus station.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

H4: Marshalling Yards, Tulloch

Mr & Mrs Purves (00152/1/001); Janie Scott (00112/1/001); DB Schenker (09164/1/001); Kinnoull Properties Ltd (08669/1/001); Lynne Palmer (00239/7/001): It is accepted that the main use of the site will be for residential purposes though it may have some potential for some employment uses. The location in the Plan is confusing and the site would be better placed to lie with the other residential sites rather than be located under the heading mixed use sites. The site will make a useful contribution to the effective housing supply in the early years of the Plan. Allen Terrace which lies to the north and east of the site is a cul-de sac and it is not envisaged that it will provide an access to the site and consequently it will not become a through route or rat run.

The two primary schools within easy reach of this site (Tulloch and Goodlyburn) mean the details of education provision to accommodate future residents of the site have to be finalised and will be developed in association with the masterplan. Developer contributions will be required in association with the masterplan and in line with Council policy (more detail can be found in the schedule 4 No 4 on infrastructure contributions). The full impact of the Developer Requirements or the economic viability of the site can only be appraised at the masterplan or planning application stage when a detailed developer appraisal has been completed.

The site could be used for temporary uses such as bee keeping or wild flowers but these are matters for the owners and prospective apiarists rather than an LDP issue.

The footbridge (white bridge) over the Inverness railway is part of an important pedestrian link which provides a connection to the main Dunkeld Road/ASDA commercial centre and leads along the Lade to the city centre and also the two secondary schools which serve the area. The bridge will be used by residents of the site and it seems reasonable that the development assist with the improvement of this link.

The proposed extension of the site by Kinnoull Properties Ltd (S4_Doc_368) has some merits as it will better integrate this site with the adjoining communities. At this stage however it is not known if this is an effective site, in particular the viability of ground conditions and reaching agreement to relocate the football club require further investigation. The site is not considered an appropriate location for retailing other than to serve local neighbourhood need as it could attract an unacceptable level of traffic in to the area.

The area is owned by the Council and Kinnoull Juniors would have to be receptive to any relocation; again this could be part of the masterplan preparations. The masterplan needs to deal with issues in more detail than a conceptual plan and seems at odds with the concerns expressed relating to viability. The issues raised by the Representations can be dealt with through the masterplan and placemaking processes.

Due to the uncertainty over the effectiveness of the proposed site extension it is not considered appropriate to identify a larger site.

If the Reporter is minded to consider this extension the Council would not be opposed to the Developer Requirement for the masterplan to explore the potential of an extended site. There would also be a requirement if it was proposed to redevelop the football ground to ensure that equal or improved facilities are made available.

MU1: Broxden Glasgow Road

Hansteen Property Investments Ltd (00370/2/001); John Dewar Lamberkin Trust & Needhill LLP (09084/1/003): It is accepted that with the current consent on the eastern portion of the site and in the current application for the western section, the development of a single masterplan may not be appropriate. However as all three portions of the site share common issues particularly the masterplanning of the biodiversity strip along the north boundary of the site, flood risk attenuation and access difficulties, it is important that, if separate masterplans are produced, they are integrated. The general arrangement suggested in the Representations are accepted but these can be further refined by the masterplan.

No modification is proposed to the Plan

Scotland's Gardens Trust (08816/1/001): The site is shown as having some potential for housing but with a large requirement for landscaping, open space and biodiversity. The details will require to be finalised through the masterplan for the site.

No modification is proposed to the Plan

Dr & Mrs Andrew Stirrat (00620/1/001): The site has been identified for development for around 20 years and is shown in the adopted plan for business uses (Perth Area Local Plan (S4_Doc_652)). The developed site will have a significant element of landscaping

but it is not realistic to insist that Cherrybank Gardens are regenerated. The Gardens were privately owned and part of what was then the headquarters for Bell's Whiskey. The Gardens housed the national heather collection which has been taken over by the Council and relocated to its site at Rodney Park. The bid for Scotland's Garden failed and the site will not be used for this purpose. The masterplan will deal with issues of phasing.

No modification is proposed to the Plan

E1: The Triangle Dunkeld Road

Persephone Beer (07744/1/005): The site uses the flood defence bank and associated path as its northern boundary. The access issues raised are matters of detail to be dealt with by subsequent planning applications and any development will have to comply with the terms of policy TA1B of the Plan. The Inveralmond roundabout is part of the trunk road network and improvements should be achieved through the Perth Transport Futures package (Core_Doc_021) of transport measures being promoted by the Council rather than through the development of the site.

No modification is proposed to the Plan

Scottish Environment Protection Agency (03194/23/001): There are no objections to a flood risk assessment being a Specific Developer Requirement.

If the Reporter is so minded to recommend that the Representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications for the site or other policies within the Plan.

Errol Park Estate (09060/1/003): The site was identified for business development in the Adopted Perth Area Local Plan (Core_Doc_003) and will provide a useful 6.8ha of immediately available employment land; the suggested alternative is outside the core area and does not comply with the strategy set out in TAYplan (Core_Doc_099). (Cross reference with schedule 4 number 26b on Drums of Ardgath).

No modification is proposed to the Plan

E2: Broxden

John Dewar Lamberkin Trust & Needhill LLP (09084/1/004): It is accepted that the site boundary could be extended as it is in the same ownership or it could become part of site MU1 which is at the time of writing the subject of a planning application 12/01692/IPM (S4_Doc_651).

If the Reporter is so minded to recommend that the Representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications for the site or other policies within the Plan.

E3: Arran Road

Louise Crawford (00087/1/001): The site closest to Gilsay Place was identified in the adopted Perth Area Local Plan (S4_Doc_652) for business uses with criteria (b) of policy 48 indicating that business uses should contain a high proportion of landscaping. Planning permissions have been granted for development on the south side of Kilda Road which require a landscaped strip to be provided on the south side of the development (S4_Doc_653). The Council own the largest part of the remaining area which at the time of writing is the subject of a planning application (S4_Doc_655). The southern edge of the proposal is the subject of a landscaping scheme. Development of

the area will therefore improve the view from Gilsay Place and a specific landscaping policy is not required as the issues will be covered by placemaking policies set out in the plan.

No modification is proposed to the Plan

Persephone Beer (07744/1/006): The site identified uses the flood defence bank as its eastern and northern boundary. The access issues raised are matters of detail to be dealt with by subsequent planning applications and any development will have to comply with the terms of policy TA1B of the Plan. The routes are not included within the site boundary and will not be affected by the development.

No modification is proposed to the Plan

Scottish Environment Protection Agency (03194/24/001): Flood risk assessment work has been carried out for the planning application however there are no objections to this being a Specific Developer Requirement.

If the Reporter is so minded to recommend that the Representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications for the site or other policies within the Plan.

Errol Park Estate (09060/1/004): The site will provide a supply of much needed employment land which will be available in the short/medium term. The site is located within Perth City and one of the essential components of the LDP and TAYplan strategy (S4_Doc_067) is to direct development to Perth and the Perth core. The suggested alternative does not meet the terms of the strategy.

No modification is proposed to the Plan

H2: St John's School Stormont Street

M Mailer (00489/1/001); Lucy Stott (00610/1/001); James Murray (00613/1/001); Jane Andrew (00626/1/001); Robert Curtis (00636/1/001); Mr & Mrs M Rodgers (00700/1/001); Alasdair Cant (00699/1/001); Rebecca Livingston (00686/1/001); Vivian Stewart (00802/1/001); Lysa Wallace (00919/1/001): St Johns School is a two and three storey brick built building dating from the 1950's, it has ceased to be used as a school and has been declared surplus to the Council's requirements. Its location is close to the centre of The City and it is surrounded by residential property which makes it an ideal location for residential development. While the building may have some potential for conversion any development would have to reflect the conservation area location and the place making policies set out in the Plan. While the suggested 50 houses set on a site measuring 0.3 hectares represents a high density it is not out of keeping with the character of the area. The site is in a sustainable location for development and it is appropriate to maximise the potential that this site will have. It will be a particularly useful location for Affordable Housing. There are various parking opportunities nearby in the city centre; however this issue and other details such as privacy, are best dealt through the planning application process. Any local issue with drainage will be improved by the development and would be a matter for Scottish Water.

No modification is proposed to the Plan

H3: Gannochy Road

The Gannochy Trust (10152/1/001); Gannochy & Kinnoull Community Council

(00667/3/001); George Beaton (00742/6/001); Deirdre A Beaton (00741/6/001); Annelie Carmichael (00731/2/001): The issues of extending the site and the associated adjustments to the Green Belt are dealt with under Schedule 4 number 22 Perth Area Green Belt. The Council is comfortable with the principle of extending the site as outlined in the representation (map H3 suggested changes S4_Doc_478), and considers it will allow the development of additional Affordable Housing which will make a useful contribution to the effective supply available in the short to medium term.

The extended site will be able to accommodate the 50 units suggested. However the site should be identified specifically for affordable housing. The provision of community facilities is also welcomed. The Plan recognises the issues in relation to congestion at Bridgend and proposes measures to provide solutions to the problem. These are detailed in paragraph 5.1.17(1) (S4_Doc_514) of the Plan; however the proposed embargoes are not intended to apply to sites within Perth where the provision of immediately available housing land is seen as more important. The road network in the area is capable of accommodating further development. which will have to comply with policy TA1B of the Plan

If the Reporter is so minded to recommend that the Gannochy Trust representations are accepted and the Plan modified to include an expanded site, the Council would be comfortable with this modification because it would not have any implications on the wider Green Belt or other policies within the LDP.

Scottish Environment Protection Agency (03194/31/001): The requirement for a flood risk assessment is accepted.

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

Op7: Newton Farm

Episo Boxes LP (09035/6/001); Universities Superannuation Scheme Ltd (00844/1/012); Manse LLP (00850/1/009); Reference to Schedule 4 Number 7 (Retail and Commercial Development) is highlighted for further information on this issue. The 2011 retail study revealed that there was no additional capacity for retailing in The City (retail study (Core_Doc_045)). The Council has also agreed that permission should be granted for a superstore and filling station on the site of the former Auction Mart on the opposite side of the by-pass (Core_Doc_105). On this basis there is now less likelihood that this site will be required for retail use during the lifetime of the Plan however, if a requirement emerged, this site, being adjacent to a commercial centre, would be an appropriate location.

Scottish Environment Protection Agency (03194/45/001): The requirement for a flood risk assessment is accepted. The issues of the investigation of culvert removal is covered by policy EP3D

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

Op 8: Friarton Road

Chris Irvine (00426/1/001): It is accepted that the sites adjoining Op8 are used for specialist industrial processes, that there are types of employment uses that would make incompatible neighbours and that there should be some protection given to the existing uses to allow them to continue to operate successfully. However, development would be guided to site Op8 using the principles set out in Policy ED1A (S4_Doc_483) (employment uses) the second sentence of which indicates that '*any proposed development must be compatible with surrounding land uses.*'

No modification is proposed to the Plan

Scottish Environment Protection Agency (03194/46/001 & 00947/1/022): The Council has no knowledge of the site being affected by flooding.

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

Op 2: Thimblerow Car Park

Alastair Grant (00140/1/001); James Strang (00181/1/001); H W Webb (00301/1/001); Joan McEwen (09098/2/006); S Howie (07693/6/001); Persephone Beer (07744/1/007); Universities Superannuation Scheme Ltd (00844/1/011); The site is a large (0.8ha) edge of city centre ground level car park which was formerly an area of poor quality housing demolished in the 1960's. The site is owned by the Council and has been identified for development purposes for around 20 years. The site is identified as site O19 in the Adopted Perth Central Area Local Plan of 1997 (S4_Doc_654) and identified for a multi storey car park with mixed uses on the ground floors.

It is accepted that the car park is important to maintain the vitality and viability of the city centre and an element of car parking will need to be provided in any redevelopment proposals. However the site has potential to be developed for additional beneficial uses including retail and residential during the life of the Plan.

The site is surrounded by 3, 4 and 5 storey high buildings and the area could accommodate a multi storey development while respecting the character of the conservation area. The placemaking and design policies set out in the Plan will be important in guiding appropriate development in this area. The site is a good sustainable location for residential development and will be particularly suitable for Affordable Housing. The Old High Street part of the site will be particularly suitable for retail development as this will complete a link between the city centre and St Catherine's retail park. The detail will be dealt with through subsequent planning applications for the development of the site.

The site has only become available for development relatively recently having previously been on a long lease to National Car Parks.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/44/001): The requirements for a flood risk assessment are accepted.

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

OP 9: Bus Station Leonard Street

James Taylor (00145/1/001); Louise Gauld (00425/1/001): The wording contained in the Plan is framed to allow the bus station to be improved although housing is a suitable use if an alternative bus station is developed. Currently the Council is considering the future of the bus station and proposals will be advanced in association with the Regional Transport Partnership Tactran who have identified Perth Bus Station as a regionally important strategic interchange.

No modification is proposed to the Plan.

Reporter's conclusions:

H4: Marshalling Yards, Tulloch

1. When the council resolved to include this site in the Proposed Plan, it clearly intended this to be a residential site rather than one which would deliver a mix of uses. This is confirmed in the "H" (rather than "MU") designation and by the absence of any reference to non residential uses in the text of the plan. Its inclusion under the "Mixed Use Sites" heading rather than under "Residential Sites" appears either to have been a drafting error or to be a reflection of superseded proposals for the site. For the sake of clarity, the text relating to this site should be relocated adjacent to that for site H3.
2. This is an area of residential character, where the nearest employment uses, although quite close, are separated from the site by the railway, which clearly delineates the boundary between employment and residential areas. While some forms of employment use are compatible with a residential area, this is not a reason to modify the proposed housing designation when the site owner's intention is clearly to pursue a residential scheme.
3. Being outwith a town, neighbourhood or commercial centre, this is not a location where retail development would normally be appropriate and in the absence of convincing evidence of a need for local shopping provision at this location, it would be inappropriate to modify the plan to offer support for such development.
4. Extending the proposed site to include the open space to the south west might improve its integration into the surrounding area. However, there is too much uncertainty at this time over the acceptability of losing the open space and sports facilities for the Proposed Plan to be modified in this way. This would not of course prevent the council considering the matter again at some point in the future.
5. It is possible that more than 300 units could be accommodated on this site, but until issues such as flood risk, access routing and structural landscaping requirements are finalised it would be inappropriate to assume that this would be the case. The purpose of the figure quoted in the Proposed Plan is not to impose an upper limit on the site's development potential but to provide a realistic estimate of its output. The potential for a greater level of development could be considered at the development management stage.

6. Potential ground contamination from past uses and the need to relocate some rail infrastructure may have implications for the economics of developing the site. However, taking these into account, it is concluded that the site-specific developer requirements that are listed in the Proposed Plan are not, at face value, unreasonable. The need for a contribution towards education facilities and towards improvements to the very well used White Bridge are likely to be particularly important, and it is appropriate for the Proposed Plan to make this clear. Ultimately, these are matters for the developer to negotiate with the planning authority at the planning application stage, taking into account the economic factors that exist at that time.

7. Local residents' concerns over how the site will be accessed are understandable. However there is no reason to suspect that accessing this site will prove difficult or that any future development would have to rely upon unsuitable access routes. This is a matter that can be addressed through the development management process and there is no need for the Proposed Plan to specify at this stage any particular potential access routes to avoid.

8. The site could accommodate some temporary uses prior to being developed but this is not a matter for the Proposed Plan.

MU1: Broxden, Glasgow Road

9. Planning permission has been granted for the redevelopment of some of the land at Pitheavlis, to the south east of the proposed MU1 allocation. Indicative plans suggested that this part of the site would be used for employment uses with the land to the north west (within the current MU1 boundary) used for residential including a care facility. However, the mixed use planning permission did not restrict the arrangement of uses in this way and the extant mixed use planning permission does not therefore necessarily restrict the land at Pitheavlis to employment use. This land is indicated in the proposals map to be existing employment land, which reflects its current use but not the extant planning permission. The boundary of the MU1 allocation should therefore be enlarged to include this additional land, although the remainder of the land at Pitheavlis should retain its existing employment designation.

10. In order for the site to be effective it might be necessary to increase the amount of residential development and reduce the employment land element. However, this is a matter to be resolved at the masterplan stage and there is insufficient evidence at this stage to justify modifying how the different use types for site MU1 are identified in the proposals map and in the text on page 79 of the Plan.

11. Multiple ownership of the site can make it more difficult to develop a single masterplan. However, it is essential that development across the entire MU1 site is coordinated so that uses are appropriately and equitably distributed and a coordinated approach is taken to landscaping, roads and other infrastructure. Even if the site were split to reflect the different ownerships, with a separate masterplan for each, it would remain essential to achieve a coordinated approach across the entire MU1 area. There would be no practical benefit therefore in subdividing site MU1.

12. The proposed rewording of Policy ED1b, which would remove the presumption against predominantly one use on a mixed use site is considered under Issue 5.

13. The masterplan will define the areas of landscaping across the site but it remains helpful for the proposals map to show, on an indicative basis, where this is likely to be

required and how extensive it should be. The masterplan process will ensure that the impact of developing this site upon local residents is adequately mitigated. No modification to the Proposed Plan is required.

14. The fact that development land in the locality has failed to attract a developer is likely to reflect the current recession and is not a reason not to allocate land for the future which is capable of meeting Perth's needs once the economy recovers.

E1: The Triangle, Dunkeld Road

15. This site would form a logical extension to the adjacent employment area. It has flooded in the past but the Scottish Environment Protection Agency (SEPA) does not object to its development provided that the developable area is defined by a flood risk assessment. Subject to such an assessment being added as a site-specific developer requirements, this is a logical location for employment uses.

16. Accessibility for cyclists and pedestrians might be improved by changes to the Inveralmond roundabout. However, this would not be a necessary or reasonable developer requirement for this site, which is already relatively accessible by non-car transport modes.

E2: Broxden

17. It would be appropriate to extend this site to include the location of the former Broxden farmhouse as there is no more suitable alternative use for this land and its incorporation within site E2 would logically complete this employment land proposal.

E3: Arran Road

18. As with proposed site E1 on the opposite side of the railway, this site would logically round-off of the existing employment area. As SEPA has not objected to its development, despite the history of flooding, there are no grounds to regard it as an illogical employment location, provided that the developer is required to undertake a flood risk assessment in order to define the developable area.

19. Developing this site with any form of built development is likely to detract to some extent from the open views that are presently enjoyed by residents to the south. However, it will be possible to minimise the extent of any harm when specific proposals for the site are drawn up, through the careful placement of buildings, landscaped areas and yards. And bearing in mind the need for accessibly located employment land such as this, any minor residual adverse impact would be justified by the wider social and economic benefits.

20. For the same reason as is set out above in relation to site E1, it would not be appropriate to require the developer of this site to fund improved pedestrian / cyclist facilities at Inveralmond roundabout.

H2: St John's School, Stormont Street

21. Being situated within an established residential area which is close to the city centre and other centres of employment, this is a logical site on which to develop a high density residential scheme. It is likely that at least part of the building would require to be three stories high if the estimated 50 flats are to be delivered. However, this would be in

keeping with the local townscape and need not affect daylight to any existing property. At the planning application stage the authority will have the opportunity to control such issues, along with the level of on-site car parking so that there is no adverse impact on the area. There is no evidence that existing infrastructure will not be able to accommodate the development or that it would materially detract from local air quality. There would inevitably be some disruption from building work but this is not a reason not to allocate such a logical site for development.

H3: Gannochy Road

22. The proposed enlargement of this site to five hectares, which would allow it to accommodate 50 affordable houses and a community hub, is supported by the council, subject to all of the residential accommodation being affordable housing. As a 100% affordable development accords with the site owner's stated intentions and given the need for affordable housing sites, this is a reasonable stipulation which should be set out in the site-specific developer requirements. For a similar reason, the community council's request to provide community facilities should also be specified as a matter to be investigated in the site-specific developer requirements. And the requirement for a flood risk assessment should also be set out in this way to ensure that development avoids areas of the site that are at risk of flooding.

23. It is undeniable that developing this site will add to traffic levels at Bridgend, which are already a source of congestion and air quality concern. Issue 24 considers the development embargo that the authority is proposing along the A93 and A94 corridors until the Cross Tay Link Road (CTLR) is a committed project. However, as drafted, this embargo does not apply to sites such as this, which are within the city boundary. Bearing in mind the identified need for affordable housing and the lack of certainty as to when the CTLR will be delivered, any harm in terms of traffic and air pollution, which would be likely to result from developing this relatively modest affordable housing site prior to the CTLR becoming a committed project is more than offset by the benefits it would bring. It would be inappropriate therefore to delay the development of this site until the CTLR is a committed project.

24. Turning to the concerns that have been raised about more localised impacts of developing this site, there is no convincing evidence that local infrastructure including the local roads network could not support more housing.

Op7: Newton Farm

25. There is no evidence of a quantitative need for additional convenience retail floorspace in Perth. The most up to date evidence on this issue, in the 2011 retail study, revealed that, even taking into account the significant population growth projections, there is significant over-provision for convenience retailing in Perth in the period up to 2021. And subsequent to those findings, planning permission has been granted for a superstore development on Crieff Road and a smaller foodstore at the Highland Gateway. Minimal capacity was identified for bulky goods retailing and, although capacity for other forms of comparison retailing was identified, this was considered to be most appropriately directed to vacant town centre sites, in accordance with SPP. There is no evidence of a qualitative deficiency in either comparison or convenience retailing.

26. In the light of these findings, the allocation of this site for retail use or, as one representor has requested, its inclusion within an extended Crieff Road commercial centre, would be inappropriate. The authority has recognised the lack of capacity in its

requirement that capacity be demonstrated before the site can be considered suitable for retail development. However, as set out below, such an approach would not accord with either SPP or TAYplan.

27. SPP requires that town centres are the focus for retailing and a range of other activities, and requires a sequential approach to site selection in which opportunities to develop either within or on the edge of town centres must be considered and discounted before development in commercial centres or in out of centre locations can be considered. The effect of potentially permitting retail development in this location, which is not within a defined centre, would be to circumvent the sequential approach to site selection as it would permit development solely on the basis of there being demonstrated capacity, without considering whether that need could be satisfied by developing a sequentially preferable site.

28. Talking all factors into account, it is concluded to be inappropriate to indicate support for retail development of site Op7. The plan should be modified so that the site becomes a housing allocation, this being the other potential use for the site that is set out in the Proposed Plan. The site should be identified as H71, with an estimated output of 100 units, which is the scale indication considered in the Main Issues Report.

29. The site-specific developer requirements for this site should reflect the need for a flood risk assessment and should require the developer to investigate the potential to restore to its natural state the culverted section of the Newton Burn, which flows through the middle of the site.

Op8: Friarton Road

30. As Policy ED1A already requires all proposals in employment areas to be compatible with surrounding land uses there is no need to add this as a site-specific developer requirement. A requirement to undertake a flood risk assessment as requested by SEPA should however be added.

Op2: Thimblelow Car Park

31. Redeveloping this well used public car park raises inevitable concerns over levels of parking provision in the town centre and the consequent effect on its attractiveness to shoppers. There is no evidence to suggest that the site would be incapable of incorporating an element of public parking in any redevelopment scheme and it would be appropriate, in addition to identifying car parking as a suitable use, to require this to be incorporated into any redevelopment scheme.

32. The existing expanse of open car parking already detracts from the character and appearance of this part of the conservation area and there is no reason why an appropriately designed redevelopment scheme would worsen this situation. Indeed, it is likely that there could be significant townscape benefits, although a single-storey development, which has been requested in representations, would be out of keeping with its surroundings and would be likely to detract from the setting of nearby listed buildings. A development which followed the scale indications that are given in the site-specific developer requirements is unlikely to preserve all existing views of Kinnoul Hill but should not otherwise impact adversely on the living conditions of existing residents. And such a scale of development would be appropriate in townscape terms for this part of the conservation area. This is a town centre location where expectations of residential amenity must inevitably be different to those in a suburban location and, bearing this in

mind, retail use should have no objectionable effect on neighbouring residents.

33. As this site is within the defined centre, there would be no justification for resisting retail development on grounds that it might compete with existing town centre sites. The purpose of the planning system, as confirmed in SPP, is to direct retail development wherever possible to town centre sites and not to favour one town centre site over others. As a new build opportunity, the site could create larger retail floorplates for comparison shopping, which is an identified requirement for Perth in the 2011 retail study.

34. Given the history of local flooding, the site-specific developer requirements for this site should reflect the need for a flood risk assessment but there is nothing in the site's location or existing characteristics to justify a site specific need for improved facilities and routes for pedestrians.

Op9: Bus Station Leonard Street

35. The bus station is an important and well located facility but the site would be suitable for residential redevelopment if a suitable location for a new bus station were found. No modification to the Proposed Plan is required.

Reporter's recommendations:

H4: Marshalling Yards, Tulloch

1. Relocate the reference to site H4 on page 78 to page 80 so that it follows the reference to site H3 under the heading "Residential Sites".

MU1 Broxden

2. Modify the boundary of the MU1 allocation so that it includes that part of the land at Pitheavlis which is included within the boundary of planning application 11/00933/FLM.

E1: The Triangle, Dunkeld Road

3. Add to the list of site specific developer requirements the following text:

"Flood Risk Assessment required which will define the developable area of the site."

E2: Broxden

4. Extend the site boundary to include the location of the former Broxden farmhouse.

E3: Arran Road

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

"Flood Risk Assessment required which will define the developable area of the site."

H3: Gannochy Road

6. Modify the site boundary in the proposals map to reflect the extended boundary set out in the plan at Schedule 4 document 478.

7. Modify the reference to the site on page 80 to indicate an output of 50 units and make consequential modifications to the table under paragraph 5.1.11.

8. Add the following site-specific developer requirements:

“All units to be affordable housing.”

“Flood Risk Assessment required which will define the developable area of the site.”

“Investigate the potential for providing on-site community facilities.”

Op7: Newton Farm

9. Reallocate the site for housing. Modify the reference to the site on page 80 to replace the Op7 designation with H71 and indicate an output of 100 units. Modify the first of the site specific developer requirements to read as follows:

“A masterplan will be required for the comprehensive development of the site setting out the phased release of the housing areas and incorporating the restoration of the culverted section of the Newton Burn to its natural state where this is practicable. The masterplan should be informed by a flood risk assessment, which will identify which areas of the site are suitable for development.”

10. Make consequential modifications to the table under paragraph 5.1.11.

Op8: Friarton Road

11. Add to the list of site specific developer requirements the following text:

“Flood Risk Assessment required which will define the developable area of the site.”

Op2: Thimblecrow Car Park

12. Add to the list of site specific developer requirements the following text:

“Flood Risk Assessment required which will define the developable area of the site and which ensures that no built development takes place on the functional flood plain or within an area of known flood risk.”

And

“Scheme to incorporate an element of public car parking.”

Issue 23b	Perth Area (within Core) Perth City New Sites	
Development plan reference:	5.2 – Perth, page 75-81	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (00239) Lidl UK (00393) Gannochy & Kinnoull Community Council (00667) Annelie Carmichael (00731) Deirdre A Beaton (00741) George Beaton (00742) Tarmac Quarry Products Ltd (00803)		Universities Superannuation Scheme Ltd (00844) Persephone Beer (07744) NHS Tayside (09094) Peter Tod (09142) Perth City West LLP (09462) Direct Flooring (10162) John Munro (10277)
Provision of the development plan to which the issue relates:	New sites within Perth City	
Planning authority's summary of the representation(s):		
<p><u>Friarton Quarry</u> Tarmac Quarry Products Ltd (00803/1/001): The employment designation is not wholly compatible with surrounding land uses which are primarily residential recreation and employment uses. The employment designation is not compatible with the prominent location on the southern boundary of the settlement. The site (S4_Doc_002) offers an opportunity to live work and play in the same location and offers an opportunity to enhance the recreational use of the adjoining area such as Buckie Braes and St Magdalene's Hill through the integration of the proposed recreational uses. The site can be laid out to accommodate residential employment and leisure uses (layout supplied). The site is still a working quarry. .</p> <p><u>Riggs Road</u> Lidl UK (00393/1/002): The site (S4_Doc_002) has been marketed since 2006 in an attempt to find a developer and no interest has been shown for anything that complies with the existing local plan policy framework (Core_Doc_003) and which is essentially the same as the LDP framework. There has been some interest from non employment uses including residential and quasi residential uses such as care homes. It would be more appropriate to identify the site for mixed uses given the proximity of the town centre and the mixture of adjoining uses. The range of uses allowed under the terms of Policy ED1B (S4_Doc_483) is considered to be appropriate for the site. National policy set out in SPP (Core_Doc_048) indicates that when economic development sites are not appropriate or marketable they should be reallocated to another use through the development plan. Identifying the site for mixed use would allow it to come forward during the life of the Plan, contributing to the LDP's key objective of promoting a flourishing and diverse local economy.</p> <p>Direct Flooring (10162/1/001): The area (S4_Doc_002) already has some features of a secondary location with a wide variety of quasi retail and other non-industrial uses and would be a logical extension to the city centre or an extension to the commercial centre</p>		

designated at the adjoining retail park. The site already has permission for bulky goods and though an appeal for class 1 retailing was dismissed the site has potential for a wide range of uses. Retail should be identified as an appropriate use for the area.

Murray Royal Hospital

Gannochy & Kinnoull Community Council (00667/2/001): The area has a population of around 4,500 people but lacks basic facilities for social capital. The surplus land at the Murray Royal Hospital (S4_Doc_001) offers an opportunity to offer accommodation to organisations which develop social capital. Such organisations would include the Perth left bank community development trust.

Gannochy and Kinnoull Community Council (00667/5/001): The Plan should mention the relocation of Kinnoull School to a more favourable location. The surplus land at the Murray Royal Hospital (S4_Doc_001) would be such a location if the road infrastructure serving the site can be addressed. A new road from the A94 to the Murray Royal Hospital site would be beneficial and could also serve the H3 Gannochy site thus reducing air pollution at Bridgend.

George Beaton (00742/3/001); Deirdre A Beaton (00741/3/001); Annelie Carmichael (00731/4/001): There is no provision in this area for social clubs or community buildings especially for young people. The surplus buildings and land at Murray Royal Hospital (S4_Doc_001) could provide an ideal location for this type of activity and retain the valuable link between the hospital and other residents of the area. There is no provision in the area for sports facilities especially for young people. The site could prove to be an ideal location for this type of use and it would maintain the valuable link between the hospital and residents of the area.

NHS Tayside (09094/2/001): The surplus land at Murray Royal Hospital (S4_Doc_001) should be identified for housing development for 250 houses. The site is brownfield land and was previously identified in the Draft Perth Plan of 2004 (Core_Doc_128). There is a presumption in favour of identifying brownfield land in the LDP and the site is deliverable with no infrastructure constraints. The site will provide useful additional effective housing land which is available in the short term. Allocating the site will help the landowners in terms of planning for its future development.

John Munro (10277/1/009): The Plan does not contain any locations for a new secondary school but it would be sensible to locate it on the east side of the river where a large number of pupils live. The existing primary school also needs to be replaced. A suitable site (no plan submitted) should be identified on Muirhall Road above the Murray Royal Hospital. A new road could link with the Scone Road.

Mount Tabor Road

Peter Tod (09142/3/002): The site (S4_Doc_001) is not used for recreational or sporting uses and should not be identified for this purpose. There is a large park with public access near by and there is no merit in retaining the site for open space. Not enough land is identified for new housing in the Kinnoull Hill area and the site has potential for 5 houses. Access to the site could be gained from Mount Tabor Road and Muirhall Road.

City Hall

Universities Superannuation Scheme Ltd (00844/1/013): The city square (S4_Doc_002) is a high profile regeneration project which has the potential to generate significant environmental benefits for Perth. It will improve the area around St John's Kirk and bring it up to date as a suitable space for modern use in line with the guidance set out in SPP

(S4_Doc_103). For the project to be a success it will require supporting development such as new cafes, restaurants, retail and leisure uses. The Plan should make references to the project and give policy support which compliments the new civic space.

Pedestrian Bridge

Lynne Palmer (00239/4/002): A new bridge over the Tay onto the North Inch would encourage walkers and cyclists to leave their cars at home thus reducing air pollution at Bridgend and help reduce greenhouse gas emissions.

Persephone Beer (07744/1/001): Appropriate funding should be allocated for cycling and walking projects in particular for the pedestrian cycle bridge over the Tay.

Former Nurses Home Taymount Terrace

NHS Tayside (09094/1/001): The site (S4_Doc_002) has development potential for mixed use and if developed for housing it could be an effective site in the short term. The site measures 0.53ha and the buildings were a former nurses' home for Perth Royal Infirmary. The buildings on the site are C listed.

Perth Auction Mart

Perth City West LLP (09462/3/001): The existing uses on the site (S4_Doc_003) cover a wider range than those defined as employment though it is not clear from the Plan exactly what this means. There is also no definition of what is meant by commercial centre though the types of uses found on the site would be found in a commercial centre. The site is brown field as the major user of the site left a number of years ago. It is not logical for the Council to designate a site at Newton farm as an opportunity (Op7) (S4_Doc_399) and not designate the former Auction Mart. A wider range of potential uses would make the site more marketable under current market conditions. There are two planning applications which relate to the development of the site for class 1 retail and a filling station (Core_Doc_105).

St John's Shopping Centre

Universities Superannuation Scheme Ltd (00844/1/021): St John's Shopping Centre (S4_Doc_002) should also be designated as an opportunity site. It would help enhance the retail offer in Perth.

Modifications sought by those submitting representations:

Friarton Quarry

Tarmac Quarry Products Ltd (00803/1/001): Friarton Quarry (S4_Doc_002) should be identified as suitable for a mixed use development.

Riggs Road

Lidl UK (00393/1/002): Identify the site (S4_Doc_002) for mixed use with Policy ED1B (S4_Doc_483) determining the appropriate uses.

Direct Flooring (10162/1/001): The site (S4_Doc_002) should be included within the city centre boundary or identified as part of the adjoining commercial centre.

Murray Royal Hospital

Gannochy & Kinnoull Community Council (00667/2/001): Identify the Murray Royal Hospital surplus land and buildings (S4_Doc_001) as an opportunity site for mixed use development which includes community facilities.

Gannochy & Kinnoull Community Council (00667/5/001):

1. Add the provision of a relocation of Kinnoull Primary School to land north-east of Murray Royal Hospital or the Murray Royal Hospital 'Surplus Assets' area (S4_Doc_001).
2. Add a provision that, should the current Kinnoull Primary School premises become available, any redeployment of the facilities must consider social capital uses.

George Beaton (00742/3/001); Deirdre A Beaton (00741/3/001); Annelie Carmichael (00731/4/001): The surplus land at Murray Royal Hospital (S4_Doc_001) should be designated as open space or for community use. The surplus buildings should be demolished or also used for the benefit of the people of Perth.

NHS Tayside (09094/2/001): A 10ha site be identified at Murray Royal Hospital (S4_Doc_001) for up to 250 houses. Design to take account of listed buildings, conservation area and adjoining residential area.

John Munro (10277/1/009): A site for an education campus should be identified on the east side of the city taking access from Muirhall Road. City Boundary and green belt adjusted accordingly.

Mount Tabor Road

Peter Tod (09142/3/002): Remove the open space zoning and identify the site for 5 houses (S4_Doc_001).

City Hall

Universities Superannuation Scheme Ltd (00844/1/013): Amend paragraph 5.2.1 to read '*The Council supports the creation of a major new civic space in St John's Square as this has the potential to generate significant economic benefits for Perth, and will further extend the use and attractiveness of the city centre*'. Add additional policy proposals for development that will support and complement the new civic space in St John's Square. These developments are expected to include shops, cafés, restaurants, pubs and clubs and visitor attractions.

Pedestrian Bridge

Lynne Palmer (00239/4/002): A new bridge over the Tay at North Inch (pedestrian and cycle only assumed) should be included in the Plan.

Persephone Beer (07744/1/001): A new pedestrian/cycle bridge should be provided over the Tay to Quarrymill as an infrastructure project set out in the Plan.

Fomer Nurses Home Taymount Terrace

NHS Tayside (09094/1/001): Identify the site as suitable for mixed uses (S4_Doc_002).

Auction Mart

Perth City West LLP (09462/3/001): The site (S4_Doc_003) should be identified as an opportunity for mixed use including retail residential and leisure.

St John's Shopping Centre

Universities Superannuation Scheme Ltd (00844/1/021): St John Shopping Centre to be designated as an opportunity site.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Friarton Quarry

Tarmac Quarry Products Ltd (00803/1/001): The site is a working quarry which provides aggregate materials for the construction industry and extends to some 20ha. There are still significant consented reserves and no certainty that the quarry will be worked out during the life of the Plan. As is explained in the representation there is also some uncertainty over the final contours and ground levels of the quarry if it is to be developed rather than left as rough grass which is a requirement of the mineral consent. Consequently the site is not identified as a site for development but is shown as an existing employment area where Policy ED1A (S4_Doc_483) applies.

The quarry is self contained and sits in the landscape on the southern boundary of the city with minimal impact on the surrounding areas. The visual impact of such a large extractive quarry is significantly mitigated by the extensive planting which exists on the quarry boundaries. However this means that the quarry does not have any strong links to the surrounding residential areas and in fact the reclusive nature of the site means that it would be better suited to more general employment uses which might benefit from being screened. The depth of the quarry floor and the worked out rock faces means that it will be difficult to see how an acceptable residential environment can be achieved. The low levels of passive solar gain that will be achieved on the site particularly during the winter months will make it difficult for it to be a sustainable location. It is also accepted that the quarry may have potential for leisure uses but this would be compatible with the employment designation.

The potential for identifying the quarry as potential development site can be revisited at the first review of the Plan when there will more certainty over its future.

No modification is proposed to the Plan.

Riggs Road

Lidl UK (00393/1/002): The site (S4_Doc_002) and the Lidl foodstore to the south were formally part of Frews garage. The site has been cleared for at least 8 years and there is no record of any planning applications being made for the site in that time. The area is a transitional zone between the commercial centre identified around the retail park and the residential area associated with Glasgow Road and Riggs road. The area contains a mix of uses from game dealers, motorcycle showroom, tyre sales through to offices. However there are currently no residential uses within the block delineated by the railway, Whitefriars Street and Riggs Road. To identify the area for mixed uses under the terms of Policy ED1B (S4_Doc_483) would indicate that it was suitable for housing and this would be an unacceptable loss of employment land and introduce potentially incompatible uses. Supplementary Guidance is to be published on employment uses and this will clarify the range of uses acceptable in which areas.

No modification is proposed to the Plan.

Direct Flooring (10162/1/001): The site (S4_Doc_002) was formally a joinery workshop and has permission for the construction of three non class 1 units to allow the type of uses found in other part of Whitefrairs Industrial Estate. The allowance of class 1 retailing

would undermine the retail hierarchy and is in line with the reporter's decision in the 2009 planning appeal (S4_Doc_795) and (S4_Doc_796).

No modification is proposed to the Plan.

Murray Royal Hospital

Gannochy & Kinnoull Community Council (00667/2/001 & 00667/5/001); George Beaton (00742/3/001); Deirdre A Beaton (00741/3/001); Annelie Carmichael (00731/4/001); NHS Tayside (09094/2/001); John Munro (10277/1/009): In summer of 2012 NHS Tayside opened a new mental health facility to replace the existing hospital in what were the grounds of Murray Royal Hospital. The original existing buildings which are B listed and an area of associated grounds to the east are now surplus to NHS requirements. Prior to the closure NHS Tayside set up a surplus land and buildings group which consisted of various interest and community groups and stakeholders to discuss the re-use of the surplus land and buildings. The group met regularly between 2009 and 2012 though a consensus view on future use and funding did not emerge from the discussions. The existing buildings are important and contain many architectural features which are worthy of preservation. The Council carried out a heritage assessment of the site which sets out the historical context and importance of the buildings. (S4_Doc_168). The assessment recognises that there may be some scope for some new build in the far south eastern part of the site. The national (S4_Doc_308), (Core_Doc_026) and local policy (S4_Doc_484) framework for the listed buildings (and their setting) is that they be protected and remain in active use and that must be the primary concern of the policy framework for this site. The ideas that are suggested for community uses would be acceptable in principle but are not detailed proposals. The site is not well located for any new school provision and is not being actively considered by the Council. The representation from NHS Tayside suggests that the site measures 10ha however this area includes the listed buildings and their settings and any potential new build will be significantly less than this. While the site has the potential to make a useful contribution to the immediately available effective housing land supply it is not likely to be as much as 250 units but a clear idea of total numbers cannot be achieved until detailed design on the re-use of the listed buildings is undertaken. Not enough is known about the finer details of what will be a complex design process and consequently the site should not be identified as a development opportunity or housing site. There are also traffic issues affecting the local road network and Perth's bridges and any development is likely to require a traffic assessment which may also influence the capacity of the site. The policy framework contained in the LDP which allows a range of compatible residential uses with the overarching policy objective of protecting and re-using the listed buildings is an appropriate framework to guide any future development of the site.

No modification is proposed to the Plan.

Mount Tabor Road

Peter Tod (09142/3/002): The site (S4_Doc_002) which lies between Muirhall Road and Mount Tabor Road is a part of a network of open space which leads up out of Perth onto Kinnoull hill and the Sidlaws and is an important part of the character of the area. Paragraph 153 of SPP (S4_Doc_309) indicates that open space which is valued and contributes to local amenity should be protected and the site meets this criterion; the site having been identified as open space for over 20 years. The site is open when viewed from Muirhall Road and is in use as a paddock for grazing horses. The site lies immediately to the north and east of Gean Cottage which is B listed and the childhood home of Sir Patrick Geddes. Mount Tabor Road is at this point a narrow lane which becomes a footpath to the immediate east of the site. There is more vegetation on this

site boundary but the site is still visible and contributes significantly to the character of the area. The development of the site for five houses would impact on the semi rural nature of this part of Perth and remove the remaining context for Gean Cottage. The development of the site for 5 houses would have a limited impact on the housing land supply.

No modification is proposed to the Plan.

City Hall

Universities Superannuation Scheme Ltd (00844/1/013): In a letter dated 9 May 2012 Historic Scotland on behalf of Scottish Ministers refused the consent for the demolition of Perth City Hall and the construction of a new city square application 11/01083/LBC (S4_Doc_529). The Council are currently marketing the site but the result of this exercise will not be available for some time. The site is identified as lying within the prime retail core of the city centre and this would allow a wide variety of appropriate uses.

No modification is proposed to the Plan.

Pedestrian Bridge

Lynne Palmer (00239/4/002); Persephone Beer (07744/1/001): A pedestrian and cycle bridge linking the North Inch to the north end of the Isla road was taken to the preliminary design stage in 2008/2009. It was hoped that the Council and the Lottery/Sustrans would be able to fund the construction works which were estimated to be approximately £2,000,000, however more detailed costing revealed that the bridge was likely to cost in the order of £6,000, 000 which was beyond the cost acceptable to the potential funders. While the idea has merit the Council has no capital budget funding allocated to the project and there are no other likely sources of funding. There is no likelihood that the pedestrian bridge will be constructed during the life of the Plan and it should not therefore be identified as a proposal.

No modification is proposed to the Plan.

Former Nurses Home Taymount Terrace

NHS Tayside (09094/1/001): The site (S4_Doc_002) lies within an area identified for residential and compatible uses Policy RD1 (S4_Doc_405) within this area infill development is considered acceptable and there are five criteria which set out acceptable uses including residential, shopping, tourism, leisure, community and educational. The buildings are category C listed and the Council's policy in line with national guidance is that the buildings should be retained and remain in active use. Policy HE2 (S4_Doc_484) of the plan indicates that there is a presumption in favour of the retention and sympathetic restoration of listed buildings. The policy framework gives a lot of flexibility over potential uses with the prime consideration being the retention of the listed buildings. The site is small (0.5ha) and could only make a limited contribution to the effective housing land supply. The policy framework contained in the Plan is felt to be sufficiently clear to allow suitable development of the site.

No modification is proposed to the Plan.

Auction Mart

Perth City West LLP (09462/3/001): The Council have agreed (subject to a Section 75 agreement) to grant consent for a retail development and filling station on the site of the former Auction Mart. (Core_Doc_105) The Council decision means that it would be appropriate to identify the site as part of the commercial centre on this part of the Crieff

Road and extend the boundaries of the policy area accordingly.

Consequently in view of the above if the Reporter is so minded to recommend that the representation is accepted and the Plan modified to include an expanded site, the local authority would be comfortable with this modification because it would not have any implications for retailing or other policies within the LDP.

St John's Shopping Centre

Universities Superannuation Scheme Ltd (00844/1/021): It is not intended that the shopping centre be redeveloped during the life of the Plan and while there may be some scope for reconfiguration, it is not a site that should be identified for development purposes.

No modification is proposed to the Plan.

Reporter's conclusions:

Friarton Quarry

1. The site, of some, 20 hectares is located in a prominent position close to the southern boundary of the current built up area. Friarton quarry is a working quarry and the respondent has not provided any indication of either the quantity of material which remains to be extracted or the likely time horizon for that activity. Furthermore, there is no evidence that the potential of the site to accommodate residential or recreational uses has been adequately tested. Accordingly, any change from the current designation would be premature.

Riggs Road

2. An inspection of the site of the former Frews garage confirmed that there is housing in the immediate vicinity. However, the site is firmly located within an area where various employment uses predominate. While it is accepted that the site of the former Frews garage may not have attracted interest for some considerable time, the council elsewhere in its evidence has suggested that, at least in the short term, there may be a shortage of effective sites available for employment uses in the Perth core area. That said, attention was drawn in the conclusions to Issue 20b to the fragile nature of the council's methodology for forecasting the need for employment land over the plan period and beyond. The council will require to keep the estimates of future need under continuing review. In the meantime there is no justification for a modification to the Proposed Plan with respect to this site.

3. As far as the Direct Flooring site is concerned, a proposal for Class 1 Retail development at the site was refused by the council as detrimental to the vitality of the city centre. An appeal against the refusal was upheld by Scottish Ministers in a decision letter issued on 18 March 2010. The respondent seeks to achieve his desired outcome by way of another route. However, all the relevant matters were dealt with in the decision letter and there has been no change in circumstances which would justify an amendment to the Proposed Plan.

Murray Royal Hospital

4. The site identified as Murray Royal Hospital by the council and the respondents is located within a considerably larger area in the Kinnoull area identified on the Perth

Settlement Map as “*white land*”. The land referred to in evidence amounts to some 10 hectares. It includes the now redundant main building which is B listed. However, a reading of the associated documents confirms that areas within the redevelopment boundary include Pitcullen House, the Elcho and Birnam buildings and other historic ancillary structures such as the walled garden. The site also incorporates associated landscaped areas.

5. In response to a request for further information, the council confirmed that white land is unallocated land within the settlement boundary where proposals for development will be assessed against Policy RD1.

6. In a related request for information the council defined an opportunity site as a site which has development potential, perhaps for alternative uses, where the land/owner has indicated a willingness to release the site but where there may as yet be no definite commitment to a particular proposal.

7. In essence, NHS Tayside is promoting the site for inclusion within the Proposed Plan as suitable for an allocation of 250 houses while the council prefer that it remains as white land with any planning application to be assessed against all of the criteria set out in Policy RD1 as well as all other relevant policies of the plan. Other respondents advocate alternatives which suggest the allocation of the land as an opportunity site.

8. It has been concluded elsewhere in this report that there is no pressing need for an additional allocation of 250 houses within the core area in order to meet the requirements for housing land. Accordingly, there is no overwhelming need to amend the Proposed Plan to provide for the substantial number of houses advocated by NHS Tayside.

9. Although the group set up by NHS Tayside to consider the re-use of the surplus land and buildings met regularly between 2009 and 2012, no consensus was reached. Some of those divergences of view are reflected in the responses from parties summarised above. Although no planning allocation has been submitted it is possible to conclude that, on balance, NHS Tayside is committed to a definite proposal for the land to be allocated for housing. Accordingly, while there is obvious potential for uses other than housing in whole or part, it is appropriate for the site to remain as white land rather than be identified as an opportunity site.

10. In applying Policy RD1 to the *white land* it will be for the council to determine the weight to be given to the stated criteria in its second paragraph. However, it is noted in passing that in developing a master plan and associated development brief it will be possible to give consideration to the inclusion of ancillary uses other than housing including some provision for improvement to community and educational facilities as advocated by some of the respondents to the Proposed Plan.

Mount Tabor Road

11. The site is identified as open space in the Proposed Plan. There is no persuasive evidence to support the allocation of this sensitive site for housing within the plan. Any proposal for the development of this small plot of greenfield land can be readily considered at the development management stage within the framework provided by the policies of the Proposed Plan.

City Hall

12. Paragraph 5.2.1 provides an introductory description of the current (2013) position. The proposed modification amounts to a policy position and, hence, whatever its merits the proposed modification would be out of place.

13. There is no dispute that the creation of a major new civic space in St John's Square would further extend the use and attractiveness of the city centre of Perth. The respondent suggests one way in which this might be achieved. There are others. Any specific proposals which come forward can be dealt with within the context set by the policies of the Proposed Plan. There is no need for the additional policy which restricts the range of options available to the council.

Pedestrian Bridge

14. The council does not dispute that the provision of a pedestrian and cycle bridge linking the North Inch to the north end of the Isla road is a laudable aspiration. However, the capital cost of £6 million is beyond what can be funded from all available sources within the Proposed Plan period and the respondent has offered no advice in that respect. In these circumstances the council is correct in resisting the suggestion that it be identified as a proposal.

Former Nurses' Home at Taymount Terrace

15. Although located within easy walking distance of Perth Royal Infirmary the former nurses' home is located within a predominantly residential area. The respondent has provided no substantive reason for the allocation of the site for mixed uses other than it would provide greater certainty for the owners in planning for its future development. The aspirations of the owner do not carry sufficient weight to overcome the judgment of the council that proposals for the development of the C listed building and its immediate environs should fall to be considered under Policy RD1 which applies to areas identified of residential and compatible uses where existing residential amenity should be protected, and all other relevant policies of the Proposed Plan.

Auction Mart

16. The Council have agreed (subject to a Section 75 agreement) to grant consent for a retail development and filling station on the site of the former Auction Mart. Accordingly, it is no longer appropriate that the whole of the site be identified as "Employment – existing" within the Perth Settlement Map. The respondent's request for the allocation of this site as an opportunity site for a range of uses including retail, leisure and residential and the council's alternative proposal to identify the whole area as part of an enlarged commercial centre whose other components are situated to the east of the Crieff Road roundabout are considered under Issue 7.

Reporter's recommendation:Auction Mart

Remove the "*Employment Land – existing*" designation from the land to the west of the Crieff Road roundabout.

Issue 24	Perth Area (within Core) Transport Infrastructure	
Development plan reference:	5.1.14 - 5.1.17 – Perth Area Transport Infrastructure, page 70-71 5.33.2 - 5.33.3 – Scone, CTRLR and Embargo, page 141 5.35.2 – Stanley Spatial Strategy, page 146	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><p>Scone & District Community Council (00043) Scottish Government (00092) Kenneth Robertson (00111) Helen Goodacre (00138) Ian Sansom (00216) David Gordon (00223) Lynne Palmer (00239) Y R Knowles (00335) John Andrews (00398) Sandra Service (00427) Bill Service (00428) Sam Morshead (00433) Karen Donaldson (00601) Gannochy & Kinnoull Community Council (00667) J Donald McKerracher (00672) Annelie Carmichael (00731) Deirdre A Beaton (00741) George Beaton (00742) Sainsbury's Supermarkets Ltd (00754) Dorothy Guthrie (00763) Helen Borland-Stroyan (00826) Luncarty, Redgorton & Moneydie Community Council (00924/1/001) MBM Planning & Development (07693) Persephone Beer (07744) R R MacKay (08100)</p></div><div><p>A Ritchie & Son/M &S M Bullough (08651) I L Steven (08733) Forestry Commission Scotland (08988) Stewart Milne Homes Limited (09029) J W Farquarson/G D Strawson (09117) Scone Palace & Estate (09163) Tactran (09203) Methven & District Community Council (09221) David Jeffrey (09228) SSE plc (09311) Burrelton & District Community Council (09376) James Watt (09435) Perth City West LLP (09462) A & J Stephen Limited (09727) G S Brown Construction Ltd (09817) Dr Charles Turner (09934) Jackie Turner (09935) Frank Moisey (09950) Lynne Graham (10186) Homes for Scotland (10214) John Munro (10277) Rachel Burns (10283) David Burns (10284) Mandy Burns (10285) Bruce Burns (10286)</p></div></div>		
Provision of the development plan to which the issue relates:	Perth Core Area Transport Infrastructure including proposed Cross Tay Link Road (CTRLR)	
Planning authority's summary of the representation(s):		
<p><u>Supporting Text (Paragraph 5.1.14- 5.1.17)</u></p> <p>Lynne Palmer (00239/3/001): Contradiction in paragraph 5.1.15 in that it says to 'remove constraints on long-term developments of The City' while at the same time ensuring 'that the national Trunk Road network is not compromised.'</p> <p>Homes for Scotland (10214/1/037): Both the A9/A85 Crieff Road junction improvements and the CTRLR are significant infrastructure projects to relieve Perth's congestion issues</p>		

yet there is no clarity provided of how or when they will be delivered and who will pay for them. These significant issues should be addressed in Policy TA1B (S4_Doc_387) but are not. Supplementary Guidance is also required to show how this will be delivered.

Gannochy & Kinnoull Community Council (00667/4/001): While fully supporting the proposed transport solution, the Community Council has serious concerns that firmer plans need to be in place to ensure that sufficient financing is secured in order to meet this critical deadline. The Cross Tay Link Road should be given urgent and high priority.

James Watt (09435/1/003); TACTRAN (09203/15/001): Support the need for enhancements to Perth's transport infrastructure.

Developer Contributions and Funding

G S Brown Construction Ltd (09817/3/007): The requirement for more contributions will reduce project viability, deflate the land value and make it less likely that land owners will sell. Developer contributions will increase the cost per unit and push the house prices higher and reduce affordability.

Homes for Scotland (10214/1/034): Circular 1/10, paragraph 19 (S4_Doc_074) states '*Planning agreements should not be used to resolve existing deficiencies in infrastructure provision*'. The Plan should make it clear that developers are not being asked to resolve these existing deficiencies. Any developer contributions relating to transport must be to mitigate a detriment created by the development, not to resolve existing problems created by others. The absence of Supplementary Guidance does not allow the industry to respond to this issue.

MBM Planning & Development (07693/20/002): Fully supports the Council's change of position and the support now given for Option C (southern route) as shown in the City of Perth Inset Map (S4_Doc_403). However no further details of how the CTRL is to be funded and no indication is given on how any proposed developer contributions are to be calculated either in the Proposed Plan or as Supplementary Guidance which is surprising given that the Council have been working on the proposed CTRL for a number of years.

George Beaton (00742/4/001): Supports the Cross Tay Link Road but Perth and Kinross Council needs to give this urgent attention and high priority especially in relation to funding.

A Ritchie & Son & M & S M Bullough (08651/8/001): Broadly support the package of measures outlined in the Perth Transport Futures document and the benefits they bring in the ability of the Perth area to deliver the TAYplan strategic requirements. However these facilities will benefit not just planned growth in this Local Development Plan or planned growth in TAYplan but will span a much longer period and, in the interest of fairness, the developer contributions should not specifically be focussed on allocated development in this Local Development Plan.

CTRL Route

David Gordon (00223/1/002): Support policy of no significant housing development prior to CTRL completion. However, even with CTRL there will be increased pressure on Bridgend which could only be relieved by an additional inner CTRL.

SSE plc (09311/1/013): Some of the east coast transmission line upgrading (are likely to impact on proposed route of CTRL) so should be fully recognised in the LDP.

John Andrews (00398/1/001): Pleased that CTRL Route E has been rejected, but major concern about the impact of Option C, where it crosses the railway line and the River Tay. The nature of the terrain in that location is such that it is difficult to see how the railway line and the river could be crossed there without the construction of a bridge or bridges of such considerable height as to be enormously intrusive on the visual quality of the river corridor, a zone of sufficient importance for its attractive character as to have been previously designated appropriately and much used for quiet recreational purposes. There needs to be a re-think of the precise line of the road so as to minimise the potential damage.

Forestry Commission Scotland (08988/1/012): The big issue regarding the CTRL route near Scone is the loss of woodland and also the loss of prime red squirrel habitat. Moving the route to the South West would help to accommodate this, but would eat into the area designated for housing.

Scottish Government (00092/6/001): Transport Scotland agreed that the CTRL should be located approximately a mid-distance between Luncarty and Inveralmond Roundabout, provided sufficient evidence was submitted to address the issues raised at MIR stage. From a Transport Scotland perspective, any new alignment would create a minimum junction spacing of 1 kilometre from Inveralmond roundabout to the slip roads for the new Link Road.

Historic Scotland recognises that the proposed Link Road will have a significant impact on the designed landscape and on the prehistoric and roman archaeological remains. While not objecting to the Link Road, Historic Scotland wishes to make clear that a substantial programme of mitigation and archaeological investigation will be required in the delivery of the Link Road and in light of this would expect to be closely involved in the development of the Link Road should it be progressed.

In addition, detail is required on how the Link Road will tie in with the A9. This is especially important taking into account the close proximity of the A9, the Highland Mainline Railway and the River Tay. It was hoped that this detail would have been provided in advance of the publication of the Proposed Plan to allow the alignment to be acceptable to Transport Scotland. As this has not been provided, it is not possible to support the proposed alignment for the Cross Tay Link Road.

J Donald McKerracher (00672/1/003): CTRL route runs through the Green Belt. The settlement of Stormontfield would have its access to Scone and beyond impeded by the CTRL. A bridge or underpass would therefore be required.

The junction with the A94 will require careful design to ensure Scone is still not used by Heavy Goods Vehicles in particular. Site H29 at North Scone will be split in half by CTRL and will have an impact on amenity, safety and the environment.

Helen Borland-Stroyan (00826/1/002): Support the proposals for the Cross Tay Road Link, to link up with the A93 and A94 north of Scone. However the ideal solution would be to extend the CTRL to a suitable junction on the A90, preferably enabling the road to use a low level route through the hills. From the A90 heavy traffic has easy trunk road access to all major towns and cities. A complete ban on heavy traffic passing through Perth could be brought into force, to the benefit of all residents in terms of air quality and the built environment.

John Munro (10277/1/010): The CTRLR would provide sites for a local supermarket and shops and also a small office park on the east side of the Tay. Sale of sites for these uses could provide finance for the new road. The construction of the CTRLR to link the main road North of Scone with the by-pass is a very dubious idea. It would not stop most traffic coming through Bridgend since much of this originates in, or is destined for Scone. Many large vehicles are going to, or coming from Dundee, the Carse, Fife or Edinburgh and would not use the new road. Those doing so would save only a few minutes. Yet the cost and environmental impact will be enormous.

Scone Palace & Estate (09163/4/015): Supports the principle of a Cross Tay Link Road but has significant objections to the route proposed. This route comes directly through the Designed Landscape and the proposed Green Belt. It sits directly in the setting of Scone Palace, one of Perthshire and Scotland's most historic houses. The route is within close proximity to both the historic Schedule Monument of the roman camp site and areas of Ancient Woodland and semi-natural Ancient Woodland. It also severs one of the Estate's key farms, creating a large loss of agricultural land and complicating the management of that farming unit. The height of clearance required for the bridge to cross the A9, the railway and the Tay, in a single span will be significant and will create a bridge and associated road accesses which are highly visually intrusive and will also affect the Estate's fishing business.

Methven & District Community Council (09221/1/022): A9/A85 Junction improvements are urgently required, but the Community Council are sceptical of the proposed links to the Cross Tay Bridge, and request the latter is deleted.

Y R Knowles (00335/1/001); R R MacKay (08100/1/001): Objects to A9/A85 Junction proposals especially any development that will encroach on the crematorium and its 'garden of rest'.

JW Farquarson & GD Strawson (09117/5/001): The CTRLR is not proven to be economically viable and is likely to take a considerable period of time to implement. With this causing a delay in housing development it would be prudent to look at alternative sites for strategic growth.

Dr Charles Turner (09934/1/001); MBM Planning & Development (07693/20/001); Rachel Burns (10283/1/003); Bruce Burns (10286/1/003); Mandy Burns (10285/1/003); David Burns (10284/1/003); Deirdre A Beaton (00741/4/001); Annelie Carmichael (00731/3/001); Lynne Graham (10186/2/004); Jackie Turner (09935/1/001); Luncarty, Redgorton & Moneydie Community Council (00924/1/001): Fully support CTRLR Option C (southern route) as shown in the City of Perth Inset Map (S4_Doc_403).

Heavy Goods Vehicle Traffic

Lynne Palmer (00239/11/001 & 00239/3/002): Concerned about impact of Heavy Goods Vehicles travelling through Perth especially at Bridgend. The barriers at Friarton Bridge are too low and the Heavy Goods Vehicle drivers do not like this so prefer not to use it and travel through Perth instead.

Development Embargo

J Donald McKerracher (00672/1/001): There does not appear to be an embargo on housing development at Ardler, Blairgowrie/Rattray, Bridge of Cally, Carsie, Coupar Angus, Kettins, Meigle and Meiklour.

J Donald McKerracher (00672/1/002): Paragraph 5.1.17 is very confusing and could be open to interpretation as there is reference to '*infrastructure in place*,' '*under construction*' and '*committed project*'. It is impossible for the transport infrastructure to comply with all the criteria and this should be clearly stated within the LDP.

A & J Stephen Limited (09727/4/001): One of the package of measures identified is the Cross Tay Link Road but there is no indication of timescale or commitment to this project although it is noted with some concern that the proposed embargo on development affects some 86% of new sites in the Perth Area. Table at 5.1.11 shows the full extent of the embargo. This position is alarming as is the fact that the lifting of the embargo has no definitive timeframe. It is therefore impossible to proceed with viable development proposals or calculate the Council's commitment to maintaining the desired 7 year effective land supply as set out in paragraph 5.1.11 of the Proposed Plan.

Burrelton & District Community Council (09376/1/001): Requires assurance that no significant development will take place along the A93/A94 Corridor until the CTRL is constructed.

Sandra Service (00427/1/002); Bill Service (00428/1/001): Plan states that no large scale development should take place until the Cross Tay Link is a '*committed project*'. This should be amended to state that '*no development can take place until The Cross Tay Link is completed.*'

Frank Moisey (09950/3/001& 09950/3/002): Any delay to the CTRL may delay construction on certain sites identified in the Proposed Local Plan: 5.6.3 Balbeggie; 5.11.3 Burrelton/Woodside, 5.15.3 Damside/Saucher, 5.22.3 Guildtown, 5.27.3 Kinrossie, 5.31.3 Perth Airport, 5.33.3 Scone and 5.37.3 Wolfhill.

To ensure that the CTRL project will not stall it would seem to me that the conditions of the embargo mentioned in 5.1.17(1) namely:

'To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth there will be an embargo on planning consents for further housing for sites of 10 or more outwith Perth on the A93 & A94 corridors, until such time as the construction of the Cross Tay Link Road is a committed project. The embargo will not apply to brownfield sites.' should be firmed up such that only when the Cross Tay Link Road is a completed project would any development be allowed for further housing for sites of 10 or more outwith Perth on the A93 and A94 corridors.

Homes for Scotland (10214/1/036): Major concerns about the implementation of the Plan because it requires major infrastructure to be committed before a substantial number of housing sites can be developed. Insufficient information provided to give the house building industry the assurances it needs to commit to developments, and to demonstrate deliverability of the Plan. It is not clear whether commercial developers will also have to contribute, and whether significant capital funding will be available from Scottish Government.

I L Steven (08733/1/002 & 08733/1/003): Supports the CTRL but the developer contributions policy for the CTRL is unsuitable as it prevents housing being built north of Perth until after the bridge is constructed.

Stewart Milne Homes Limited (09029/2/001): Object to the embargo on planning consents for further greenfield housing for sites of 10 or more outwith Perth on the A93 and A94 corridors until the Cross Tay Link Road is a committed project. Consider this is

an unreasonable constraint to the timeous delivery of an appropriate and required housing land supply by SPP (Core_Doc_048) and TAYplan (Core_Doc_099).

Gannochy & Kinnoull Community Council (00667/7/001): Understand the rationale for an embargo on planning consents for further housing pending the Cross Tay Link Road and supports the proposal, even though it is insufficient in scope. An assumption that additional housing in the Bridgend, Gannochy and Kinnoull area would not generate sufficient traffic to affect the traffic congestion, itself the sole reason for Bridgend being an Air Quality Management Area, fails to pass any test of reasonableness since the steep roads in this neighbourhood deter cycling and public transport is infrequent. Similarly, the proposition that brownfield sites (such as the Glebe in Scone) would not contribute to significant generation of additional traffic makes little sense.

George Beaton (00742/5/001 & 00742/6/002); Deirdre A Beaton (00741/5/001 & 00741/6/002): Support the embargo on planning consents for further housing pending the Cross Tay Link but it should also include the Bridgend, Gannochy and Kinnoull areas which generate traffic for the Bridgend area. The embargo recognises that there is a problem at Bridgend and any further housing will add to that. The present infrastructure at Gannochy cannot support more housing. Roads are overburdened with Bridgend being at full capacity with air quality at Bridgend at levels injurious to health. Other access roads (Lochie Brae, Manse Road, Muirhall Road) are dangerous and inadequate.

Annelie Carmichael (00731/1/001 & 00731/2/002): Supports the embargo on planning consents for further housing pending the Cross Tay Link but it should also include the Bridgend, Gannochy and Kinnoull area which generates traffic for the Bridgend area. The embargo recognises that there is a problem at Bridgend. Any further housing will add to that. People in this area use their cars to travel. It is unrealistic to think that they will use buses, cycle or walk most or all of the time. Public transport is infrequent. Most roads are steep and do not have room for cyclists and many do not have pavements. Any brownfield sites would also obviously contribute to significant generation of additional traffic. The present infrastructure in Gannochy cannot support more housing. Roads are overburdened with Bridgend being at full capacity with air quality at levels injurious to health. Other access roads (Lochie Brae, Manse Road, Muirhall Road) are dangerous, not fit for purpose and inadequate.

Perth City West LLP (09462/2/001): Paragraph 5.1.17(2) refers to an embargo on development of sites of 0.5 hectares or more. The wording and therefore the precise intention is not clear for example does this embargo relate only to planning applications which are submitted after the Local Development Plan has been adopted? Does this proposed embargo relate only to sites outwith the proposed new Perth settlement boundary? The wording and intention needs to be clarified to allow fuller comments to be submitted.

Object to the proposed embargo on development through background text in the Proposed Plan. Any major issues such as this should be explicit, with a policy basis and further reference to the intention and potential effects with regard to site allocations and Settlement Plans.

Sainsbury's Supermarkets Ltd (00754/4/001): The A85 corridor 'embargo' on major new development is considered not properly justified as it will prevent acceptable development coming forward and proposes that any development will lead to increased congestion. Some developments could have a neutral impact. Some developments may help deliver the required improvements to the A9/A85 junction. If there is to be an

embargo this should be restricted to planning applications after adoption of LDP.

David Gordon (00223/1/001): Supports the proposed development embargo for Scone.

Scone Transport Infrastructure

Helen Goodacre (00138/2/001): Concerned about funding for CTRLR and housing being built before the CTRLR. Even with the CTRLR there will still be extra traffic through Bridgend as people will still take the shortest route.

Ian Sansom (00216/1/001): Appears housing development cannot go ahead before completion of the new connecting road but the road will not be built without the housing already in place.

Karen Donaldson (00601/1/001): The proposal for the CTRLR is not really going to benefit the population of Scone and towards Blairgowrie - who wants to travel a 20 mile route to get into the City Centre? - City Centre traffic will continue to use the route through Scone. Understanding is that Heavy Goods Vehicles etc will not be able to use the crossing therefore the present congestion in the heart of the village will continue until the Council can get their act together to ensure such vehicles travelling from the North East to Dundee etc are forced to use the A90 as was proposed when the road was built. Not only the proposed 800 houses for Scone but the 1000 or more in the A93/A94 corridor will only increase the current environmental issues with pollution in Bridgend, Gannochy and Atholl Street areas.

Dorothy Guthrie (00763/1/002): Sees little benefit of the proposed CTRLR to existing residents of Scone.

Sam Morshead (00433/1/002): A single lane carriageway may be insufficient to cope with potential traffic arising from events at Scone Palace or the racecourse.

Ms Persephone Beer (07744/1/008): Infrastructure should include new pedestrian/cycle bridge over the Tay to provide off-road route from Scone to Perth, Inveralmond etc. CTRLR should include cycle and pedestrian facilities and routes to it.

Scone & District Community Council (00043/1/002): Object to CTRLR but no reasons are provided.

Scone Palace & Estate (09163/4/020): Welcomes Council's acknowledgement that it is the commitment stage which is the critical trigger. However disagree that the whole of site H29 should be embargoed given the need for housing sites to come forward urgently to meet demand. Scone is the largest village in Perth HMA and is well placed to meet significant housing allocations for the HMA. The Council and the Trunk Roads Authority have already accepted the argument at Almond Valley Planning Application 08/00678/OUT (S4_Doc_250) that despite the increase in road traffic flows air quality/congestion will actually be significantly reduced due to the increase in newer, cleaner vehicles over time. A small amount of housing could be brought forward in advance of the bridge being either committed or built without significant impact on congestion and traffic issues in Perth.

Kenneth Robertson (00111/1/003): Paragraph 5.33.2 is only part of the LDP which states further development will not take place until the proposed additional bridge over the River Tay has been completed. Reasoning applied here is surely applicable to all additional housing plans proposed for the area north west of Perth. New crossing will do nothing to

alleviate traffic bottleneck at Bridgend; any increase in housing on that side of the river will make the traffic situation intolerable. Questions the expected impact of the new crossing: if new housing is for those already working in Perth they will still travel via Bridgend; if new housing is for those working in the central belt then Scone is not the right place to build houses.

Stanley Transport Infrastructure

David Jeffrey (09228/2/001): The Stanley (Tullybelton) junction and Luncarty access should be upgraded as part of the proposals to upgrade the A9. The junction should not be removed due to inadequate local access roads in general as suggested by Perth and Kinross Council. The junction improvement is justified on economic and planning grounds and the expansion of Stanley should not go ahead unless the junction is improved.

Modifications sought by those submitting representations:

Supporting Text

Lynne Palmer (00239/3/001): Make two sentences out of one from paragraph 5.1.15 as together they contradict each other.

Homes for Scotland (10214/1/037): More detail required to demonstrate how and when the transport package of measures will be implemented.

Gannochy & Kinnoull Community Council (00667/4/001): The Cross Tay Link Road proposal to be given urgent and high priority.

Developer Contributions and Funding

G S Brown Construction Ltd (09817/3/007): Revise the developer contributions policy to ensure it is deliverable.

Homes for Scotland (10214/1/034): Any developer contributions relating to transport must mitigate a detriment created by the development, not to resolve existing problems created by others.

MBM Planning & Development (07693/20/002): Details of how the CTRLR is to be funded is required including how any proposed developer contributions are to be calculated either in the Proposed Plan or as Supplementary Guidance.

George Beaton (00742/4/001): High priority should be given to funding of CTRLR.

A Ritchie & Son & M & S M Bullough (08651/8/001): Consider securing developer contributions towards the Transport Futures measures from a wider catchment than just development at Perth in this LDP.

CTRLR Route

David Gordon (00223/1/002): An additional inner CTRLR linking the A94, A93 and crossing the Tay to the north of the North Inch is required to fully relieve the pressure on Bridgend.

SSE plc (09311/1/013): Site Specific Developer requirements should be amended to recognise the constraint the existing 275kV line and the future 400kV line will place on the development of the CTRLR.

John Andrews (00398/1/001): Re-think of the precise line of the CTRLR crossing the Tay River so as to minimise the potential visual damage.

Forestry Commission Scotland (08988/1/012): Move the CTRL route at Scone further to the south west.

Scottish Government (00092/6/001): Detail is required on the proposed layout of this road north of Inveralmond junction and in particular where it crosses the A9.

J Donald McKerracher (00672/1/003): Green Belt requires protection. Settlement of Stormontfield will require a bridge or underpass. Junction with A94 will require careful design to ensure Scone is still not used by Heavy Goods Vehicles in particular.

Helen Borland-Stroyan (00826/1/002): The proposed CTRL should be extended east from the A94 to the A90. All heavy traffic should then be banned from Perth and its immediate environs.

John Munro (10277/1/010): CTRL not required.

Scone Palace & Estate (09163/4/015): The preferred corridor for the Cross Tay Link Road (CTRL) should be altered and the most northerly route as explored in the Scottish Transport Appraisal Guidance appraisal and consultation, used instead.

Methven & District Community Council (09221/1/022): Request that the link between the A9/A85 improvements and the CTRL is deleted from the plan

Y R Knowles (00335/1/001); R R MacKay (08100/1/001): No work to the A9/A85 junction should result in any encroachment on the crematorium or the Garden of Rest.

J W Farquarson & G D Strawson (09117/5/001): Evidence that the CTRL is economically viable is required.

Heavy Goods Vehicle Traffic

Lynne Palmer (00239/11/001 & 00239/3/002): Weight restriction on Heavy Goods Vehicles should be imposed that come through Perth City. Warning lights at traffic lights to get Heavy Goods Vehicles to slow down should also be considered. Raise the height of barriers along Friarton Bridge to encourage Heavy Goods Vehicles to use it and not the bridges in Perth City Centre.

Development Embargo

J Donald McKerracher (00672/1/001): Clarification is needed on exactly what settlements are included in the A93/94 embargo.

J Donald McKerracher (00672/1/002): To comply, all the criteria associated with transport infrastructure at 5.1.17 should be clearly stated within the LDP.

A & J Stephen Limited (09727/4/001): If an embargo is imposed, can it be lifted earlier and within a certain timeframe, i.e. When land supply drops below a certain level and/or a length of time from adoption of Local Development Plan, for example, 2 years from 2014. If the Cross Tay Link Road doesn't happen or is delayed, surely not to develop any significant greenfield housing in these corridors is not an option.

Can exceptions be made to any embargo to allow sites, or parts of sites, to be released which are in all other respects deliverable and offer transport choice in terms of proximity to bus routes and ease of access. Can exceptions be made to housing sites with a

history of allocation through a previous Local Plan?

Burrelton & District Community Council (09376/1/001); Sandra Service (00427/1/002); Bill Service (00428/1/001); Frank Moisey (09950/3/001 & 09950/3/002): No significant development should take place along the A93/A94 Corridor until the CTRLR has been constructed rather than a '*committed project*.'

Homes for Scotland (10214/1/036): More information required to give the house building industry the assurances it needs to commit to developments, and to demonstrate deliverability of the Plan.

I L Steven (08733/1/002 and 08733/1/003); Stewart Milne Homes Limited (09029/2/001): Remove the A93/94 embargo.

Gannochy & Kinnoull Community Council (00667/7/001); George Beaton (00742/5/001 & 00742/6/002); Deirdre A Beaton (00741/5/001 & 00741/6/002); Annelie Carmichael (00731/1/001 & 00731/2/002): Include Ward 12 and brownfield sites within the area covered by the embargo on more than 10 houses to prevent the reduction in air quality and increased congestion in the Bridgend area of Perth. The proposed embargo on housing (Page 76) should be extended to include Gannochy (Site H3). Any development should include (1) a new road running south from the A94 (between Gannochy and Scone) to provide access to this site and the Murray Royal Hospital '*surplus assets*' area and (2) the provision of facilities which can be used to develop social capital for the whole Ward 12 area.

Perth City West LLP (09462/2/001): Clarity relative to Paragraph 5.1.17(2) and the potential embargo on development sites of 0.5 hectares or more is required.

Sainsbury's Supermarkets Ltd (00754/4/001): Delete paragraph 5.1.17(2) or failing that reword 5.1.17(2) to '*Development for sites of 0.5hectares or more outwith the settlement boundary of Perth on the A85 corridor (i.e. The settlement includes allocated sites) which exacerbate congestion on the Crieff Road area will generally be refused planning permission, until such time as the construction of the new A9/A85 junction has commenced, unless development helps bring forward the new A9/A85 junction. The embargo shall not apply to planning applications submitted before the Local Development Plan is adopted.*'

Scone Transport Infrastructure

Ms Helen Goodacre (00138/2/001): None mentioned but assumed information required on funding of CTRLR and no housing should be built in Scone before the CTRLR is constructed.

Ian Sansom (00216/1/001): CTRLR should be built urgently and until then additional housing in Scone should not be given priority.

Karen Donaldson (00601/1/001); Dorothy Guthrie (00763/1/002): Delete the CTRLR proposal.

Sam Morshead (00433/1/002): CTRLR should be three lane carriageway.

Persephone Beer (07744/1/008): CTRLR should include cycle and pedestrian facilities and routes to it.

Scone & District Community Council (00043/1/002): Extent of the A93 and A94 corridors where the CTRLR embargo will be applied needs to be clarified. Coupar Angus and Blairgowrie/Ratray should be included in the corridor area.

Scone Palace and Estate (09163/4/020): Third Developer Requirement for site H29 '*Houses cannot be occupied until CTRLR constructed*' should be deleted.

Embargo on development at site H29 should be relaxed to allow an initial phase of housing to come forward before the bridge is either committed or built.

Kenneth Robertson (00111/1/003): No specific modification sought. Implied that the additional river crossing should be in place prior to any further development north west of Perth.

Stanley Transport Infrastructure

David Jeffrey (09228/2/001): Junction improvements on the A9 at Tullybelton required.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Councils Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Supporting Text

Lynne Palmer (00239/3/001): The Council is unable to determine what the apparent contradiction is within the text of paragraph 5.1.15.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/037): The Design Manual for Roads and Bridges (Core_Doc_185) process is the technical process for determining the exact alignment of the CTRLR. The Councils Delivering Infrastructure Background Paper (S4_Doc_440) outlines the key infrastructure requirements and proposed timescales to deliver the CTRLR.

The Council also published and consulted on Transport Infrastructure Developer Contributions Supplementary Guidance (S4_Doc_446) from 12 November until 21 December 2012. The Supplementary Guidance looks at the cumulative impact of new development and requires a contribution which is reasonably related in scale and nature towards the package of transport infrastructure improvements measures. It responds to the issues which have been raised in this representation. The results of this consultation will be considered and the final Supplementary Guidance will be reported back to Committee in 2013

No modification is proposed to the Plan.

Gannochy & Kinnoull Community Council (00667/4/001): The Council acknowledges that the CTRLR is critical and this is reflected in the Draft Action Programme (Core_Doc_091); the Councils Delivering Infrastructure Background Paper (S4_Doc_440); the Transport Infrastructure Developer Contributions Supplementary Guidance (S4_Doc_446) and the embargos imposed on certain developments.

The CTRLR is critical to the social economic development of Perth and the easing of congestion issues within the city centre. The capacity of the road infrastructure in and around Perth has long been recognised as the biggest constraint to the growth and

improvement of Perth. The Council has commissioned modelling work and studies as well as working with Transport Scotland and Tactran to identify a solution to the congestion issues. The package of measure identified includes the development of the CTRLR to the north of the city.

No modification is proposed to the Plan.

Developer Contributions and Funding

G S Brown Construction Ltd (09817/3/007); Homes for Scotland (10214/1/034); MBM Planning & Development (07693/20/002); George Beaton (00742/4/001); A Ritchie & Son/M & S M Bullough (08651/8/001): The Council published and consulted on Transport Infrastructure Developer Contributions Supplementary Guidance (S4_Doc_446) from 12 November until 21 December 2012. The Supplementary Guidance looks at the cumulative impact of all new development within the Perth area and requires a contribution which is reasonably related in scale and nature towards the package of transport infrastructure improvements measures. It responds to the issues which have been raised in these Representations. The results of this consultation will be considered and the final Supplementary Guidance will be reported back to Committee in 2013.

The development of Shaping Perth's Transport Future proposal has been a long and complex project following the production of Transport Scotland's STAG Guidance (Core_Doc_214). Having agreed the key projects, the Council's focus has been looking at the funding package. It is recognised that a partnership approach between the Council and the development industry will be required. This is being progressed through the development of Transport Infrastructure Developer Contributions Supplementary Guidance (S4_Doc_446), information contained within the Councils Delivering Infrastructure Background Paper (S4_Doc_440) and continued dialog with Transport Scotland.

The Council is conscious that any developer contributions can impact on the viability of a development proposal. However the Councils approach is to minimise the contributions by spreading the cost amongst all development which has an impact on transport infrastructure.

No modification is proposed to the Plan.

CTRLR Route

David Gordon (00223/1/002): A number of route options were examined as part of the Shaping Perth's Transport Future (Core_Doc_021). Several routes including two routes just north of the North Inch were ruled out for environmental or operational reasons. These two routes would involve the loss of prime agricultural land and it was predicted that the existing congestion on the Dunkeld Road would worsen significantly. In addition to this it is highly unlikely that there will be finance available for a second road crossing of the Tay River.

No modification is proposed to the Plan.

SSE plc (09311/1/013): Any constraints within the route due to power line upgrades have not been identified to the Council through previous consultations. The route will be developed through a masterplan which will provide an opportunity to define how the site will develop in line with this and other constraints.

If the Reporter was so minded the Council would raise no objection to the proposed modification and recommends that this should be contained within the Perth Area Spatial Strategy.

John Andrews (00398/1/001): The range of heritage and environmental constraints requires to be minimised and mitigated and this limits the options available to the CTRL. These have been fully assessed by the Shaping Perth's Transport Future (Core_Doc_021) and its accompanying SEA (Core_Doc_130). A number of route options were examined as part of the Shaping Perth's Transport Future (Core_Doc_021). Several routes were ruled out for environmental or operational reasons and these include visual impact. In addition there is no finalised bridge design or exact route so it is impossible to fully assess what the visual impact could be.

The preferred route shown in the Perth Settlement Map (S4_Doc_403) at this stage is a band of search up to 200 metres in width within which the road will sit. At the finalised design stage of the CTRL any loss of trees will be minimised and appropriate mitigation will be put in place to deal with any loss.

No modification is proposed to the Plan.

Forestry Commission Scotland (08988/1/012): The exact route and design of the CTRL has yet to be finalised so it is impossible to fully assess what impact it could have. The preferred route shown in the Perth Settlement Map (S4_Doc_403) at this stage is a band of search up to 200 metres in width within which the road will sit. At the finalised design stage any loss of trees will be minimised and appropriate mitigation will be put in place.

No modification is proposed to the Plan.

Scottish Government (00092/6/001): The Council is confident that the 1km distance specified by Transport Scotland can be achieved and therefore allays any fears expressed. The exact design of the CTRL has yet to be finalised but it is expected that it will not have any impact on the Inveralmond roundabout or the part of the A9 which it will cross. The preferred route shown in the Perth Settlement Map (S4_Doc_403) at this stage is a band of search up to 200 metres in width within which the road will sit. The exact detail of which will be addressed at the masterplan stage.

No modification is proposed to the Plan.

J Donald McKerracher (00672/1/003): The LDP proposes a new Green Belt on page 45 to surround Perth and certain settlements. Policy NE5 (S4_Doc_404) will restrict development in the Green Belt except for such essential projects as transport infrastructure which require a Green Belt location. The CTRL will need to connect with the existing roads and villages in the area including Stormontfield and this will improve their accessibility and is therefore considered a positive impact. The preferred route shown in the Perth Settlement Map (S4_Doc_403) at this stage is a search band and is up to 200 metres in width. The exact detail of which will be addressed at the masterplan stage.

No modification is proposed to the Plan.

Helen Borland-Stroyan (00826/1/002): A connection with the A90 is a major project which presents significant challenges mainly because of the Sidlaw Hills. It does not feature in Transport Scotland's STPR (Core_Doc_050) or Tactrans Regional Transport Strategy

(Core_Doc_022) and therefore would not be appropriate to include in the LDP. This does not prevent any future connection with the A90 but this is not seen as a priority requirement to alleviate current congestion issues. Connection with the A90 could be an issue that requires consideration in future Plans. The CTRLR will reduce a significant amount of HGV traffic but will inevitably not reduce it entirely because of Perth's designation as a nodal point in NPF2 (Core_Doc_020) and some traffic will finish in Perth. In addition, it is not the role of the LDP or the planning process to place a restriction on heavy traffic travelling through Perth and its immediate environs.

No modification is proposed to the Plan.

John Munro (10277/1/010): The CTRLR is regarded as critical to the social economic development of Perth and the easing of congestion issues within the city centre. The capacity of the road infrastructure in and around Perth has long been recognised as the biggest constraint to the growth and improvement of Perth. The Council has commissioned modelling work and studies as well as working with Transport Scotland and Tactran to identify a solution to the congestion issues. The package of measure identified includes the development of the CTRLR to the north of the city and it has been demonstrated that this proposal will reduce a significant level of traffic from Perth and Bridgend.

The Councils Developer Contributions Policy will contribute to Perth's transport requirements commensurate with its impact and be in line with Circular 1/2010 (Core_Doc_097).

It will also not be possible to divert the sales receipts of privately owned land to fund the CTRLR.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/015): A number of route options were examined as part of the independent Shaping Perth's Transport Future Study (Core_Doc_021). Several routes including the northerly route explored in the Scottish Transport Appraisal Guidance appraisal were ruled out for environmental, operational and financial reasons. It is important to note there is no finalised bridge design and the exact route has yet to be finalised. The preferred route shown in the Perth Settlement Map (S4_Doc_403) at this stage is a band of search up to 200 metres in width within which the road will sit. However, it is expected that there should not be any adverse impact on Scone Palace and Estate including its designed landscapes, Scheduled Monuments and listed properties.

Regarding the issue of the farm being split in two by the CTRLR, this is a matter that will be dealt with at detailed design stage.

The Council considers that Scone Palaces overall tourist package will be significantly improved by the greater accessibility that will result from the development of the CTRLR. Ongoing dialog is taking place in an effort to resolve the outstanding issues to everybody's satisfaction.

No modification is proposed to the Plan.

Methven & District Community Council (09221/1/022): The CTRLR is regarded as critical to the social economic development of Perth and the easing of congestion issues within the city centre. The development of the A9/A85 link is promoted by TAYplan because it is

critical to the success of the CTLR project. They are also known difficulties involving Transport Scotland's Strategic Transport Projects Review (STPR) (Core_Doc_050) for grade separation of the Inveralmond roundabout without a significant loss of surrounding employment properties. The Perth Transport Futures package will deliver an overall improvement to the area and it is not possible to delete certain elements of it.

No modification is proposed to the Plan.

Y R Knowles (00335/1/001); R R MacKay (08100/1/001): Congestion at the A9/A85 is a major constraint. It has long been understood that an improvement to the existing and anticipated situation needs to be developed. It is also the first phase of the CTLR works to help reduce congestion within the city. Development is proposed next to the crematorium but it is considered that this will not encroach on it or have an adverse impact on its setting. It is recognised that the proposal will provide enhanced accessibility to the cemetery for both pedestrians and vehicles. The proposed route is in response to concerns of a previous route to the east of the crematorium, which was acknowledged would have a much more significant impact. This issue has been dealt with through the development management process with planning application 11/01579/FLL (Core_Doc_177). This proposal was approved by Perth & Kinross Council on 31 March 2012.

No modification is proposed to the Plan.

J W Farquarson & G D Strawson (091175/001): The development of Shaping Perth's Transport Future (Core_Doc_021) proposal has been a long and complex project. The CTLR is regarded as critical to the social economic development of Perth and the easing of congestion issues within the city centre. Having agreed the key projects, including the CTLR, the Council's focus has been looking at the funding package.

It is recognised that a partnership approach between the Council and the development industry will be required. This is being progressed through the development of Transport Infrastructure Developer Contributions Supplementary Guidance (S4_Doc_446), information contained within the Councils Delivering Infrastructure Background Paper (S4_Doc_440) and continued dialog with Transport Scotland.

The Council is conscious that any developer contributions can impact on the viability of a development proposal. However the Councils approach is to minimise the contributions by spreading the cost amongst all development which has an impact on transport infrastructure

The Transport Infrastructure Developer Contributions Supplementary Guidance (S4_Doc_446) looks at the need for a financial contribution which is reasonably related in scale and nature towards the package of transport infrastructure improvements measures. It responds to the issues which have been raised in this representation. The results of this consultation will be considered and the final Supplementary Guidance will be reported back to Committee in 2013.

No modification is proposed to the Plan.

Heavy Goods Vehicle Traffic

Lynne Palmer (00239/11/001 & 00239/3/002): The development of Shaping Perth's Transport Future (Core_Doc_021) including the CTLR to the north of the city predicts there will be a significant drop in numbers of Heavy Goods Vehicle (HGV) travelling

through the city centre, Bridgend and over Friarton Bridge. It will not be possible to fully restrict HGV movement into the city centre as some journeys final destination will be the city centre. It does not consider it necessary to look at Heavy Goods Vehicle weight restrictions and increasing barrier heights along the bridge, which in any event are not LDP issues. In addition, any improvement to Friarton Bridge is the responsibility of Transport Scotland because it is part of the trunk road network.

No modification is proposed to the Plan.

Development Embargo

J Donald McKerracher (00672/1/001): The Proposed Plan recognises that delivering the key transport projects will take many years resulting in a number of sites being constrained until the infrastructure is in place or under construction. The Plan places an embargo on new development on a number of the major road corridors around Perth. It is proposed that when the Transport Infrastructure Developer Contributions Supplementary Guidance (S4_Doc_446) is adopted the restrictions are relaxed on the following basis:

- To prevent the increased congestion on the Crieff Road area of Perth, there is an embargo on further planning consents for developments of sites of 0.5ha or more out with Perth on the A85 corridor, until such time as the construction of the A9/A85 junction has commenced. Subject to the Council committing to building the junction through the Capital Programme, consents will be released where a contribution is made;
- To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth there is an embargo on planning consents for further housing for sites of 10 or more out with Perth on the A93 & A94 corridors. This embargo does not apply to brownfield sites. When the Council have committed to building the Cross Tay Link Road through the Capital Programme, Major planning applications may be released using phasing agreements but smaller applications will be released where an appropriate contribution is made. Site H29 in Scone identified in the Proposed Plan will be released being limited to a maximum of 100 dwellings prior to the Cross Tay Link Road being completed.

When the Supplementary Guidance is adopted, planning consents which will contribute to the transport infrastructure should not be held up. While it is recognised that the road network may not be able to accommodate all of the proposed new development due the current economic climate the majority of sites will take many years to be completed. Sites will generally advance slowly with a small number of units being built as the market allows allowing for a limited volume of development to be accommodated in advance of the infrastructure being completed.

The A93/A94 embargo specifically relates to areas outwith the Perth City boundary but within the area designated in the LDP as the Perth Housing Market Area. The development embargo does not relate to the settlements listed by representation 00672/1/001 as they are all outwith Perth City and the Perth Housing Market Area.

No modification is proposed to the Plan.

J Donald McKerracher (00672/1/002); A & J Stephen Ltd (09727/4/001): Paragraph 5.1.17 of the Plan recognises that delivering the key projects will take many years resulting in a number of sites being constrained until the infrastructure is in place or under construction. The Plan places an embargo on new development on the A85 and A93/94 road corridors within the Perth Housing Market Area. The Council published and consulted on Transport Infrastructure Developer Contributions Supplementary Guidance

(S4_Doc_446) in late 2012 and the results of this will be reported back to Committee in 2013. It is proposed the adoption of the Transport Infrastructure Developer Contributions Supplementary Guidance will provide clarity and assist when consideration of development proposals within the identified embargo areas. Paragraph 5.1.17 should reflect the most up to date position.

If the Reporter is so minded the insertion of the suggested text to Paragraph 5.1.17 will help with this clarification:

'It is recognised that delivering the key projects will take many years resulting in a number of sites being constrained until the infrastructure is in place or under construction.'

- 1. To prevent the increased congestion on the Crieff Road area of Perth there is an embargo on further planning consents for developments of 0.5 hectares or more outwith Perth on the A85 corridor, until such time as the A9/A85 Junction has commenced. Subject to the relevant agency committing to building the junction through the Capital Programme, consents will be released where an appropriate contribution is made;*
- 2. To prevent the reduction in air quality and increase congestion in the Bridgend area of Perth there is an embargo on planning consents for further housing for sites of 10 or more outwith Perth on the A93 and A94 corridors. This embargo does not apply to brownfield sites. When the relevant agencies have committed to building the Cross Tay Link Road through the Capital Programme, Major planning applications may be released using phasing agreements but smaller applications will be released where an appropriate contribution is made. Site H29 in Scone identified in the Plan will be released being limited to a maximum of 100 dwellings prior to the Cross Tay Link Road being completed.'*

Burrelton & District Community Council (09376/1/001); Sandra Service (00427/1/002); Bill Service (00428/1/001); Frank Moisey (09950/3/001 & 09950/3/002): It is recognised at paragraph 5.1.17 (1) of the LDP that there will be an embargo on future planning consents for developments of 10 or more dwellings outwith Perth City boundary but within the Perth Housing Market Area along the A93 and A94 corridors until the CTRLR is a committed project.

An embargo until the CTRLR is constructed could cause significant issues with the development industry potentially being too far behind to meet the projected housing demand for Perth & Kinross. It could be a number of years before any planning applications are approved and development on the ground takes place. This raises significant planning and economic issues. It is considered unreasonable for the development industry to wait until the CTRLR is constructed. The timing of both the CTRLR being a committed project and the embargo being lifted is critical to the delivery of housing within Perth as a number of sites identified are currently constrained. It is considered that when the CTRLR becomes a committed project it will provide enough certainty that the development will happen and allow the embargo to be lifted and any planning decisions to be released.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/036): The Council published and consulted on Transport Infrastructure Developer Contributions Supplementary Guidance Perth (S4_Doc_446) from 12 November until 21 December 2012. The Supplementary Guidance looks at the cumulative impact of new development and requires a contribution which is reasonably related in scale and nature towards the package of transport infrastructure improvements

measures. It responds to the issues which have been raised in this representation. The Supplementary Guidance clarifies that the Councils approach is to spread the cost amongst all development which has an impact on transport infrastructure. The results of this consultation will be considered and the final Supplementary Guidance will be reported back to Committee in 2013.

Detailed studies have shown there are serious constraints to development in Perth and the reason why the package of measures in Shaping Perth's Transport Future (Core_Doc_021) are being brought forward.

No modification is proposed to the Plan.

I L Steven (08733/1/002 & 08733/1/003); Stewart Milne Homes Limited (09029/2/001): An embargo until the CTLR is committed is considered necessary because there are a number identified sites that are currently constrained and only the development of the CTLR will help alleviate this constraint. Without the CTLR and the embargo, development along the A93/A94 corridor will lead to increased congestion within Scone, Bridgend, and Perth city centre.

Whilst SPP requires an effective land supply they must all be sustainable. The statutory requirement to manage Air Quality Management Areas and allowing unconstrained development in the absence of a transport solution will not lead to sustainable development and result in a deterioration of air quality at certain locations.

No modification is proposed to the Plan.

Gannochy & Kinnoull Community Council (00667/7/001); George Beaton (00742/5/001 & 00742/6/002); Deirdre A Beaton (00741/5/001 & 00741/6/002); Annelie Carmichael (00731/1/001 & 00731/2/002): The area of Bridgend, Gannochy, Kinnoull and the rest of Ward 12 are all within the settlement boundary of Perth City. It would be unreasonable to place a development embargo on areas within the City boundary where the principle of development is generally accepted and where infrastructure and services are concentrated. The accessibility of Perth City Centre and the availability of public transport on the east bank of the Tay will result in a lower projected impact. However it is important to note that any large scale development proposals in this area will still require air quality assessments and transport assessments as part of the planning application.

It is also considered that there are not enough brownfield sites within Perth and Kinross to meet the projected housing demand and this means some greenfield sites will be required.

No modification is proposed to the Plan.

Perth City West LLP (09462/2/001); Sainsbury's Supermarkets Ltd (00754/4/001): Detailed studies have shown there are serious constraints to development in Perth and is the reason why the package of measures in Shaping Perth's Transport Future (Core_Doc_021) is being brought forward.

The A9/A85 junction currently experiences severe congestion at peak times and until this issue is resolved by development of the first phase of the planned works then any significant development along the A85 will only exacerbate the issue. It is considered there is currently a clear need for the proposed embargo in advance of adoption of the LDP. It should also be noted that proposals for the implementation of the A9/A85 junction

upgrade are at an advanced stage.

Planning permission 11/01579/FLL (Core_Doc_177) has been granted for the required improvements to the A9/A85 junction and the Councils Composite Capital Budget – Additional Capital Expenditure December 2012 (S4_Doc_452) has made provision for its funding.

No modification is proposed to the Plan.

Scone Transport Infrastructure

Helen Goodacre (00138/2/001): Please refer to response to J Donald McKerracher (00672/1/002) & A & J Stephen Ltd (09727/4/001) in the Development Embargo section of this document.

No modification is proposed to the Plan.

Ian Sansom (00216/1/001); Karen Donaldson (00601/1/001); Dorothy Guthrie (00763/1/002): Detailed traffic modelling in 'Shaping Perth's Transport Future' (Core_Doc_021) has shown that trips through Scone will result in a significant reduction following construction of the CTRL. The CTRL is critical to the social economic growth of Perth and the easing of congestion issues within the city. Some brownfield sites in Scone have been given priority but there should be no development of any greenfield sites until the CTRL is a committed project.

No modification is proposed to the Plan.

Sam Morshead (00433/1/002): No roads in the region are triple carriageways on each side and the traffic analysis has shown that the predicted traffic levels will mean just a single carriageway would be required. A triple carriageway would not be required in this instance and also the cost of such may be prohibitive.

No modification is proposed to the Plan.

Persephone Beer (07744/1/008): There will be a complementary package of 'City Enhancements' that will provide for improvements to walking, cycling and public transport as well as public realm improvements as part of the overall 'Shaping Perth's Transport Future' (Core_Doc_021) strategy.

No modification is proposed to the Plan.

Scone & District Community Council (00043/1/002): The A93/A94 embargo specifically relates to areas outwith the Perth City boundary but within the area designated in the LDP as the Perth HMA. The development embargo does not relate to the settlements outwith Perth City and the Perth HMA.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/020): Please refer to response to J Donald McKerracher (00672/1/002) and A & J Stephen Limited (09727/4/001) in the Development Embargo section of this document.

No modification is proposed to the Plan.

Kenneth Robertson (00111/1/003): Please refer to response provided to Burrelton & District Community Council (09376/1/001); Sandra Service (00427/1/002) and Bill Service (00428/1/001); Frank Moisey (09950/3/001 & 09950/3/002) in the Development Embargo section of this document.

No modification is proposed to the Plan.

Stanley Transport Infrastructure

David Jeffrey (09228/2/001): Improvements along the A9 should be considered by Transport Scotland because it is a trunk road. It is understood that this section of the A9 is included in Transport Scotland's early implementation phase of the proposed A9 dualling between Perth and Inverness.

No modification is proposed to the Plan.

Reporter's conclusions:

1. In order to obtain further information on a number of matters, the council, together with parties who made representations about transport infrastructure matters, were asked to respond to a series of questions. Some were also invited to participate in a hearing session, which considered issues relating to Site H70. All of the additional evidence has been taken into account in examining this issue and making recommendations.

General points including those relating to the supporting text (paragraphs 5.1.14- 5.1.17)

2. Representations submitted about transport infrastructure matters reveal no dissent from the council's conclusion that significant improvements to transport infrastructure in the Perth area will be essential if the significant level of growth that is set out in the Proposed Plan is to take place without unacceptable traffic congestion and air quality implications. However, concern has been expressed over how such infrastructure is to be funded and over the timing of its delivery in relation to the delivery of development.

3. Policy TA1B requires development proposals to, among other things, incorporate appropriate mitigation, which could include the payment of developer contributions towards essential transport infrastructure improvements. Representors' principal concerns are not with the policy itself, but with the draft "Developer Contributions Transport Infrastructure" supplementary guidance, which will provide the detail of when such contributions would be sought and the basis for their calculation. Scottish Planning Policy (SPP) expects matters of such detail to be set out in supplementary guidance rather than in the plan itself. In order fully to understand the council's intended approach to developer funding of transport infrastructure the draft guidance has been taken into account. However, the content of such guidance does not fall within the scope of this examination.

4. Paragraph 5.1.16 of the Proposed Plan identifies the challenge that will be faced in delivering the required transport infrastructure and the need for a partnership between the public and private sectors, which will require developer contributions to be secured, the details of which will be set out in supplementary guidance. This provides an appropriate indicator to users of the plan that developer contributions will be required and where to look for further detail of such requirements. There is no need for the policy itself also to refer to supplementary guidance on this topic, although it does refer to the availability of such guidance in connection with travel plans and transport assessments, so the council might consider it helpful also to include reference to developer

contributions supplementary guidance within the policy itself, via a minor drafting amendment.

5. It is recognised that there will require to be significant transport infrastructure improvements if all of the development allocations in the Proposed Plan are to be effective. However, it is unnecessary for the Proposed Plan to set out in any detail how or when these will be addressed or how, precisely they will be funded. Such details will inevitably evolve over time and would more appropriately be dealt with in supplementary guidance, which can be subject to more regular review. Any explanation within the Proposed Plan would be likely to become outdated (and therefore unhelpful) very quickly.

6. The Proposed Plan adequately highlights the importance of the proposed Cross Tay Link Road (CTLR) but, as the council (in response to a further information request) has confirmed that that project is not a proposal of the Plan, as its final route is unknown, there is no justification for requiring any greater detail at this stage on how that project might be funded.

7. The wording in paragraph 5.1.15 is not contradictory and requires no modification.

Developer Contributions and Funding

8. Reference should also be made to Issue 4, which examines infrastructure contributions more generally.

9. It is inevitable that a requirement for developer contributions towards transport infrastructure (or indeed any other developer financial contribution) will have some effect on land values and/or on the return that such developers could hope to achieve from their developments. It is also possible that this might have an inflationary impact on house prices within the developments in question. However, these issues are not, in themselves a reason not seek such contributions. For such requirements to be ruled out on purely economic grounds there would need to be convincing evidence that the principle of seeking developer contributions for transport infrastructure in the Perth area would be fatal to the achievement of the Proposed Plan's housing strategy. No convincing evidence has been provided that the effectiveness of any of the proposed development sites would be compromised in this way. Indeed, many prospective developers have indicated complete confidence in their site's effectiveness, in the knowledge that such contributions will be sought. The level of such contributions is a matter for supplementary guidance and is not before this examination.

10. The council intends that the suite of road improvements including the Cross Tay Link Road (CTLR) and A9/A85 junction improvement, together with improvements it wishes to carry out in the city centre, which will improve the attractiveness of public and active travel modes, will not only avoid the planned high levels of new development in and around the city causing any detriment to traffic congestion and air quality but will improve the existing situation. Had the council expected developers of sites that are allocated in the Proposed Plan solely to fund such improvements the objections that have been raised could be understood, as, contrary to Circular 3/2012, the development industry would have been expected not only to address the impact of its own development but to address pre-existing deficiencies. However, that is not the case. In response to a request for further information, the council confirmed that the split between developer and public sector financing of the required infrastructure improvements is predicted to be 56% from developers and 44% from other funding mechanisms. This is said to reflect the proportion of the total predicted cost that can reasonably be attributed to the new

development. It is recognised that this calculation is disputed. However, the level of developer contributions will be a matter for the supplementary guidance to establish and is not a matter before this examination. It is concluded that, insofar as the Proposed Plan makes reference to this issue (which is to establish the principle of developer contributions being sought) there is no justification for any modification.

CTLR delivery

11. In response to representations which questioned the delivery timescale for the CTLR and the means by which it would be financed, a series of questions was put to the council and to other relevant parties. The responses to these reveal that, as stated above, the council expects there to be significant public investment in the works. The total cost of the CTLR and all other works is not yet known with any certainty, but is predicted to be in the order of £135 Million. The council expects 44% of this to be secured from public funding sources and yet the Scottish Government has confirmed that it has no plans to fund the CTLR (which it considers would not significantly contribute to national objectives) or any of the other road projects. The council has committed to forward-fund the cost of the A9/A85 junction and the first phase of the CTLR (at an estimated cost of £23.5 Million), some of which it expects to recover from developer contributions, but is unable to identify how the remaining significant public funding requirement will be met. This raises significant doubts as to the deliverability of the CTLR and associated City Enhancements Package within the plan period.

12. In addition, there is dissatisfaction among some elements of the development industry at the assumption that it should fund 56% of the cost of these works. While, as stated above, questions over what is the appropriate level of developer contributions are not matters for this examination, these representations serve to underline the lack of certainty over the development industry's ability to fund the majority of the required transport infrastructure works. The A9/A85 junction improvements and the first section of the CTLR from that junction into Site H7 can reasonably be assumed to be deliverable, as the council has resolved to forward-fund them and their scale is relatively modest in relation to the level of development that the Proposed Plan will release. However, the CTLR and associated City Enhancements Package, which are likely to require approximately £60 Million in developer funding, if one assumes (as seems unlikely at present) that the anticipated level of public funding can be secured, will pose a significantly greater challenge. It is appreciated that the council would require that this sum to be raised over a 30 year period rather than before 2024. However, that would still represent an ambitious target and, if the required infrastructure works are to be delivered within the plan period, there would need to be forward-funding from the council (presumably in the form of borrowing) of which there is little detail or certainty at this stage.

13. Taking all matters into account, it cannot reasonably be concluded that the CTLR will be a committed project within the lifetime of the Proposed Plan. This conclusion does not require any modification to how the Proposed Plan refers to this project, as it is not a proposal and is referred to because of its importance in addressing traffic congestion issues, which remains relevant despite the uncertain timing of its delivery. However, it has considerable significance for the examination of the suitability and effectiveness of a number of proposed development sites. See in particular Issues 20c, 20d and 21.

CTLR Route

14. The council has confirmed that as the final route for the CTLR has not been

determined, the road is not a proposal in the Proposed Plan. An indicative route corridor has been shown on the proposals map, but this is approximately 200 metres wide and provides no certainty as to where the road would be built, even if one assumed that the road would lie within this corridor, as opposed to one of the other route corridors that have been considered in the past. Representations about the CTRL need to be considered in the context of uncertainty.

15. The council's evidence, which has not been challenged with any evidence of comparable value, is that the CTRL, in conjunction with the City Enhancements Package, will very successfully ameliorate the impact of development that is allocated in the Proposed Plan. There would therefore be no justification for a second, inner, Tay crossing. And the likelihood of securing public or developer funding for such an additional crossing seems extremely remote.

16. Any implications for the CTRL of the east coast transmission line upgrading can be dealt with when the route is being finalised. As only indicative details of the route are included in the Proposed Plan (and then not as a formal proposal), there is no need for the plan to refer to these works.

17. Concerns that have been expressed over tree and habitat loss, effect on nearby settlements, archaeological and landscape impact, the cost / benefit position and the visual impact of the bridge crossing over the river, railway and A9, will be important considerations when the route and the design of the proposed road and bridge are being finalised. They do not however require to be considered at this stage, as the route is not a proposal of the Proposed Plan.

18. There is insufficient evidence to support the requested creation of an extension to the CTRL so that it linked with the A90, or to justify the allocation of land on the east side of the Tay as an office or retail park. And, in any event as the CTRL itself is not a proposal of this plan, it would be impossible to identify in the plan where or how such additions were to take place.

19. There is no evidence that a single carriageway CTRL would have inadequate traffic flow capacity and no likelihood that funding for a dual carriageway solution could be secured. Pedestrian and cycling facilities should be considered when detailed designs for the CTRL are drawn up. But as the road is not a proposal of this plan, it would be inappropriate to specify this here.

A9/A85 junction improvements

20. The junction improvement works already have planning permission and have been designed so as to avoid encroachment upon the crematorium.

Heavy Goods Vehicle Traffic

21. The restriction of large goods vehicles entering the city centre is not a matter for a local development plan.

Development Embargo

22. Two development embargoes are proposed, which are set out in paragraph 5.1.17 of the proposed plan. These involve an embargo on greenfield housing development for sites of 10 or more outwith Perth on the A93 and A94 corridors until the CTRL is a

committed project and an embargo on development sites of 0.5 hectares or more outwith Perth on the A85 corridor until such time as the new A9/A85 junction has commenced. Representations about each are considered in turn.

23. It is reasonable that the proposed embargo affecting the A93 / A94 corridors does not extend beyond the Perth housing market area to include settlements such as Coupar Angus and Blairgowrie. There needs to be an outer edge to the area affected by the embargo and it is logical and reasonable to exclude settlements outwith the Perth housing market area, as development there is unlikely to exacerbate existing levels of congestion in Perth due to the distance from the city and the likely travel patterns of future residents.

24. It is also necessary to draw an inner boundary to the land affected by the embargo. It is accepted that development in the areas such as Bridgend, Gannochy and Kinnoull, which are within the city itself and would not therefore be affected by the proposed embargo, could increase traffic congestion and air quality problems within the city. However, a balance needs to be struck between avoiding the generation of any additional vehicular traffic in the city and permitting sufficient new housing to satisfy the identified housing requirement and to contribute (via developer contributions) towards funding the transport improvements that are required. Sites within the city boundary are comparatively well served with public transport and, despite the sometimes quite significant gradients of local roads, are located close enough to the city centre to permit residents to select active travel options. It is reasonable therefore for such sites to be excluded from the embargo.

25. There is uncertainty over the duration of the embargo. In paragraph 5.1.17 the proposed plan refers to the embargo subsisting until the CTRLR is a committed project. However, it also refers to sites being constrained “until the infrastructure is in place or under construction.” The Proposed Plan should be consistent on the terminology used. It would be too significant a constraint upon development for the embargo to endure until the CTRLR was completed, as there is inevitably a time delay (often of several years) between the grant of planning permission for a new housing development and the traffic impact of that development being realised. It would not therefore be unreasonable for planning permission for such development to be granted in advance of the CTRLR being built, provided that there was certainty that the road project was a definite commitment. Such an approach would also be likely to assist with the funding for the CTRLR project through developer contributions.

26. A number of representors have highlighted the significant effect of the embargo on the delivery of housing within the Perth area. This has been accounted for in Issue 21, which considers the Perth Strategic Development Area and in Issue 20c, which examines the housing land strategy. It has been concluded above that the CTRLR is not likely to be a committed project within the plan period. Therefore, it must be assumed that the A93 / A94 development embargo will endure for the entire plan period. It has been concluded that, despite this, the Proposed Plan identifies sufficient housing land within the Perth area that is not affected by either of the proposed embargoes for the housing requirement to be met. When seen in the light of the existing traffic congestion and air quality concerns and the likely impact of additional development in the A93 / A94 corridor in advance of the CTRLR, the embargo's significant constraint upon housing delivery is not therefore a reason to remove it from the Proposed Plan.

27. The proposed exclusion of brownfield sites from the embargo reflects an assumption that, being brownfield, such sites are, or are lawfully capable of, contributing to traffic

levels without the grant of planning permission for a residential development. This is a reasonable position and again achieves the correct balance between avoiding any exacerbation of traffic problems and achieving necessary levels of growth.

28. Turning to the proposed A9/A85 embargo, concerns have been expressed over its intended scope. In particular, whether the embargo would apply to proposals within the Perth settlement boundary and to proposals submitted prior to local development plan adoption. Neither of these concerns requires any modification to the Proposed Plan. The existing wording makes it clear that it is sites “outwith Perth” that are affected by the embargo. And, it is unnecessary for the Proposed Plan to confirm when this, or indeed any other provision is to be relied upon. Once the Proposed Plan is adopted, the A9/A85 embargo will have development plan status, which will give it particular significance in any development management decision. The purpose of this examination is to consider the suitability and appropriateness of the Proposed Plan when it is adopted, at which point any questions over the pre-adoption status of any particular provision would be irrelevant.

29. It is hard to imagine a development which would be affected by the proposed A9/A85 embargo (that is, one of at least 0.5 hectares site area) that would not have any impact on traffic flows. The proposed cut-off level therefore seems appropriate. However, in the event that a large but low-impact development were proposed., an argument for an exemption from the embargo could be made at the development management stage.

30. It is perhaps unusual that both proposed embargoes are set out in the Proposed Plan’s supporting text (and in the case of allocated sites in the site-specific developer requirements) rather than in policy. However, their effect will be clear to users of the Plan and there is no requirement therefore for any modification.

Scone Issues

31. The purpose of the CTLR is to address problems of traffic congestion and associated air quality problems within Perth. Its stated purpose is not to improve traffic levels in Scone or to discourage large goods vehicles from travelling through that settlement.

32. It has been concluded under Issue 25b that an initial phase of 100 houses could take place on site H29 in Scone in advance of the CTLR due to the relatively good public transport availability and the need for Scone to develop, given its status as a principal settlement in TAYplan.

Other matters

33. Whether any of the A9 accesses should be upgraded as part of Transport Scotland’s proposals to upgrade the A9 is a matter for Transport Scotland and not for this local development plan. Any views expressed by Transport Scotland on any proposed site allocation are examined under the Issue in which those sites are considered. Sites that are proposed for development in Stanley and Luncarty are discussed in Issue 25a.

Reporter’s recommendations:

No modifications.

Issue 25a		Perth Area (within Core) North Settlements	
Development plan reference:		H27 - Luncarty South, page 135 5.35 – Stanley, page 146-147 H30 – Stanley, page 146 H31 – Stanley, page 146 H32 – Stanley, page 146 H33 – Stanley, page 146 H34 – Stanley, page 146	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):			
Graham Travers (00102) James Brown (00204) Stanley Development Trust (00232) Anna Douglas (00234) Alastair & Moira Bulcraig (00237) Stanley Development Trust (00341) Fergie Mitchell (00361) Elizabeth Robertson (00366) John Andrews (00398) Martin Campbell (00488) David Robertson (00504) Mr & Mrs T Drummond (00580) Mr & Mrs R Morton (00588) Kevin & Ashley Blundell (00709) Ian & Pauline Smith (00747) Prof & Mrs Robert Smith (00780) Michael Cairns (00781) Heather Duncan (00909) Luncarty, Redgorton and Moneydie Community Council (00924) A & J Stephen (Builders) Ltd (03068)		Scottish Environment Protection Agency (03194) MBM Planning & Development (07693) Zurich Assurance Ltd (08816) Stanley & District Community Council (09050) David J Jeffrey (09228) J P Carroll (09642) Jane Crawford (09712) Sue Kilby (09761) Ian Heywood (09875) Dr Charles Turner (09934) Jackie Turner (09935) Alistair Godfrey (09941) Pete Rawcliffe (09990) Lynne Graham (10186) Rachel Burns (10283) David Burns (10284) Mandy Burns (10285) Bruce Burns (10286) Scottish Natural Heritage (05211/025)	
Provision of the development plan to which the issue relates:		Designated (H27,H30-34) and new sites within Luncarty and Stanley	
Planning authority’s summary of the representation(s):			
<u>H27: Luncarty South</u> Note see also to the Schedule 4 no. 22 (Perth Area Core (Green Belt) Graham Travers (00102/1/001); J P Carroll (09642/1/001); Jane Crawford (09712/1/001); Alastair & Moira Bulcraig (00237/1/001); John Andrews (00398/1/003); Elizabeth Robertson (00366/2/001); Anna Douglas (00234/1/001); Fergie Mitchell (00361/1/001); David Robertson (00504/1/001); Dr Charles Turner (09934/1/003); Martin Campbell (00488/1/001); Ian Heywood (09875/1/001); Alistair Godfrey (09941/1/003); Rachel Burns (10283/1/001); Bruce Burns (10286/1/001); Mandy Burns (10285/1/001); David Burns (10284/1/001); Ian & Pauline Smith (00747/1/001); Kevin & Ashley Blundell (00709/1/001); Lynne Graham (10186/2/002); Michael Cairns (00781/1/001); Jackie Turner (09935/1/003); Sue Kilby (09761/1/002); Heather Duncan (00909/1/001); Luncarty, Redgorton & Moneydie Community Council (00924/1/004); MBM Planning &			

Development (07693/18/001): Local residents and Luncarty, Redgorton and Moneydie Community Council make a number of points in opposing the development of the site. These have common themes and are grouped together under the following headings.

The site

The scale of development is out of keeping with the character of the village. The site is able to accommodate more development than is identified in the Plan 500 is suggested as a possible capacity of the site. The plan is misleading in suggesting 75 before CTRLR and a total of 200 by end of plan period. Developing the site will result in the loss of agricultural land and have an adverse effect on wildlife. Development of the site will result in the loss of recreation areas, footpaths and walks. Development of the site will increase Perth's Urban sprawl. There have been previous appeals for housing on the site dismissed and the site should be part of the green belt or AGLV

Access

There should be greater clarity in the Plan concerning the access to the site. The existing access is not suitable and a new access to the A9 is required. The development of the site will increase congestion at the Dunkeld Road and Inveralmond roundabout.

Infrastructure

Infrastructure and Community facilities will need to be expanded to accommodate the development.

Employment land

The required 5ha of employment land is too large for this village location

Battlefield

The site lies in the vicinity of a Viking battlefield which should be investigated as part of the development.

Zurich Assurance Ltd (08816/10/001): Question the effectiveness of the site and feel that it cannot be delivered in advance of the CTRLR. However this is in support of their representation supporting further releases at Stanley and links to the representations relating to the effectiveness of the strategic sites.

A & J Stephen (Builders) Ltd (03068/22/001, 03068/22/002, 03068/22/003, 03068/24/001, 03068/25/001 & 03068/23/001): Make comments in support of the site but ask that changes be made to the developer requirements. The site is to be shown for 625 houses but the numbers to be finalised by masterplan. The 5th requirement deleted as the site can be developed in advance of the CTRLR. The 8th requirement is not required and confusing as it seems to repeat the 7th. The 9th requirement is unreasonable and contrary to Circular 1/2010 (Core_Doc_097).

Scottish Natural Heritage (05211/25/029): The site is immediately adjacent to the River Tay (SAC) at its eastern boundary. The developer requirements should reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_139).

Stanley settlement

Stanley & District Community Council (09050/1/009, 09990/1/001, 09990/1/002, 09050/1/001 & 09050/1/007); Pete Rawcliffe (09050/1/008); Stanley Development Trust (00232/1/001); Mr & Mrs Robert Smith (00780/1/001): Local residents the Stanley Development Trust the landowners and Stanley and District Community Council make a number of points relating to the development of the village. These have common themes

and are grouped together under the following headings.

Access to the A9

Junction improvements are required to the A9 junction at Tullybelton before the village expansion can go ahead.

Masterplanning and phasing of development

There should be more detail on the phasing of the development and work should not start until building ceases on the sites with planning permission.

The process for preparation of the master plan needs to be spelt out in the LDP. The Community Council should be involved in the masterplanning exercise. The Stanely Development Trust would be an appropriate body to administer the developer contributions from the development.

Perth Core

Stanley should not be in the Perth Core as it is a unique and historic village.

Employment land

The size and location of the employment land should be clarified it should not become a sprawling industrial estate. The reuse of the existing remaining unused buildings at the mill for businesses, artists etc should be encouraged.

Infrastructure improvements

Infrastructure improvements particularly to the water supply are required before development goes ahead

Numbers

The Plan should be clear if it is 180 houses occupied by 2024 or built before 2024. The sites are capable of becoming part of the effective land supply and do not require the upfront infrastructure costs of the other large allocations. The numbers should be increased so that 280 are provided prior to 2024 and up to 170 post 2024.

Stanley H30

Stanley & District Community Council (09050/1/002): It is not clear who should lead or be involved in the preparation of the masterplan.

Zurich Assurance Ltd (08816/11/001): The identification of the site is welcomed but Stanley is one of the few places within the Perth Core which is not dependant on upfront infrastructure costs and is capable of delivering sites in the short to medium term. The numbers should be increased to 280 houses prior to 2024 with a secondary phase of up to 170 post 2024. The sites meet the test of effectiveness set out in PAN 2/2010 (Core_Doc_019) and will help the plan comply with Scottish Government policy. Contact has been made with the Development Trust and the Community Council and ZAL is aware of the aspirations of both groups.

Scottish Environment Protection Agency (03194/37/001): A field drain flows along the southern and western part of the site and developers should be made aware of a potential flood risk from this. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from national planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Stanley Development Trust (00341/1/001): Stanley Development Trust is in a strong position to manage planning gain having consulted locally to find out needs and aspirations of the local community. Any planning gain sought from developers should be agreed up front and be directly allocated to the community.

Stanley H31

Stanley & District Community Council (09050/1/003): The site should be limited to the amount of development shown in the current planning application.

Zurich Assurance Ltd (08816/11/002): The identification of the site is welcomed but Stanley is one of the few places within the Perth Core which is not dependant on upfront infrastructure costs and is capable of delivering sites in the short to medium term. The numbers should be increased to 280 houses prior to 2024 with a secondary phase of up to 170 post 2024. The sites meet the test of effectiveness set out in PAN 2/2010 (Core_Doc_019) and will help the plan comply with Scottish Government policy. Contact has been made with the Development Trust and the Community Council and ZAL is aware of the aspirations of both groups.

Stanley Development Trust (00341/1/002): Stanley Development Trust is in a strong position to manage planning gain having consulted locally to find out needs and aspirations of the local community. Any planning gain sought from developers should be agreed up front and be directly allocated to the community.

Stanley H32

David Jeffrey (09228/1/001): The existing junctions and access and roads leading to the site are inadequate an access leading to Duchess Street and the road leading to the A9 would solve the problem but the site boundaries do not allow this to be achieved. There are already problems with flooding affecting the existing properties in Manse crescent with both foul and storm water and any further connections will increase the frequency of this. These problems need to be solved before the development is included in the Plan.

Stanley & District Community Council (09050/1/004): It is not clear who should lead or be involved in the preparation of the masterplan.

Zurich Assurance Ltd (08816/11/003): The identification of the site is welcomed but Stanley is one of the few places within the Perth Core which is not dependant on upfront infrastructure costs and is capable of delivering sites in the short to medium term. The numbers should be increased to 280 houses prior to 2024 with a secondary phase of up to 170 post 2024. The sites meet the test of effectiveness set out in PAN 2/2010 (Core_Doc_019) and will help the plan comply with Scottish Government policy. Contact has been made with the Development Trust and the Community Council and ZAL is aware of the aspirations of both groups.

Stanley Development Trust (00341/1/003): Stanley Development Trust is in a strong position to manage planning gain having consulted locally to find out needs and aspirations of the local community. Any planning gain sought from developers should be agreed up front and be directly allocated to the community.

Stanley H33

Stanley & District Community Council (09050/1/005): To minimise the impact of development sites should be phased.

Zurich Assurance Ltd (08816/11/004): The identification of the site is welcomed but Stanley is one of the few places within the Perth Core which is not dependant on upfront infrastructure costs and is capable of delivering sites in the short to medium term. The numbers should be increased to 280 houses prior to 2024 with a secondary phase of up to 170 post 2024. The sites meet the test of effectiveness set out in PAN 2/2010 (Core_Doc_019) and will help the plan comply with Scottish Government policy. Contact has been made with the Development Trust and the Community Council and Zurich Assurance Ltd is aware of the aspirations of both groups.

Stanley Development Trust (00341/1/004): Stanley Development Trust is in a strong position to manage planning gain having consulted locally to find out needs and aspirations of the local community. Any planning gain sought from developers should be agreed up front and be directly allocated to the community.

Stanley H34

James Brown (00204/1/001): New housing would be higher than ours. This could cause potential privacy problems and new houses would dominate the skyline with significant visual impact. The field also has drainage problems and heavy rain and snow fall into our back garden. The field is used by wildlife and this habitat would be lost if developed.

Mr & Mrs T Drummond (00580/1/001): New housing would be 2-3 m higher than ours. This could cause potential privacy problems and new houses would dominate the skyline with significant visual impact. The field also has drainage problems and heavy rain and snow fall into our back garden. The field is used by wildlife and this habitat would be lost if developed.

Stanley & District Community Council (09050/1/006): It is not clear who should lead or be involved in the preparation of the masterplan.

Mr & Mrs R Morton (00588/1/001): New housing would be 2-3 m higher than ours. This could cause potential privacy problems and new houses would dominate the skyline with significant visual impact. The field also has drainage problems and heavy rain and snow fall into our back garden. The field is used by wildlife and this habitat would be lost if developed.

Zurich Assurance Ltd (08816/11/005): The identification of the site is welcomed but Stanley is one of the few places within the Perth Core which is not dependant on upfront infrastructure costs and is capable of delivering sites in the short to medium term. The numbers should be increased to 280 houses prior to 2024 with a secondary phase of up to 170 post 2024. The sites meet the test of effectiveness set out in PAN 2/2010 (Core_Doc_019) and will help the plan comply with Scottish Government policy. Contact has been made with the Development Trust and the Community Council and Zurich Assurance Ltd is aware of the aspirations of both groups.

Stanley Development Trust (00341/1/005): Stanley Development Trust is in a strong position to manage planning gain having consulted locally to find out needs and aspirations of the local community. Any planning gain sought from developers should be agreed up front and be directly allocated to the community.

Modifications sought by those submitting representations:

Luncarty H27

Graham Travers (00102/1/001); J P Carroll (09642/1/001); Jane Crawford (09712/1/001);

Alastair & Moira Bulcraig (00237/1/001); John Andrews (00398/1/003); Elizabeth Robertson (00366/2/001); Anna Douglas (00234/1/001); Fergie Mitchell (00361/1/001); David Robertson (00504/1/001); Dr Charles Turner (09934/1/003); Martin Campbell (00488/1/001); Ian Heywood (09875/1/001); Alistair Godfrey (09941/1/003); Rachel Burns (10283/1/001); Bruce Burns (10286/1/001); Mandy Burns (10285/1/001); David Burns (10284/1/001); Kevin & Ashley Blundell (00709/1/001); Ian & Pauline Smith (00747/1/001); Lynne Graham (10186/2/002); Michael Cairns (00781/1/001); Jackie Turner (09935/1/003); Sue Kilby (09761/1/002); Heather Duncan (00909/1/001): Delete the site.

Luncarty, Redgorton & Moneydie Community Council (00924/1/004): Delete site (assumed)

MBM Planning & Development (07693/18/001): A reduction in the scale of development proposed for the south of Luncarty.

A & J Stephen (Builders) Ltd (03068/25/001): The indicative capacity of the site should be set at 625 and the maximum of 200 by 2024 should be deleted. The total number of houses and amount of employment land along with phasing will be identified through the preparation of a masterplan.

A & J Stephen (Builders) Ltd (03068/22/001): Amend 4th bullet point Design of the new A9 junction and river crossing will have to be approved to allow the later phases of access and site layout to be designed.

A & J Stephen (Builders) Ltd (03068/22/002): Delete 7th bullet point

A & J Stephen (Builders) Ltd (03068/22/003): Delete 9th bullet point

A & J Stephen (Builders) Ltd (03068/24/001): Delete 5th bullet point

Zurich Assurance Ltd (08816/10/001): House numbers for the site re-allocated to the period beyond 2024 with the numbers relocated to other settlements such as Stanley where there are effective sites

Scottish Natural Heritage (05211/25/029): Add the following criteria to the developer requirements section on Page 135:

- *Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay SAC.*
- *Where the development of the site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay SAC.*

Stanley development general

Stanley & District Community Council (09050/1/009): Infrastructure improvements particularly to water supply enabled by the development.

Stanley & District Community Council (09050/1/001): Remove Stanley from Perth Core and clarify that 180 represents the maximum number of houses to be built before 2024. Identify more than 1ha of employment land.

Stanley & District Community Council (09050/1/007): Developer contributions allocated in accordance with the priorities identified in the Stanley Community Action Plan and administered by the local Stanley Development Trust.

Stanley & District Community Council (09050/1/008): Junction improvements on the A9 at the Tullybelton junction.

Stanley Development Trust (00232/1/001): The changes we would like to see include clarity on the development and sign off of the masterplan, commitment to a community led input into development of the masterplan, inclusion of employment land and the need for improvements to transport infrastructure and community facilities before the scale of development envisaged can be progressed.

Pete Rawcliffe (09990/1/001 & 09990/1/002): The finalised Plan needs to provide more detail on the phasing of the proposed development. It should indicate that 150 houses can be built before 2024 is a maximum and includes the circa 75 houses that already have planning permission in the village. It should also state that site preparation and building works should not start on any of the sites until building has stopped on the sites currently with permission for housing development. The Finalised Plan should also provide greater clarity on 1) the topics to be covered in the masterplan, 2) the process for its preparation including timing, who should be involved in developing the plan and signing it off and on the need for proper and effective community consultation on it and, 3) the responsibility for implementation and funding of it.

Mr & Mrs Robert Smith (00780/1/001): Clarity over the identification and location of the proposed site for employment uses.

Stanley H30

Stanley & District Community Council (09050/1/002): Stanley Community Council should be involved in the preparation of the masterplan.

Zurich Assurance Ltd (08816/11/001): Support for the identification of the sites but wish the numbers increased to 280 prior to 2024 with 170 post 2024.

Scottish Environment Protection Agency (03194/37/001): A flood risk assessment should be included as a site specific developer requirement. In addition, we recommend that the requirement specifies that no built development should take place on the functional flood plain or within an area of known flood risk.

Stanley H31:

Stanley & District Community Council (09050/1/003): A statement indicating that the site should only be developed for 34 houses and planted tree screening used to protect the setting of Stanley Mills. Stanley Community Council wish to be involved in the development of the master plan for the site. The site should be completed before any other sites are developed.

Zurich Assurance Ltd (08816/11/002): Support for the identification of the sites but wish the numbers increased to 280 prior to 2024 with 170 post 2024.

Stanley Development Trust (00341/1/002): The Stanley Development Trust manage any planning gain from the developments.

Stanley H32

David Jeffrey (09228/1/001): Site should be deleted unless the access and storm and foul surcharching issues affecting the properties in Manse Crescent are resolved.

Stanley & District Community Council (09050/1/004): Stanley community council should be involved in the preparation of the masterplan.

Zurich Assurance Ltd (08816/11/003): Support for the identification of the sites but wish the numbers increased to 280 prior to 2024 with 170 post 2024.

Stanley Development Trust (00341/1/003): The Stanley Development Trust manage any planning gain from the developments

Stanley H33

Stanley & District Community Council (09050/1/005): A statement indicating that the site be completed before other development takes place. Stanley Community Council to be involved in the masterplan for all sites.

Zurich Assurance Ltd (08816/11/004) Support for the identification of the sites but wish the numbers increased to 280 prior to 2024 with 170 post 2024.

Stanley Development Trust (00341/1/004): The Stanley Development Trust manage any planning gain from the developments.

Stanley H34

James Brown (00204/1/001): New housing kept to the lower rear slopes of the site with a buffer zone around the edge to retain wildlife.

Mr & Mrs T Drummond (00580/1/001); Mr & Mrs R Morton (00588/1/001): Delete the site

Stanley & District Community Council (09050/1/006): Stanley Community Council should be involved in the preparation of the masterplan.

Zurich Assurance Ltd (08816/11/005): Support for the identification of the sites but wish the numbers increased to 280 prior to 2024 with 170 post 2024.

Stanley Development Trust (00341/1/005) The Stanley Development Trust manage any planning gain from the developments.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Luncarty H27

Graham Travers (00102/1/001); J P Carroll (09642/1/001); Jane Crawford (09712/1/001); Alastair & Moira Bulcraig (00237/1/001); John Andrews (00398/1/003); Elizabeth Robertson (00366/2/001); Anna Douglas (00234/1/001); Fergie Mitchell (00361/1/001); David Robertson (00504/1/001); Dr Charles Turner (09934/1/003); Martin Campbell (00488/1/001); Ian Heywood (09875/1/001); Alistair Godfrey (09941/1/003); Rachel Burns (10283/1/001); Bruce Burns (10286/1/001); Mandy Burns (10285/1/001); David Burns (10284/1/001); Kevin & Ashley Blundell (00709/1/001); Ian & Pauline Smith

(00747/1/001); Lynne Graham (10186/2/002); Michael Cairns (00781/1/001); Jackie Turner (09935/1/003); Sue Kirby (09761/1/002); Heather Duncan (00909/1/001); Luncarty, Redgorton & Moneydie Community Council (00924/1/004); MBM Planning & Development (07693/18/001); A & J Stephen (Builders) Ltd (03068/25/001 & 03068/24/001); Zurich Assurance Ltd (08816/10/001):

The site

Policy 1 of Tayplan identifies Luncarty as one of the tier 1 settlements in the Perth Core which have the potential to accommodate the majority of development over the plan period. It is accepted that the site is large enough to accommodate more than 200 houses but the numbers need to be designed as part of the masterplanning process. This is stated in the text but may benefit from being emphasised using bold text. The village is an appropriate location for further expansion as it has good active and public transport links to Perth and good access to services. In particular the site complies with the factors set out in paragraph 80 of SPP (S4_Doc_099). Though the site is large it is setting the framework for the expansion of the village during the plan period and beyond into the next plan period. Expansion to the south is the only option as areas to the north are subject to flooding and the east and west are constrained by the river and the railway/A9. The development of the area will result in the loss of agricultural land but it is mostly not prime and complies with national guidance as it is part of a settlement strategy paragraph 97 SPP (S4_Doc_107). The popular walks and routes through the area are core paths or rights of way and will be retained and potentially improved as a result of the development. The masterplan will be required to provide links and increase the connectivity of these routes. The master plan will also be required to design an open space framework for the area taking account of the way that the existing village has evolved through the expansions of the 70's and 80's. It is hoped that the development will achieve a better more useable area of recreational walks and open space than exists at present. The Green Belt is designed to stop Luncarty coalescing with Perth one of the uses for Green Belt policy set out in paragraph 160 of SPP (S4_Doc_075). See also schedule 4 on Green Belt and sites around Perth. There are no AGLV designations in the LDP, SPP paragraph 139 (S4_Doc_292) indicates that only local landscapes designations should be used. The Council has resisted development in this area in the past in line with its development strategy at the time reference is made to a planning application for this site which was refused in 1997 (S4_Doc_659). In relation to the reasons the Structure Plan has been replaced by TAYplan which identifies Luncarty as suitable location for further development, the AGLV no longer exists (in the LDP) and was identified in this location primarily to protect the setting of the river Tay north of Perth something that can be achieved in a different way through the master plan for the site. The Green Belt now protects the setting of the city as required by TAYplan policy 3 (S4_Doc_064) However the Council now considers that it is appropriate that the area be developed for housing to meet the requirements to identify further housing land and in particular to conform to TAYplan policy 1 (S4_Doc_067). The site is believed to be effective and will make a useful contribution to the effective housing supply. The issues are dealt with in detail in the schedule 4 No 20c Housing land

No modification is proposed to the plan.

Access

It will be possible to access the site from the CTRLR once the design and route are finalised. There is also potential to provide the main access to the site from Scarth Road but this will require extensive remodelling of the embankment and redesign main Inverness railway bridge butts to achieve the necessary sightlines. It is accepted that 4th and 5th developer requirements are unnecessarily rigid and a more flexible approach

would be to allow the master plan to deal with the access issues. The provision of the CTLR is intended to reduce traffic on Dunkeld Road. and Inveralmond roundabout.

No modification is proposed to the Plan.

Infrastructure

It is accepted that the development will require infrastructure improvements and these will be designed through the masterplan process.

No modification is proposed to the plan.

Employment land

An indicative area is identified for employment land which is reasonably self contained and due to the topography will have limited visual impact. The final design will emerge from the masterplanning process. The provision of 5ha of employment land will meet the Scottish Government's objectives of creating successful places by providing a mix of land uses paragraph 78 of SPP (S4_Doc_106). It will also meet Placemaking objectives set out in the LDP by allowing people to live close to where they work. The employment land is only around 7% of the site and this is not felt to be an unreasonable allocation in view of the overall scale of the site.

No Modification is proposed to the plan.

Battlefield

There is no evidence that the site was a battlefield and the area is not an area that Historic Scotland have indicated should be protected. There are some local archaeological sites within the site boundary but they are related to old farming practices rather than a battlefield. A scheduled ancient monument the kings stone is located to the south of the site near Denmarkfield and the name does suggest a Scandinavian connection. The old OS map from 1896 does have a legend across the southern section of the site which reads. Site of the Battlefield of Luncarty AD990 (S4_Doc_660) this should be investigated further through the masterplan.

No modification is proposed to the plan.

A & J Stephen (Builders) Ltd (03068/22/001, 03068/22/002 & 03068/22/003): The issue of paths and active travel links will be dealt with through the masterplan for the site it is unnecessary to delete the specific developer requirements.

Scottish Natural Heritage (05211/25/029): It is considered that amending the developer requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) 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.

Stanley development general

Stanley & District Community Council (09050/1/009); Pete Rawcliffe (09990/1/001 & 09990/1/002); Stanley & District Community Council (09050/1/001, 09050/1/002, 09050/1/004, 09050/1/005, 09050/1/006, 09050/1/007 & 09050/1/008); Stanley Development Trust (00232/1/001 & 00341/1/004); Mr & Mrs Robert Smith (00780/1/001):

Zurich Assurance Ltd (08816/11/001, 08816/11/002, 08816/11/003, 08816/11/004, 08816/11/005):

Note

The expansion of the village by way of a masterplan was included as part of the preferred option in the MIR. The expansion of the village was also subject of a mediation event which has reduced the concerns over the development of the village.

A9 Access

Transport Scotland propose to grade separate the junction at Tullybelton as part of the A9 upgrade. The entire programme of improvements is due to completed by 2025 though this proposal is thought to be in an early phase. The development of the housing land at Stanley is not determinate on the provision of this junction upgrade.

No modification is proposed to the plan.

Masterplanning

It is intended that the masterplanning process will involve the local community the details of this still have to be decided. It is also intended that bodies such as the Stanley Development Trust will be involved. The mechanism for this entire process still has to be detailed. The masterplan for Stanley is listed amongst the supplementary guidance to be published later. There have been some preliminary discussions with the owner and the community over this but formal arrangements still have to be agreed. Until there are more details of the masterplan it is unnecessary to place any restrictions on the development and phasing of the village expansion.

No modification is proposed to the plan.

Perth Core

Policy 1 of Tayplan identifies Stanley as one of the tier 1 settlements in the Perth Core which have the potential to accommodate the majority of development over the plan period TAYplan Policy 1 (S4_Doc_067). The Plan must be consistent with TAYplan.

No modification is proposed to the plan.

Employment Land

The location and the final design for the employment land will emerge from the masterplanning process. The provision of 1ha of employment land will meet the Scottish Government's objectives of creating successful places by providing a mix of land uses paragraph 78 of SPP (S4_Doc_106). It will also meet Placemaking objectives set out in the LDP by allowing people to live close to where they work. The reuse of the mill building for employment purposes is to be encouraged and is in line with the Plan.

No Modification is proposed to the plan.

Infrastructure

The infrastructure will require improvements before the development can go ahead. These are technical issues which will be resolved through the development of the masterplan.

No modification is proposed to the plan.

Numbers

There is a contradiction in the Plan between the site heading and the developer requirements the LDP should indicate that 180 houses could be built before 2024. It is not considered likely that the site will deliver more housing by this date due to market conditions and likely build rates. However the phasing and final design will be achieved through the masterplan

No modification is proposed to the plan.

Specific sitesH30

Scottish Environment Protection Agency (03194/37/001): The requirement for a flood risk assessment is accepted. Consequently in view of the above if the Reporter is so minded to recommend that the representation is accepted and the plan modified, the local authority would be comfortable with this modification because it would not have any implications for other policies within the LDP.

H31

Stanley & District Community Council (09050/1/003); A planning application for the erection of 34 houses has been recommended for approval but is awaiting the completion of a section75 agreement. The application will be considered as part of the masterplanning processes.

No modification is proposed to the plan.

H32

David Jeffrey (09228/1/001): The development of the site will resolve storm and surcharging issues through the use of suds schemes to deal with surface water.

No modification is proposed to the plan.

H34

James Brown (00204/1/001); Mr & Mrs T Drummond (00580/1/001); Mr & Mrs R Morton (00588/1/001): The design of the site boundaries will be a matter for the masterplan but it is not unreasonable that there should be a buffer between the site and existing properties and issues of privacy and design will also be matters for the masterplan

No modification is proposed to the plan.

Reporter's conclusions:H27: Luncarty South

1. As a Tier 1 settlement in TAYplan, it is to be expected that Luncarty will be a focal point for development. The settlement has a range of services and has good public transport and active travel links with Perth. No evidence has been provided to challenge the council's conclusion that development to the north of the settlement is ruled out by flood risk concerns, and it is self-evident that there is no capacity to expand to the east or west due to the proximity of the railway and the river. Expansion to the south in the form of proposed site H27 therefore appears to be the only option. Although this would involve the loss of agricultural land, this is inevitable if the settlement is to expand in the manner that is expected of a Tier 1 settlement, due to the limited supply of previously developed

land within the settlement.

2. Luncarty is sufficiently far from Perth for this development site to cause no objectionable loss of separation between the two settlements. Land to the south of the site is proposed to be designated green belt, which will provide very strong and long lasting protection from any subsequent infilling of the gap between Luncarty and Perth, thereby avoiding coalescence.

3 This extensive site could accommodate significantly more than the 200 houses that are permitted by the Proposed Plan to be built within the plan period, while leaving space for 5 hectares of employment land, an appropriate landscaped set back from the river and provision for high quality walking and cycling routes. However, not all of the site could be expected to come forward within the plan period, particularly as there is predicted to be some delay to the delivery of one of the site accesses, as discussed below.

4. Access to the site would be from two directions: from a link to the proposed Cross Tay Link Road (CTLR) to the south and from Main Road / Scarth Road to the north. It has been concluded under Issue 24 that the proposed CTLR is unlikely to be delivered within the plan period. Therefore, this could not be relied upon to provide an access in the short to medium term. The council's response above states that the access route to the north via Main Road / Scarth Road would require extensive remodelling of the embankment which supports Scarth Road and works to the railway bridge over the mainline to Inverness. Such works could potentially affect the effectiveness of the site.

5. The council and prospective developer were asked to provide further information on this issue, particularly in regard to any discussions that might have taken place with Network Rail and the likely cost and timing of these works. The developer's response confirms that no third party land would be required to implement the embankment alterations, as most of the land affected is within the site and the remainder is within the road boundary. With regard to the railway bridge, a report from the developer's transport consultant confirms that no works would be required to the bridge itself and that the proposed junction was designed specifically to avoid Network Rail land and assets. The report states that the northern access junction design could accommodate 650 dwellings but recognises that, in compliance with the council's current standards, the maximum capacity would be 300. The council's response confirms that it is confident that this access can be provided and confirms that Network Rail has raised no concerns. Although the response maintains the view that some, relatively minor, works would be required to the bridge, this view does not appear to have been informed by any engineering study into how the access might be formed.

6. Taking this additional information into account, it is reasonable to conclude that the site could deliver 300 units within the plan period. The current restriction of 200 units should be modified accordingly. However, there would be no benefit in defining at this stage, the total output from the site, as there is no likelihood of more than 300 units being delivered within the plan period and an estimate of the total output from the site would be more accurately assessed once further work has been done on designing the CTLR and the layout of the site itself. The final figure for the site as a whole would be a matter for the next review of the Plan.

7. The possibility of there being previously unknown archaeological interest should be addressed in the required site masterplan and it would be helpful to highlight this issue in the site-specific developer requirements. The same would apply to the avoidance of any adverse effect upon the River Tay Special Area of Conservation.

8. The council has accepted that it would not be appropriate to restrict development pending the new A9 junction on the CTRL. Given that it has been concluded that the CTRL is unlikely to be delivered within the plan period but that an alternative access to the site from the north should be deliverable well within this time frame, it is no longer necessary to retain the requirement for the A9 junction and river crossing to be designed or for the site to connect to the new A9 junction prior to construction of more than 75 houses. However, it is necessary that development proposals for more than 300 houses (which will require the access to the south) are not finalised until the A9 junction and river crossing are approved. The remaining site-specific developer requirements are all reasonable and necessary if the site is to have an acceptable environmental impact.

Stanley settlement

9. Stanley is also identified as a Tier 1 settlement in TAYplan and is therefore expected to contribute significantly to future development needs. TAYplan identifies the settlement as lying within the Perth Core Area in recognition of its relatively close proximity to Perth. The fact that it is a unique and historic village does not alter that fact. And in any event, the proposed plan must be consistent with TAYplan so it would not have been possible for the proposed plan to reclassify the settlement as one lying outside the Perth Core Area, even if that had been justified.

10. No evidence has been provided to challenge the council's conclusion that the proposed development sites in Stanley can proceed without Transport Scotland's proposed A9 junction upgrade at Tullybelton. Therefore, there are no grounds to require the development of these sites to await the junction upgrade or to question their effectiveness as a result of the uncertainty around the timing of its delivery.

11. As a key contributor to forecast growth in the Perth area, additional opportunities need to be provided within Stanley to satisfy demand for housing and employment land, as and when it arises. Restricting development until all existing permitted housing or employment sites in the settlement had been completed would be likely to constrain the settlement's expansion, contrary to TAYplan and to the Proposed Plan's housing and employment land strategies. And, given the level of forecast demand, there is no reason to conclude that permitting new development sites would threaten the delivery prospects of sites that already have planning permission.

12. The level of developer contributions and the matters for which they may be sought are for negotiation between the prospective developer of the sites and the council at the planning application stage, guided by any site-specific developer requirements that are set out in the plan and the provisions of any relevant supplementary guidance. Any such contributions would need to satisfy the requirements of Circular 3/2012. Details of who would administer such contributions are not matters for the proposed plan but could be an issue for discussion at the planning application stage.

13. The impact of construction work on existing residents might be lessened if development of the five proposed sites were staggered so that only one site was active at any one time. However, there is a limit to the rate at which the developer of a relatively small housing site can bring new homes to the market. Consequently, such an approach would be likely to constrain the rate of development to such an extent that the settlement could not deliver the rate of housing completions that is forecast to be required over the plan period. The plan requires a comprehensive masterplan to be prepared that will ensure a coordinated and appropriate outcome for the village as a whole even if sites are developing in parallel. The council could involve the community in the masterplan in

order to build upon past community engagement work.

Numbers within the plan period

14. In the absence of any concerns raised by infrastructure providers, there is insufficient evidence to justify restricting development to a specified level pending the improvement of infrastructure such as the water supply. It would however be appropriate to specify that the delivery of development should be phased to ensure that there is adequate infrastructure available.

15. The Proposed Plan identifies that the total output from site H30 to H34 would be a maximum of 300 units, but with no more than 180 units either built or occupied (the site-specific developer requirement uses both terms) within the plan period. As the planning system can more easily regulate the rate at which houses are built, this would be the figure to use in the event that it is necessary to regulate the output from these sites over the plan period. However, it is also necessary to consider whether in fact such a restriction would be justified.

16. The council and land owner were asked to provide further information on this issue. The council did not identify any specific infrastructure or other restriction that would militate against delivering more than 180 units within the plan period. However, it questioned whether the market could deliver in excess of this number, when compared with low rates of house building within the settlement in the past. And it stressed that discussions with the local community had indicated strong opposition to what it regarded as an excessive rate of development. In contrast there was general support for a more steady rate of delivery. The landowner addressed the effectiveness criteria in PAN 2/2010 and concluded that all of the proposed land would be effective within a five year period and, given the likely delivery problems with sites elsewhere which depend upon the delivery of the CTLR, it would be counterproductive to seek to restrict the rate of building in one of the relatively few locations that could contribute to the five year housing supply. The land owner seeks 280 houses within the plan period and 170 beyond that.

17. In the absence of any identified infrastructure constraints and bearing in mind the conclusions that have been reached regarding the likely delay in the delivery of any sites that are reliant upon the CTLR, there is a strong case for not restricting housing delivery in Stanley during the plan period. The fact that historically the settlement may have delivered low levels of housing does not provide a sound basis for concluding that this would continue to be the case, particularly when the Proposed Plan identifies sites that could enable the market to deliver at a higher rate. The council's successful engagement with the community is commendable, and the views of the local community are an important material consideration. However taking all matters into account there are considered to be insufficient grounds to restrict the delivery of housing from the five identified sites within the settlement in the period to 2024. It is impossible at this stage to define the total output from these sites so it would be inappropriate to impose an upper limit. However, for the purposes of estimating the likely delivery of housing within the settlement by 2024, a figure of 280 would be appropriate.

Stanley H30

18. It would be appropriate to specify in the site-specific developer requirements that part of this site may potentially be at risk from flooding and that this is likely to constrain the developable area.

Stanley H31

19. The capacity of this site should be determined at the masterplan stage and there would be no benefit in defining it in the proposed plan. The fact that a previous planning application specified a development of 34 units does not indicate that this is necessarily the optimal number.

Stanley H32

20. The Scottish Environment Protection Agency (SEPA) has raised no concerns with flood risk either on this site itself or in terms of any flooding issues that development here might cause elsewhere. Against that background, it would be inappropriate to require a flood risk assessment in the site-specific developer requirements. However, this would not prevent the matter being taken into account at planning application stage should there in fact be an issue to address. There is no reason to conclude from the available evidence that a safe and appropriate access could not be provided. The details of this would be a matter for the development management stage.

Stanley H34

21. This site is quite prominent at the northern entrance to the settlement, as it rises above the level of the adjacent road. It is also elevated slightly above the bungalows in Mill Street. Care will need to be taken over the design and layout of the development in order to avoid unreasonable diminution of the residential amenity of existing adjacent residents. However, there is no reason to conclude that this could not be adequately addressed at the development management stage. The development of any land will result in some loss of existing habitat but there is no objection to this proposal from Scottish Natural Heritage or any other conservation body and no evidence that the site has any greater ecological importance than any other farmland. There are no grounds therefore to resist development on grounds of habitat loss.

Reporter's recommendation:Luncarty South H27

1. Modify the table on page 135 to replace *"200 houses and 5 ha of employment land"* with *"in excess of 300 houses and 5 ha of employment land."*

2. Modify the next sentence to read *"The maximum permitted to 2024 will be 300 houses."*

3. Modify the following sentence to read *"The site is capable of accommodating more than 300 houses but the total numbers and phasing require to be identified through a masterplan."*

4. Modify the site-specific developer requirement by adding three additional requirements as follows:

"Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay SAC."

“Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay SAC.”

“A desk based archaeological assessment of the site with a subsequent more detailed investigation if justified.”

5. Modify the fourth site-specific developer requirement to read as follows: *“Design of the new A9 junction and river crossing will require to have been approved prior to finalisation of the layout for more than the first 300 houses.”*

6. Delete the fifth site-specific developer requirement (restricting development to 75 units in advance of the new A9 junction).

7. Make consequential modifications to the table under paragraph 5.1.11.

Stanley

8. Modify the site-specific developer requirements for sites H30-H34 by deleting *“300 maximum (180 occupied by 2024)”* and replacing with *“280 built by 2024”*

9. Modify the second site-specific developer requirement to read as follows: *“Development phased to ensure that there is adequate infrastructure to accommodate it.”*

10. Make consequential modifications to the table under paragraph 5.1.11.

Stanley H30

11. Modify the site-specific developer requirements for sites H30-H34 by adding an additional requirement as follows:

“Flood risk assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site.”

Issue 25b	Perth Area (within Core) East Settlements	
Development plan reference:	5.6 – Balbeggie, page 89-90 H13 - St Martins Road, Balbeggie, page 89 RT1 - West Kinfauns, page 126 5.31 – Perth Airport, page 138-139 MU3 - Perth Airport, page 139 5.33 – Scone, page 141-143 H29 - Scone North, page 142 MU4 - Angus Road, Scone, page 142 OP22 - Glebe School, Scone, page 142	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Scone & District Community Council (00043) Steve Short (00081) H Moncrieff (00107) Philip Stickings (00108) Kenneth Robertson (00111) William Watson (00113) Margaret MacLeod (00116) Catherine Wight (00118) Helen Goodacre (00138) Ian Fairley (00142) Charles MacPherson (00177) A R Shepherd (00212) J Learmonth (00217) Mr & Mrs Gordon Bannerman (00281) P Williamson (00302) The Morris Leslie Group (00385) M McNeill (00415) Michael Appleyard & Jill Guthrie (00512) Mr & Mrs William Craig (00555) James & Margaret Nicol (00597) Karen Donaldson (00601) John & Elizabeth Wells (00604) Norah Stewart (00606) Dr & Mrs D Shackles (00631) Gannochy & Kinnoull Community Council (00667) Ian Gardiner (00685) Annelie Carmichael (00731) M C Watling (00724) Deirdre A Beaton (00741)	George Beaton (00742) Douglas Davidson (00743) Dorothy Guthrie (00763) Suzanne Black (00837) Alison Befroy (00869) Philip Gill (00941) A & J Stephen (Builders) Ltd (03068) Mr & Mrs Ian Nicol (03187) Scottish Natural Heritage (05211) Molly Miller (07693) Persephone Beer (07744) William Craig (07979) Margaret Bowman (08311) M Robertson-Black (08764) Forestry Commission Scotland (08988) Scone Palace & Estate (09163) TACTRAN (09203) Archibald McHardy (09232/1) Edward G & Isobel J F Heggie (09232/2) Culfargie Estates (09289) Shell UK Ltd (09313) Mary Wright (09652) Patricia Matte (09653) Mike Moir (09664) Martin R W Rhodes (09872) BP North Sea Infrastructure (09994) Alasdair Bews (10088) James Smith (10116) Linda Simpson (10140) CKD Galbraith(10229) John Munro (10277)	
Provision of the development plan to which the issue relates:	Designated and new sites within Balbeggie, Kinfauns, Perth Airport and Scone.	

Planning authority's summary of the representation(s):Balbeggie settlement

Edward G & Isobel J F Heggie (09232/2/001): Burn bank farm lies underneath the star indicating waste management site. The site actually lies to north beside the village hall. Inclusion of a small part of Burn Bank farm (S4_Doc_005) would square off the village and it should be included in the village boundary.

Douglas Davidson (00743/1/001): The character of the village would not be improved by a large development at a single location. The extension proposed is artificial.

Archibald McHardy (09232/1/003): Support for the Plan (Balbeggie in Perth Core).

BP North Sea Infrastructure (09994/2/002): Support for the Plan.

Shell UK Ltd (09313/3/007): Support for the Plan eastern village boundary.

Balbeggie H13: St Martins Road

Patricia Matte (09653/4/003): The development of 100 houses in H13 in association with other development proposed for the east of the river will give the entire A94 area a congested appearance and spoil the area and its appeal.

Archibald McHardy (09232/1/001): An extension of site H13 to the south (S4_Doc_005) would provide a useful extension to the site (around 10 houses). The site is available now and has a direct connection to the public road. The site also has a good landscape framework.

Shell UK Ltd (09313/3/003): A pipeline consultation zone lies on the east side of Balbeggie it is important that the Heath and Safety Executive is consulted and agrees to the identification of site H13 given its density and proximity.

CKD Galbraith (10229/2/001): The site sits on high ground and will create a prominent new edge at the south west of the village. Screening with a high tree belt would not be compatible with the character of the village. The site will not deliver positive change for village amenities apart from open space and play facilities.

Douglas Davidson (00743/2/001): H13 is too large in scale for the location and is greater than the existing overall development density for Balbeggie.

Culfargie Estates (09289/27/001): Site should be replaced with new site on the east of Balbeggie.

BP North Sea Infrastructure (09994/2/001): Support for the Plan.

Balbeggie: new sites

Ian Gardiner (00685/1/001): A small boundary extension to the southeast along the Abernyte Road (S4_Doc_005) could provide a site for 4 houses which would not trigger the embargo relating to the CTRL. The site is not near the pipeline and is available now for development. The site has been in my family ownership for nearly 100 years and I intend to build and live on the site.

Culfargie Estates (09289/27/002); CKD Galbraith (10229/2/002): Development on the east side of Balbeggie (S4_Doc_005) will better relate to local services and in particular

the local shop, the primary school and the community hall. The existing hall is on the east side of the village and there is the potential to develop this as a community hub and provide changing facilities, toilets and catering linked to improved open space provision. Development could improve the public realm particularly on the north of the village and may allow the filling station/shop/ restaurant to reopen. The east of the village has a better landscape setting than the west and development here will not break the skyline. Access can be provided to the A94 and B953 and this would allow an early release of housing land (map supplied).

Kinfauns settlement

TACTRAN (09203/16/001): The allocation of site RT1 for a park and ride is supported but the boundary extends beyond the envelope shown on page 127.

Kinfauns West Kinfauns:RT1

Molly Miller (07693/12/001): Support settlement boundary for Kinfauns but object to allocation of site RT1 for park and ride. MIR did not identify any detailed proposals or potential locations at that time. Priority for designating new park and ride sites should be within or adjacent to strategic development areas to north and west of Perth rather than the east as there are no major proposals along the Carse. There is therefore no justification for a park and ride site at Kinfauns.

There are already amenity issues for residents from the A90 trunk road and these will be raised to unacceptable levels by the location of RT1. Park and ride at Broxden was located away from housing specifically to avoid such amenity issues.

P Williamson (00302/1/001); Gannochy & Kinnoull Community Council (00667/6/001); George Beaton (00742/2/001); Deirdre A Beaton (00741/2/001); Annelie Carmichael (00731/5/001): Support for the Plan.

Perth Airport settlement

Mr & Mrs Ian Nicol (03187/1/001): Perth Airport masterplan has an independent but parallel existence and is reportedly supported by Council Officials. LDP should clarify the position as regards to this masterplan. Proposal to extend the runway is unsound and inappropriate because of cost, environmental damage, and impact on the community. There is no need or market for the proposal and no economic justification.

MU3: Perth Airport

The Morris Leslie Group (00385/5/001): TAYplan (Core_Doc_099) responses to the Reporter examining that plan indicate that should there be a housing land shortfall, it can be accommodated on sites within the Perth Core Area. Surplus land is available for housing in addition to the 50 house allocation at site MU3 and this is within the Core Area. Requirement for a 5 year housing land supply is a minimum and given the significant constraint posed by CTRL there should be a greater supply than this minimum. Housing land allocations within the Perth Core Area should therefore be redistributed to sites which can contribute to the provision of the CTRL so it can be achieved within a meaningful timescale. CTRL is required for appropriate access to the A93 and 94 corridors, to relieve congestion, for air quality reasons, and to reduce reliance on the continuing safety and availability of the existing bridges in Perth. Air Quality Management Plan (Core_Doc_043), 2008 GROS figures (Core_Doc_134) and 2006 GROS figures (Core_Doc_013).

Scone settlement

J Learmonth (00217/1/001): The open space to the rear of Pinedale Terrace,

Woollcombe Square and Stormont Road (S4_Doc_248) should be identified as public open space and protected as such in the LDP.

M Robertson-Black (08764/1/001): Additional housing in Scone will have a detrimental impact on air quality and congestion at Bridgend, school is already at capacity, drainage capacity would have to be increased, and the CTRLR will increase traffic using Dunkeld Road and have a detrimental impact on amenity. Future development should be directed to areas where there is sufficient existing infrastructure and retail provision such as western Perth and areas outwith Perth and Kinross.

John Munro (10277/1/007): Costs would be lower and environment more amenable for housing in locations other than Scone. Given current economic problems it is important that Perth captures more business; locating more housing with good access would assist this. A 'development corridor' between Gannochy and Scone would support the aim of increasing the use of more sustainable modes of transport.

Woollcombe Square

Mike Moir (09664/1/001); Helen Goodacre (00138/1/001); James Smith (10116/1/001); William Craig (07979/1/001); Linda Simpson (10140/1/001); Mr & Mrs William Craig (00555/1/001); Suzanne Black (00837/1/001); Alastair Bews (10088/2/001) Support retention of grass area within Woollcombe Square as open space.

H29: Scone North

Ian Fairley (00142/1/001); Patricia Matte (09653/4/005); Margaret MacLeod (00116/1/001); Charles MacPherson (00177/1/001); Catherine Wight (00118/1/001); H Moncrieff (00107/1/001); Philip Stickings (00108/1/001); William Watson (00113/1/001); Martin R W Rhodes (09872/1/001); Mary Wright (09652/1/001); A R Shepherd (00212/1/001); Gordon Bannerman (00281/1/001); Mr & Mrs Ian Nicol (03187/1/002); Margaret Bowman (08311/1/001); M Robertson-Black (08764/1/002); Steve Short (00081/1/001); Dorothy Guthrie (00763); Norah Stewart (00606/1/001); Alison Befroy (00869/1/001); Kenneth Robertson (00111/1/001); Persephone Beer (07744/1/009); James & Margaret Nicol (00597/1/001); Philip Gill (00941/1/001); Scone & District Community Council (00043/1/001); M McNeill (00415/1/001); John & Elizabeth Wells (00604/1/001); M C Watling (00724/1/001): Local residents and Scone and District Community Council make a number of points in opposing the development of the site. These have common themes and are grouped together under the headings below. Enterprise and Infrastructure Committee Report June 2006 (S4_Doc_235) and Green Belt study (Core_Doc_049).

The impact on the village

The amount of building proposed will alter the character of the village changing it to a suburb of Perth or a small town. The population increase at around 30% will impact on the provision of existing services such as schools, shops and emergency services. There is no arterial road connection from the village to site H29 other than CTRLR which will divide community. The appeal decision indicated that the development at Balgarvie would prevent Scone extending northwards. Scone has accommodated more than its fair share of development with little planning gain and there are better sites in Perth and Kinross to accommodate large scale development. The development will attract commuters and it should be closer to Edinburgh or Glasgow.

Traffic congestion

The development will cause traffic congestion on the A94 Coupar Angus Road. The CTRLR embargo is unreasonable, unenforceable and will easily be challenged. The

development will cause more congestion and pollution at Bridgend as traffic will still go into Perth using the existing bridges even when the CTRLR is provided.

The site

The site is prime agricultural land and parts of it flood. Development will destroy the unique landscape setting important to the village. The development will destroy important habitats which support diverse flora and fauna. As the site is close to Scone Palace there is potential to lose important areas of archaeological and historic interest. The site lies underneath the flight path from Perth Airport and residents will be affected by noise and disturbance from aviation activities. There will be a loss of recreational paths which currently run through the site. The proposed tree belt should be extended to run behind the properties at 22-24 Highfield Road as this would provide a wildlife corridor and help protect properties from flooding. The development of the site is contrary to the wishes of the majority of residents of Scone. The development may exacerbate flooding problems with the Victorian Barrel Drain which runs through Scone.

Scottish Natural Heritage (05211/24/013): Seek amendment to first Developer Requirement to ensure the masterplanning process takes into account current Scottish Government policy on Designing Places (Core_Doc_138) and SPP (Core_Doc_048) ('location and design of new development'). Current allocation is unrefined and does not give enough information to ensure the protection and enhancement of the landscape, natural heritage, biodiversity and wider environment. Of particular importance is the mitigation of potential landscape and ecological effects including protection and enhancement of woodland, green space and green links, the proposed treatment at the interface of the development with the countryside, and overall sustainability.

A & J Stephen (Builders) Ltd (03068/18/001, 03068/18/002, 03068/18/003, 03068/18/004 & 03068/20/001): A & J Stephen support the development but indicate that it must comply with Circular 1/2010 (Core_Doc_097) and question whether the Council's policy on education contributions and the requirement for pedestrian and cycle routes to the village is reasonable or enforceable. (Cross reference to Schedule 4: 04 Infrastructure Contributions). The 4th Developer Requirement is a mistake and should read '*committed*' not '*constructed*'. Houses should be built in advance of the CTRLR as the site would be effective without the requirement. (Cross reference to Schedule 4: 24 Perth Area (within Core) Transport Infrastructure and 20d Effectiveness of Strategic Sites). P/PPA/340/789 (S4_Doc_237), P/PPA/340/2050 (S4_Doc_238).

Scottish Natural Heritage (05211/23/004): Site H29 contains woodland included in the Ancient Woodland Inventory. Developer Requirement or site allocation should be amended to ensure protection of existing woodland complies with Scottish Government policy on trees and woodland paragraph 146 of SPP (S4_Doc_080) and control of woodland removal policy or with Policy NE2 (S4_Doc_500) of the LDP. Scottish Government Policy on Control of Woodland Removal (Core_Doc_187).

Forestry Commission Scotland (08988/1/010): Route of the proposed CTRLR cuts through an area of woodland and prime red squirrel habitat and should therefore be moved south west and into the site H29 area. Within site H29 there are areas of woodland and trees including an area on the western edge which appears to be proposed for development. Forestry Commission cannot condone any tree removal. Scottish Government policy on woodland removal (Core_Doc_187).

A & J Stephen (Builders) Ltd (03068/17/001): Support for the Plan. Rep (S4_Doc_236), Main Issues Report (Core_Doc_095) and Almond Valley Environmental Statement

(Core_Doc_137).

Scone Palace and Estate (09163/4/024): Support for the Plan.

MU4:Angus Road

M Robertson-Black (08764/1/004): Further supermarket capacity not desirable as out of town means further increase in traffic and resultant problems. Retail capacity should be easily available for residents who do not have transport.

TACTRAN (09203/17/001): Support for the Plan.

Op22: Glebe School

Patricia Matte (09653/4/004); Margaret MacLeod (00116/1/002); Charles Macpherson (00177/1/002); Philip Stickings (00108/1/002); Kenneth Robertson (00111/1/002); William Watson (00113/1/002); Catherine Wight (00118/1/002); H Moncrieff (00107/1/002); Mary Wright (09652/1/002); M McNeill (00415/1/002); Karen Donaldson (00601/1/002); Norah Stewart (00606/1/002); Dorothy Guthrie (00763/1/002); M Robertson-Black (08764/1/003); Michael Appleyard & Jill Guthrie (00512/1/001); Dr & Mrs D Shackles (00631/1/001): Local residents make a number of points in opposing the development which are related to the overall scale of development proposed for the village and raise similar themes as those outlined under the headings 'impact on the village' and 'traffic congestion' for H29.

There are some specific points in relation to Op22 namely:

Glebe house should not be identified as part of site; the site should be developed as a care home for the elderly; while some residential development would be acceptable on the site but not the amount proposed by the LDP. Site should create link with Earn Road and maintain village edge, maintain existing games pitch for community use with possible addition of changing and pavilion facilities which are not provided elsewhere in Scone; desirable to develop an indoor sporting/leisure facility, current facilities in Scone are not suitable for multi-sports use; links with core paths to Catmoor Woods and Quarrymill Woodland park will be required, additional planting of hedges and wildlife corridors within the site to encourage biodiversity, and cycle way provision linking with other routes in Scone would also be beneficial; desirable for the southern boundary to be improved by a hedge or other planting to reduce noise and intrusion to Burnside House; a windbreak to the west of the games pitch would be advantageous to those using the pitch and enhance aesthetics.

Margaret Bowman (08311/1/002): Support for the Plan

Modifications sought by those submitting representations:

Balbeggie settlement

Edward G & Isobel J F Heggie (09232/2/001): The village boundary should be extended to include the small area shown at Burn Bank Farm (S4_Doc_005).

Douglas Davidson (00743/1/001): Amend Plan to develop the village more sustainably by encouraging the development of a number of sites in and on the village edge instead of a large development at a single location.

Balbeggie H13: St Martins Road

Patricia Matte (09653/4/003); Culfargie Estates (09289/27/001): Delete the site.

Archibald McHardy (09232/1/001): Site H13 should be extended southwards to the village boundary (S4_Doc_005).

Shell UK Ltd (09313/3/003): Consultation and full agreement with the Health and Safety Executive in relation to the identification of the site.

CKD Galbraith (10229/2/001): Replacement of site H13 with site to the east of village.

Douglas Davidson (00743/2/001): The development scale of H13 should be reduced.

Balbeggie: new sites

Ian Gardiner (00685/1/001): A small boundary extension (S4_Doc_005) be added to the south west of the village with a site identified for 4 houses.

CKD Galbraith (10229/2/002); Culfargie Estates (09289/27/002): A housing site identified on the east side of the village (S4_Doc_005) either as a replacement for H13 or in addition to H13.

Kinfauns settlement

TACTRAN (09203/16/001): Extend site RT1 to include the area shown on the attached plan.

Kinfauns West Kinfauns:RT1

Molly Miller (07693/12/001): Site RT1 at Kinfauns should be deleted.

Perth Airport settlement

Mr & Mrs Ian Nicol (03187/1/001): LDP should clarify the position as regards the Perth Airport masterplan.

MU3: Perth Airport

The Morris Leslie Group (00385/5/001): Housing land allocations in the Perth Core Area should be redistributed to sites which can contribute to the provision of the CTRL.

Scone settlement

J Learmonth (00217/1/001): The open space to the rear of Pinedale Terrance, Woollcombe Square and Stormont Road (S4_Doc_248) should be identified as public open space.

M Robertson-Black (08764/1/001): No specific modification sought other than future development should be directed to areas where there is sufficient existing infrastructure and retail provision such as western Perth and areas outwith Perth and Kinross.

John Munro (10277/1/007): No specific modification sought but suggested that strategy for Perth Core area should be to provide for more housing east of the Tay and south of the latter (assumed this refers to Scone). Suggest creation of a 'development corridor' between Gannochy and Scone and use of land below the Kinnoull Forest Park.

H29: Scone North

Ian Fairley (00142/1/001); Patricia Matte (09653/4/005); Margaret MacLeod (00116/1/001); Charles Macpherson (00177/1/001); Catherine Wight (00118/1/001); H Moncrieff (00107/1/001); Philip Stickings (00108/1/001); William Watson (00113/1/001); Martin R W Rhodes (09872/1/001); Mary Wright (09652/1/001); A R Shepherd (00212/1/001); Gordon Bannerman (00281/1/001); Mr & Mrs Ian Nicol (03187/1/002);

Margaret Bowman (08311/1/001); Karen Donaldson (00601/1/002); M Robertson-Black (08764/1/002); Steve Short (00081/1/001); Norah Stewart (00606/1/001); M McNeill (00415/1/001); Dorothy Guthrie (00763/1/002); John & Elizabeth Wells (00604/1/001); M C Watling (00724/1/001): Not stated but assume that site H29 should be removed from the Plan.

Alison Befroy (00869/1/001): Site H29 should be removed from the Plan.

Kenneth Robertson (00111/1/001): No modification sought other than consideration should be given as to how to obviate potential noise pollution from aircraft to houses at site H29.

Persephone Beer (07744/1/009): Amend seventh Developer Requirement to include provision of a cycle and pedestrian route to Perth as well as to the village centre.

Scottish Natural Heritage (05211/24/013): Amend first Developer Requirement to: *"A masterplan will be required for the comprehensive development of this site. The first stage of this process will be to establish broad land use and placemaking principles for the site"*.

A & J Stephen (Builders) Ltd (03068/18/001): Second last Developer Requirement should be amended to: *"Investigation into the provision of land for a new primary school or an extension to the existing school"*.

A & J Stephen (Builders) Ltd (03068/18/002): Seventh Developer Requirement should be deleted.

A & J Stephen (Builders) Ltd (03068/18/003): Sixth Developer Requirement should be amended to state *"Core paths should be accommodated within the development"*. The remainder of the sentence should be deleted.

A & J Stephen (Builders) Ltd (03068/18/004): Third Developer Requirement should be deleted.

Scottish Natural Heritage (05211/23/004): Developer Requirements for site H29 should refer to the need to *'protect and enhance existing woodland'* or alternatively, amendment of the allocation to exclude these woodland areas.

James & Margaret Nicol (00597/1/001): More detailed landscape proposals should be indicated on the site plan, in particular an extension to the tree and shrub belt shown on the plans displayed at the public consultation.

A & J Stephen (Builders) Ltd (03068/20/001): Second Developer Requirement should be amended to read: *"Within the identified road corridor the layout of site cannot be finalised until road line and junction details for CTRL are finalised."*

Forestry Commission Scotland (08988/1/010): Line of the CTRL should move south west and into the site H29 area as per submitted plan. Developer Requirements should include advance planting on any new agreed areas of woodland, and the retention of woodlands on sites and incorporation of these into the overall design.

Philip Gill (00941/1/001): Housing numbers on site H29 should be reduced from 700 to 200 and the Affordable Housing percentage should be increased from 25% to 35%.

Scone & District Community Council (00043/1/001): Council should provide a simple timeline to explain how delivery of CTRL fits together in delivering 350 occupied houses at site H29 by 2024. This should factor in requirement for all necessary roads, footpaths and cycleways to be fully surfaced, open and safe to use by the public; primary school provision in place for the first phase of housing; and surface water drainage installed and handed over for maintenance such that will be no threat of flooding in the village centre should any developments go ahead. Infrastructure capacity assessments and improvements should be carried out before committing Scone to large scale new housing.

Op22: Glebe School

Patricia Matte (09653/4/004): Site Op22 should be community land.

Margaret MacLeod (00116/1/002); Charles Macpherson (00177/1/002); Philip Stickings (00108/1/002); Kenneth Robertson (00111/1/002); William Watson (00113/1/002); Catherine Wight (00118/1/002); H Moncrieff (00107/1/002); Mary Wright (09652/1/002); M McNeill (00415/1/002); Karen Donaldson (00601/1/002); Norah Stewart (00606/1/002); Dorothy Guthrie (00763/1/002): Not stated but assumed that site Op22 should be removed from the Plan.

M Robertson-Black (08764/1/003): Preference for the development of Site Op22 should be given to catering for the elderly e.g. care/residential home and suitable housing of 1 and 2 bedrooms for the elderly.

Michael Appleyard & Jill Guthrie (00512/1/001): Boundary for site Op22 should be amended to exclude Glebe School House.

Dr & Mrs D Shackles (00631/1/001): Developer requirements should include: a link with Earn Road; maintenance of the village edge including field to the West, Catmoor Wood and Quarrymill Woodland Park; maintenance of the existing games pitch for community use; links with core paths to Catmoor Woods and Quarrymill Woodland Park and additional planting of hedges and wildlife corridors within the site. Also desirable would be: addition of changing and pavilion facilities to the existing games pitch; development of an indoor sporting/leisure facility; cycleway provision linking with other routes in Scone; hedge or other planting at the southern boundary; provision of a windbreak to the west of the games pitch. More details of the type of residential uses planned should also be included.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Balbeggie settlement

Edward G & Isobel J F Heggie (09232/2/001: The star which delineates the waste management site should be moved further south and small adjustments to the settlement boundary would allow some small scale infill development which would be in keeping with the overall strategy of the Plan (S4_Doc_331).

If the Reporter is so minded to recommend that the Representations are accepted and the plan modified, the Council would be comfortable with this modification because it would not have any implications for other policies within the LDP.

Balbeggie H13: St Martins Road

Patricia Matte (09653/4/003); Culfargie Estates (09289/27/001); Shell UK Ltd (09313/3/003); CKD Galbraith (10229/2/001); Douglas Davidson (00743/2/001): Two large expansion sites were shown in the Main Issues Report for the expansion of Balbeggie with an indication that only sites for 100 houses would be supported in the LDP. Balbeggie is a Tier 1 settlement identified in the Perth Core where Policy 1 of TAYplan (S4_Doc_067) indicates that the majority of development will be accommodated. Of the two sites in the MIR, A (H13) was identified as being the best location for expansion having the best landscape fit and avoiding bringing the settlement closer to the oil transmission pipeline which lies to the east (S4_Doc_331), the pipeline operators have indicated support for this approach. The site lies outside the pipeline consultation zone.

No modification is proposed to the Plan.

Archibald McHardy (09232/1/001): The Council sees merit in the representation and the boundary of site H13 could be extended to include the land around the property known as the cottage (S4_Doc_331).

If the Reporter is so minded to recommend that this Representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications for other policies within the LDP.

Balbeggie: new sites

CKD Galbraith (10229/2/002): The suggested advantages of developing the alternative site could equally apply to H13. The alternative site is very prominent when viewed from the northern approaches to the village particularly from the A94 as it drops down to the village from the north. The alternative is closer to the pipeline consultation zone with the access and part of the site lying within the zone.

No modification is proposed to the Plan.

Ian Gardiner (00685/1/001) A small boundary extension on the south and east boundary along the Abernyste Road would allow the potential for some small scale infill development in line with overall strategy of the Plan (S4_Doc_331).

If the Reporter is so minded to recommend that the Representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications for other policies within the LDP.

Kinfauns Settlement

TACTRAN (09203/16/001): The site shown was current at the time of drafting the plan but further design work has been undertaken which indicates that the site has potential to be extended however, a final scheme still has to be agreed.

No modification is proposed to the Plan.

Kinfauns West Kinfauns:RT1

Molly Miller (07693/12/001): Proposals map 1 of TAYplan (S4_Doc_662) identifies a strategic Park and Ride site on the west side of Perth in the general locality of site RT1. The site is also identified in Tactrans' adopted Park and Ride strategy (Core_Doc_206). The principle of a Park and Ride facility in the location of RT1 has therefore been established as part of a package of measures to increase the use of Park and Ride and

reduce congestion in the city centre. The site is a flat area of grass with a small number of trees around its boundaries. The Developer Requirements require the poor existing landscape framework to be improved for both visual and biodiversity reasons. There are residential properties in the vicinity of site RT1; the nearest property (Nether Lairwell) is approximately 100metres west of the site with the nearest property on the east of the site some 150metres away. To the north of the site is the busy interchange linking with the motorway/trunk road network to Perth. To the south side of the site is the main Glasgow/Aberdeen railway. The area is therefore already subject to existing noise and disturbance from these uses. There are currently two operational Park and Ride sites that serve The City the oldest and largest is at Broxden. There are residential properties approximately 130 metres from that site on the north side of the A93. The Park and Ride on the north side of Scone is smaller but in a quieter location and residential properties lie approximately 50 metres from the site. The Council has no records of any noise complaints from these existing Park and Ride sites. Given the location and the experience of operating other sites it is considered that the existing residential properties are not unreasonably close to the proposed Park and Ride site. Dundee road is a principle access road into the city and a suitable location for a park and ride.

No modification is proposed to the Plan.

Perth Airport Settlement

Mr & Mrs Ian Nicol (03187/1/001): The Perth Airport masterplan is not part of the LDP and is not Supplementary Guidance. The LDP contains no proposals to extend the runway at Perth Airport.

No modification is proposed to the Plan.

MU3:Perth Airport

The Morris Leslie Group (00385/5/001): The site extends to some 5.2 hectares but is restricted to 50 houses. The site was identified in the MIR with the emphasis being that any future residential development should be part of a package of measures to enhance the long term sustainability of the local airport and employment site. Residential development of the site will impact directly on the traffic congestion and air quality issues at Bridgend and the site cannot be developed for housing until the CTLR is a committed project. The developer contributions policy ensures that all development in the Perth Area contribute to the provisions of the CTLR and other necessary infrastructure. The issue is dealt with in more detail in the Schedule 4: 04 Infrastructure Contributions. The airport provides a variety of existing employment uses and it is important to ensure that this mix of land uses is maintained with future development. The airport may be appropriate for further growth in the longer term and its potential should be considered during future reviews of the LPD. The expansion of Scone which is approximately 0.8 Kilometres to the south is a more appropriate location for this scale of housing development as it has better facilities and infrastructure.

No modification is proposed to the Plan.

H29:Scone North

Ian Fairley (00142/1/001); Patricia Matte (09653/4/005); Margaret MacLeod (00116/1/001); Charles Macpherson (00177/1/001); Catherine Wight (00118/1/001); H Moncrieff (00107/1/001); Philip Stickings (00108/1/001); William Watson (00113/1/001); Martin R W Rhodes (09872/1/001); Mary Wright (09652/1/001); A R Shepherd (00212/1/001); Gordon Bannerman (00281/1/001); Mr & Mrs Ian Nicol (03187/1/002); Margaret Bowman (08311/1/001); M Robertson-Black (08764/1/002); Steve Short

(00081/1/001); Norah Stewart (00606/1/001); M McNeill (00415/1/001); Dorothy Guthrie (00763/1/002); Alison Belfroy (00869/1/001); Kenneth Robertson (00111/1/001); Persephone Beer (07744/1/009); James & Margaret Nicol (00597/1/001); Philip Gill (00941/1/001); Scone & District Community Council (00043/1/001); John & Elizabeth Wells (00604/1/001); M C Watling (00724/1/001):

Impact on the village

Policy 1 of Tayplan identifies Scone as one of the tier 1 settlements as part of Perth Core which have the potential to accommodate the majority of development over the Plan period TAYplan Policy 1 (S4_Doc_067). The village is an appropriate location for further expansion as it has good active and public transport links to Perth and good access to services. In particular the site complies with the factors set out in paragraph 80 of SPP (S4_Doc_099).

Although the site is identified for a total of 700 houses, up to 350 will be built by the end of the Plan period (to 2024) and the build rate will be under 50 per year. It should be noted that the Balgarvie Farm development (which is on the west side of the Angus Road was only able to provide housing at a maximum rate of 30 per year even during the height of the boom). The understandable fear of residents that Scone will suddenly be overwhelmed by large numbers of new houses will not happen. Scone is a large village (it was known as the largest in Scotland with a population of around 5,000); though the expansion is likely to result eventually in a population increase of around 1500, the village will be able to accommodate an expansion of this level, and, due to the economies of scale involved, it is likely to result in an improvement to services.

The main access to the site will be from the Angus Road using, or being strongly influenced by, the CTRLR, however, it will be possible to provide pedestrian links to the village by using the network of rights of way and core paths particularly Highfield Path (S4_Doc_702).

The appeal against the refusal of planning permission for residential development at Balgarvie Farm only considered the merits of that case and not any long term development strategy for Scone. SPP requires planning authorities to identify a generous supply of land for house building. SPP also requires that LDPs identify land on a range of sites in line with the strategy and requirement set out in the SDP (TAYplan). H29 meets these requirements and will provide an important element of the housing supply to the end of the Plan period and beyond. The site is needed to meet the requirement from the Perth HMA not that emanating from other areas (cross reference with Schedule 4: 20d Effectiveness of Strategic Sites).

No modification is proposed to the Plan.

Traffic congestion

It is accepted that traffic from the site could have an impact on the traffic congestion on Perth's bridges and air quality issues in the city centre. The majority of the site cannot come forward until the CTRLR is constructed. However once the CTRLR is constructed traffic modelling work commissioned by the Council demonstrates that the network can accommodate the traffic generated by the development (cross reference to Schedule 4: 24 Perth Area (within Core) Transport Infrastructure). Without the CTRLR the development of site H29 cannot meet the policy contained in SPP in relation to the location of new development and in particular paragraph 77(S4_Doc_106) which cites the protection of the wider environment as one of the key elements in a settlement strategy.

No modification is proposed to the Plan.

The site

The site has been investigated as a possible development site since 2006 when it was being considered for inclusion in the finalised version of the Perth Area Local Plan though this was never published. An extensive village consultation was carried out seeking views on the possible development of the site and other areas. There were public exhibitions and a questionnaire was sent to every property in the village. Whilst results indicated that there was widespread opposition to the proposal, no clear ideas emerged about where development should take place (S4_Doc_703). The engagement associated with production of the LDP has been more positive and while it would be a misrepresentation to indicate that there was widespread support for the proposal the opposition appears to have reduced. The site was shown in the MIR as site A for 700 houses and as part of the preferred strategy.

Significant parts of the site are prime quality agricultural land however, government policy as set out in paragraph 97 of SPP is that development should not be permitted on such land unless it is an essential component of the settlement strategy. The Council considers the site is such an area and therefore it complies with the policy SPP paragraph 97 (S4_Doc_107).

A flood risk assessment including consideration of groundwater flooding is a Specific Developer Requirement. There have been flood issues associated with the Barrel Drain which takes water to the south through Scone (it runs mainly underground but emerges briefly to the south of Murray Road) and these issues will require investigation as part of the required risk assessment. The Scottish Environment Protection Agency has raised no objection to this approach and it is intended that the development of the site will result in flood risk improvements.

There is no evidence that the site has ever had any historical or archaeological significance and Historic Scotland have not raised any issues during the stakeholder engagement for the Plan or in any Representations.

The site consists of land which is in mainly in agricultural use and which has no natural heritage designations, however, the plantation woodland which provides the important backdrop to the site is identified as Ancient Woodland and a small area of this lies within the western site boundary. Highfield path also contains an avenue of mature woodland and this is identified as open space to be retained.

The masterplan will resolve much of the detail with regard to the landscape framework, biodiversity and the protection and improvement of the footpath network. (See also the specific responses below to the representations from the Forestry Commission and SNH.)

Perth Airport is used by a small number of generally privately owned light aircraft there are no proposals contained in the Plan which would increase its usage. While the noise from aviation is of concern to some residents of Scone it is not an issue which would restrict the development of the site.

No modification is proposed to the Plan.

A & J Stephen (Builders) Ltd (03068/18/001, 03068/18/002, 03068/18/003, 03068/18/004 & 03068/20/001): A & J Stephens support for the site is noted. The issues raised in response to the Developer Contributions are noted and are matters of detail best dealt

with in the Supplementary Guidance (S4_Doc_446). The issue of the provision of pedestrian and cycle routes to the village does not seem unreasonable particularly when the relative accessibility of sites by a choice of transport options is one of the criteria to be used as set out in paragraph 80 of SPP (S4_Doc_099). However this issue can be dealt with through the masterplanning for the site. In relation to the embargo on the site in advance of the construction of the CTRLR this should be cross reference to Schedule 4: 24 Perth Area (within Core) Transport Infrastructure but it is considered that it would not be unreasonable to allow the construction of 100 houses once the CTRLR is a committed project.

No modification is proposed to the Plan.

Forestry Commission Scotland (08988/1/010); Scottish Natural Heritage (05211/23/004): It is accepted that there are some limited areas of existing tree cover on the site and some of this is identified as Ancient Woodland, however, the details of the landscape framework will be matters for the masterplan in general terms existing mature trees will be retained but it is difficult to be more precise without more details and these are not available. The areas of Ancient Woodland are so limited that a blanket protection is not considered useful. The issue of the route of the CTRLR is dealt with in the Schedule 4: 24 Perth Area (within Core) Transport Infrastructure.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/24/013): The wording proposed in the response is accepted and consequently if the Reporter is so minded to recommend that the Representation is accepted and the Plan modified, the Council would be comfortable with this modification because it would not have any implications for other policies within the LDP.

MU4:Angus Road

M Robertson-Black (08764/1/004): The site has a valid planning consent for the erection of a supermarket in principle and the location and proposal complies with retail policy. The site also lies on a principal bus route with regular services to the site.

No modification is proposed to the Plan.

Op22:Glebe School

Patricia Matte (09653/4/004); Margaret MacLeod (00116/1/002); Charles Macpherson (00177/1/002); Philip Stickings (00108/1/002); Kenneth Robertson (00111/1/002); William Watson (00113/1/002); Catherine Wight (00118/1/002); H Moncrieff (00107/1/002); Mary Wight (09652/1/002); M McNeill (00415/1/002); Karen Donaldson (00601/1/002); Norah Stewart (00606/1/002); Dorothy Guthrie (00763/1/002); M Robertson-Black (08764/1/003); Michael Appleyard & Jill Guthrie (00512/1/001); Dr & Mrs D Shackles (00631/1/001): Glebe house is not intended to be part of the site and should be a non technical modification.

The site is one of the largest brownfield sites in the Plan area and its development will have an important role in delivering the Plan strategy. Allocating the site for a care home only is too restrictive and lacks the flexibility required of the Plan. A care home would in any event be compatible with the policy framework. It should be noted with the national strategy towards care in the community there is thought to be an excess of bed spaces in the Perth Area. It is accepted that improved planting and links to core paths are desirable but until there is a specific proposal for the site it is difficult set out more detail

requirements for the development of the site.

The suggested uses and the improvements suggested are dealt with by the Specific Developer Requirements or compatible with the policy framework.

No modification is proposed to the Plan.

Reporter's conclusions:

Balbeggie settlement

1. Balbeggie is a Tier 1 settlement located within the Perth Core Area which has been identified as having the potential to accommodate the majority of the additional development over the plan period. With that in mind, the small adjustment to the settlement boundary at Burn Bank Farm would be in keeping with the overall strategy of the Plan. It is for the council to identify the alternative site to the south for the displaced waste management facility currently identified for Burn Bank Farm bearing in mind the terms of Policy EP9: Waste Management Infrastructure.

Balbeggie H13: St Martins Road and New Sites

2. Neither of the two sites identified in the Main Issues Report is ideal as viewed from the A94. However, bearing in mind the location of the pipeline consultation zone, the western alternative is to be preferred to the alternative to the east. Related to that, the boundary of site H13 could be extended to include the land around the property known as "The Cottage".

3. Housing built out along the south side of the Abernyste Road would not amount to infill. However, there is no good reason not to extend the boundary in the manner proposed by the respondent at this Tier 1 settlement.

Kinfauns: Transport Infrastructure Site:RT1

4. Proposals 1: Map-Proposals in TAYplan illustrates how the region will develop over the 20 years between 2012 and 2032. It identifies an indicative location for a "*Proposed strategic park and ride*" somewhere on the east side of Perth. Additional park and ride sites are one of a set of key infrastructure projects upon which the successful delivery of the Perth Area strategy is dependent. The principle of a park and ride facility east of Perth has been established and its location in vicinity of RT1 has likewise been established.

5. The land in the vicinity is in a predominantly rural area. It is flat and currently in grass and an enhanced landscape framework will certainly be required. TACTRAN has indicated that design work is underway and, as a result, the council has not been able to provide any indication of the footprint of the proposed allocation. With these uncertainties in mind no weight can be given to the council's evidence that the nearest property will be approximately 100 metres from the site boundary. Nor has the council addressed matters of local concern including increased traffic movements, emissions, and light pollution in the vicinity. As far as existing noise is concerned any increase will add to that emanating from the busy interchange nearby and the Glasgow/Aberdeen railway to the south.

Perth Airport Settlement

6. The Perth Airport masterplan is not part of the local development plan.

MU3: Perth Airport

7. The Cross Tay Link Road (CTLR) will have numerous advantages including access to the A93 and A94 corridors, to relieve congestion in Perth, and for air quality reasons notably, but not exclusively, at Bridgend. However, the project is not only likely to be relatively long in gestation but also to require developer contributions to ensure its successful completion. Circular 3/2012: Planning Obligations sets out Scottish Government policy on the use of obligations made under Section 75 of the Act and the circumstances in which these can be used. That makes clear that planning obligations should be based on provisions of the relevant development plan once that has been made, the proposed development, and the tests set out in Circular 3/2012. It would not be good planning practice for developer contributions to be a determining factor in making housing allocations within the Perth Core Area or, indeed, elsewhere.

H29: Scone North

8. As a preliminary matter, the council has acknowledged that H29 has been investigated as a possible development site since 2006 and that it would be a misrepresentation to indicate that there is widespread support for the proposal. In particular, Scone and District Community Council remains concerned about what the council now proposes. In particular, the council has not been able to respond to its request to provide a simple timeline which sets out how delivery of CTLR fits with the delivery of 350 occupied houses at site H29 by 2024.

9. In considering the views of the respondents the starting point must be the fact that Policy 1: Location Priorities of TAYplan -the strategic development plan for the period 2012-2032, which was approved by Scottish Ministers in June 21012, has identified Scone as one of the Tier 1 settlements within the Perth Core Area. Each of these settlements is considered to have the potential to accommodate a portion of the region's additional development over the plan period and to make a major contribution to the region's economy.

10. Site H29, of 63 hectares, is identified for a total of 700 houses. It is proposed that 350 will be constructed by 2024 at an annual rate of about 50 per year. This suggests that the CTLR will be completed by 2017. The detail of developer contributions to that project or any others related to the proposed allocation are not matters which are a part of this Proposed Plan. Conclusions on the prospects of the CTLR becoming a committed project within the Plan period are set out in Issue 24.

11. The main vehicular access to H29 would be taken from the Angus Road with the detail dependent on the route of the CTLR. Significant parts of the site are prime quality agricultural land. However, Scottish Planning Policy (SPP) states that development on prime agricultural land may be permitted where it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development. An allocation of housing land at this Tier 1 settlement is an essential component of the settlement strategy of the local development plan. Since no realistic alternative has been identified by the respondents, the notion that H29 should simply be deleted from the plan must be rejected.

12. The council has acknowledged that it would not be unreasonable to allow the construction of 100 houses once the CTRLR is a committed project. However, the owner of this site wishes to be able to develop 100 units in advance of the CTRLR becoming a committed project. Site H29 has reasonably good standard of accessibility to public transport, which could be expected to reduce the level of reliance on car-based commuting into Perth and thereby the extent to which development there would add to traffic congestion and air quality problems. Prospective development sites in other settlements on the A93 and 94 corridors would not have the same level of public transport accessibility. Bearing this in mind and also the fact that Scone is identified as a principal settlement in TAYplan, and should therefore be a focus for development within the Proposed Plan, it is concluded that an initial phase of 100 houses should be permitted to take place in advance of the CTRLR becoming a committed project.

13. The array of site specific developer requirements is sufficient to meet numerous of the concerns about the suitability of all, or part, of the site for an allocation for housing.

14. The route of the proposed CTRLR must be a determining factor in the preparation of a masterplan for the *entire site*. However, that is not yet a committed project. Accordingly, the content of a single masterplan will be difficult, if not impossible, to determine at any time during the plan period. A minor modification to the text is preferable to the deletion of the site from the Proposed Plan that reason.

15. The particular concerns raised by Scottish Natural Heritage and the Forestry Commission including the need to protect and enhance Ancient Woodland, other stands of mature trees and woodland generally, as well as those relating to the landscape framework should be addressed at an early stage.

16. As far as developer requirement two is concerned, that it is a statement of fact rather than a developer requirement. In any event, in the absence of a committed project to be completed to a given timescale, it is difficult to envisage how a master plan for the *entire site* can be prepared other than in stages. Moving on to bullet point 3, this will require modification to enable 100 houses to be built out in advance of a commitment to the CTRLR.

17. With respect to concerns regarding flooding and drainage raised by some respondents, The Scottish Environment Protection Agency has raised no objection, a flood risk assessment is required, it is recognised that there may need to be improvements to current drainage outwith the site, and water storage will be the subject of an investigation.

18. Taking developer requirements 6 and 7, it is reasonable that the council should require that pedestrian and cycle routes to the village are provided to the centre of Scone. Although the provision of a dedicated cycle and pedestrian route to Perth is highly desirable, that is beyond the scope of what can be properly included as a site-specific requirement relating to this housing allocation.

19. As far as developer requirement 10 is concerned, the Council's approach is a satisfactory way forward.

20. Noise pollution from low flying aircraft can, on occasion, be an inconvenience. However, the noise from movements of a small number of light aircraft is not a sufficient reason to sterilise land at H29 for housing.

Woollcombe Square

21. In the absence of evidence to the contrary from the council the small grass area at Woollcombe Square should be identified in the local development plan as open space.

MU4:Angus Road

22. This site has planning permission in principle for the erection of a supermarket, there are regular bus services to and from the location, and there are no grounds to modify the proposed allocation.

Op22:Glebe School

23. Glebe House was not intended to be part of Op22 and it is for the council to rectify that error.

24. The most recent use of Glebe School was as a day and boarding school for children with special needs. Accordingly, the council is correct in describing that part of the site as brownfield. The site, of 4 hectares, has been identified as suitable for 100 residential units and community uses which must include the retention of the existing games pitch.

25. It is understandable that some respondents fear that the development of this site on the southern edge of the settlement may be undertaken in an unsympathetic fashion. However, Op22 provides an outstanding opportunity for a development of housing units and community uses which can be an exemplar of how the requirements of TAYplan Policy 2: Shaping better quality places can be met in full within the policy framework set out in the Proposed Plan. It is for the council to grasp that opportunity.

26. The site-specific developer requirements go some way towards defining what is necessary in that regard; and an application for a development on part of the site which caters for the particular needs of elderly is not ruled out. It is difficult at this stage to go further than the site-specific developer requirements identified by the council. An application for planning permission must be assessed against the policy framework of the development plan and any other relevant material considerations. The respondents will have an opportunity to comment on any planning application which is submitted in the course of its passage by way of the development management process.

Reporter's recommendations:Kinfauns: Transport Infrastructure Site: RT1

1. Add the following to the site specific developer requirements: *"a transport assessment with appropriate attention to the impact of vehicular emissions, noise and light pollution on nearby properties."*

H29:Scone North

2. Delete the first site-specific developer requirement. Replace with the following:

"Masterplanning required for entire site (allowing for only 100 houses in advance of the CTLR becoming a committed project). The first stage of this masterplanning process will establish broad land use and placemaking principles for the site."

3. Delete the second and third site-specific developer requirements.

Woollcombe Square

4. Identify the small grass area at Woollcombe Square as *open space*.

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

H15: Oudenarde

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

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

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

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

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

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

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

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

Bridge of Earn and Oudenarde new sites

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

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

Modifications sought by those submitting representations:

Bridge of Earn and Oudenarde settlement

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

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

H14:Oudenarde

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

Oudenarde H15

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

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

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

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

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

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

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

Bridge of Earn and Oudenarde new sites

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

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

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Bridge of Earn and Oudenarde settlement

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

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

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

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

No modification is proposed to the Plan

H14: Wicks o Baigle Road Dunbarney Avenue

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

No modification is proposed to the Plan

H15: Oudenarde

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

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

No modification is proposed to the Plan

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

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

No modification is proposed to the Plan

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

No modification is proposed to the Plan

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

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

Bridge of Earn and Oudenarde new sites

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

No modification is proposed to the Plan

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

No modification is proposed to the Plan.

Reporter's conclusions:

Bridge of Earn and Oudenarde settlement

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

H14: Old Edinburgh Road/Dunbarney Avenue

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

H15: Oudenarde

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

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

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

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

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

Bridge of Earn and Oudenarde new sites

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

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

Reporter's recommendations:

Bridge of Earn and Oudenarde settlement

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

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

H15: Oudenarde

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

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

Bridge of Earn and Oudenarde new sites

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

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

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

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

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

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

Issue 25d	Perth Area (within Core) West Settlements	
Development plan reference:	5.5 – Almondbank, Pitcairngreen and Cromwell Park, page 87-88 E5 - West Cromwell Park, page 87 E6 - Cromwell Park, page 87 5.30 – Methven, page 136-137	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Heather Brand (00275) Thomas Huxley (00322) J P Fullerton (00364) Scottish Government (00778) Peter Hutchinson (00864) J Halley (07693) Joanne Murdoch (08938) Dach Planning (09078) Scone Palace & Estate (09163)		A & J Stephen Ltd/David Smythe (09094/3) David Smythe (09094/6) Philip Sloan (09128) Scone Palace & Estate (09163) Methven & District Community Council (09221) G S Brown Construction Ltd (09817) Alistair Godfrey (09941)
Provision of the development plan to which the issue relates:	Designated and new sites within Almondbank, Pitcairngreen, Cromwell Park and Methven.	
Planning authority's summary of the representation(s):		
<u>Almondbank Settlement</u> Heather Brand (00275/1/001): Support for the Plan. Joanne Murdoch (08938/1/001): Support for the Plan (village boundary at Scroggiehill). <u>E5: West Cromwell Park</u> Thomas Huxley (00322/1/002): The road network, particularly through Pitcairngreen, is not suitable for the heavy traffic which is generated by the industrial development on the old admiralty sites. J P Fullerton (00364/1/001): The road is unsuitable to handle industrial traffic and is particularly hazardous in winter weather. There is no electrical or water supply. The site is used frequently by walkers and ramblers and is a valuable community asset. Alistair Godfrey (09941/1/010): The importance of biodiversity and woodland habitats in these areas is not recognised. Scottish Government (00778/1/001): As well as supporting use of the site for employment purposes they also indicate that the site has potential for some residential use. The access road is owned by the Scottish Ministers and could be considered for Council adoption at some point in the future. <u>E6: Cromwell Park</u> Thomas Huxley (00322/1/001): The road network, particularly through Pitcairngreen, is not suitable for the heavy traffic which is generated by the industrial development on the old admiralty sites.		

Dach Planning (09078/2/001): The site has potential for renewable energy development such as a biomass plant to produce energy for surrounding residential properties. The site benefits from being self-contained with clearly defined boundaries which will provide a clear backdrop to any development. The respondent makes reference to the following Scottish Government documents in support of their representation: the Renewables Action Plan (June 2009) (Core_Doc_135), and the Draft Electricity Generation policy statement 2012 (Core_Doc_136).

Alistair Godfrey (09941/1/011): The importance of biodiversity and woodland habitats in these areas is not recognised.

Peter Hutchinson (00864/1/001): The changes are requested to respect the quality of the environment and provide adequate safeguards for:

- Public access (compatibility with Policy CF2) (S4_Doc_485).
- Community use (compatibility with Policy CF3) (S4_Doc_486).
- Public safety (compatibility with Policy ED1) (S4_Doc_483).
- Adjacent amenity value (compatibility with Policy ED3) (S4_Doc_395).
- Light Pollution (compatibility with Policy EP5) (S4_Doc_487).
- Noise Pollution (compatibility with Policy EP8) (S4_Doc_488).
- Green Infrastructure (compatibility with Policy NE4) (S4_Doc_415).
- Place making (compatibility with Policy PM1) (S4_Doc_369).

Almondbank new site

G S Brown Construction Ltd (09817/8/001): The site (S4_Doc_530) is a logical infill within the village envelope in an area of predominately residential character.

Pitcairngreen new site

Scone Palace & Estate (09163/4/019): The existing south east boundary of Pitcairngreen could be improved by being developed (S4_Doc_004). The existing farm buildings are no longer used and these listed buildings together with new development could create an attractive edge to the village. Though a small watercourse runs through the site it does not pose any flooding threat. The site has good access to local facilities. The village (and Green Belt) boundary (S4_Doc_004) would have to be adjusted accordingly.

Methven settlement support

Methven & District Community Council (09221/1/027): Support for the Plan.

Methven new sites

Philip Sloan (09128/5/001): Additional housing allocations are required in Methven to assist in the delivery of the strategy for delivery of housing land set out in TAYplan (Core_Doc_099). A 3 hectare site to the north of Methven should be identified for 60 units (S4_Doc_007). The site is well related to infrastructure and has good landscape containment. Amenity woodland with public access could be provided.

A & J Stephen Ltd & David Smythe (09094/3/001): Methven is a principle settlement in the Perth Core outwith the Green Belt and this is at odds with the Plan's stated strategy of not allocating any further land for development in the village. A small site should be identified to the south of the village to increase variety and housing choice. The allocation of the site (S4_Doc_007) would create a focus for the village and improve off street parking close to retail facilities. The site would be limited to less than 0.5 hectares and not be affected by the embargo on development.

David Smythe (09094/6/001): Site (S4_Doc_007) is in the Perth Core and is a TAYplan (Core_Doc_099) principal settlement; it is strange that there are no land allocations. The identification of a site for mixed uses would provide an opportunity for effective housing and employment land. The site would be a gateway into the village from the west and provide a safe access road from the A85. There is strong support for the proposal from a recent public consultation exercise.

J Halley (07693/7/002): Methven has a good range of community and commercial facilities and it is one of the principal settlements located within the Perth Core Area. Significantly it is also located outwith the proposed Green Belt. The Plan refers to the fact that the existing site on the eastern side of the village is currently being developed and this seems to be the justification for there being no need to identify any additional sites.

We consider that there is an opportunity to identify a further site on the west side of the village (S4_Doc_007) which would help meet the overall housing requirement. We therefore object to the fact Methven is the only principal settlement listed within the Core Area where no housing site allocations are proposed.

Due to the topography of the proposed site, development could take place without any adverse impact on the village and without any wider visual impact as it would not be seen from the A85. Development of the site would offer the potential for road safety improvements at the south east corner of the site adjacent to College Road. The existing built up areas are already located along the south and eastern boundaries and development on this site would be read as forming part of the wider settlement at this point.

The site is free from constraint and can contribute to the overall housing land supply and should be brought forward as a suitable alternative in the Proposed Plan.

Modifications sought by those submitting representations:

E5:West Cromwell Park

Thomas Huxley (00322/1/002): The Plan should contain requirements to control the type of traffic generated by the development.

J P Fullerton (00364/1/001): Delete the site.

Alistair Godfrey (09941/1/010): Enhancement of biodiversity should be a Developer Requirement.

Scottish Government (00778/1/001): Identify the site for some residential use.

E6:Cromwell Park

Thomas Huxley (00322/1/001): The Plan should contain requirements to control the type of traffic generated by the development.

Dach Planning (09078/2/001): Extend the site and identify as '*Cromwell Environmental Enterprise Park*'.

Alistair Godfrey (09941/1/011): Enhancement of biodiversity should be a Developer Requirement.

Peter Hutchinson (00864/1/001): I would like the Plan changed to include adequate safeguards (Site Specific Developer Requirements) for:

Public access - to respect the well used public access routes that pass through the site to access the River Almond, and associated amenity woodland.

Community facilities - to respect the high amenity value of the site for the public (for informal recreation and associated health benefits).

Public safety - to recognise that the access road is narrow, with poor sight-lines and no pavement, and therefore development could increase the risk to public safety (both to residents and those using the core path network – the access road is regularly used by cyclists, walkers and horse riders).

Adjacent amenity value - to minimise the impact of development on the adjacent residential properties.

Light pollution - to prevent obtrusive and intrusive lighting on neighbouring properties.

Noise pollution - to prevent noise pollution on neighbouring properties.

Green Infrastructure - to recognise that the site is part of the local green infrastructure and it's 'open space' and surrounding woodland has a positive contribution to local biodiversity.

Place making - to encourage development that respects the character and amenity of the place.

Almondbank new site

G S Brown Construction Ltd (09817/8/001): The site (S4_Doc_530) should be allocated for residential development.

Pitcairngreen new site

Scone Palace & Estate (09163/4/019) The village and Green Belt boundary should be moved to the south and east and a site (S4_Doc_004) should be identified for housing.

Methven new sites

Philip Sloan (09128/5/001): A site (S4_Doc_007) should be identified to the north of Methven for 60 houses with associated landscaping.

A & J Stephen Ltd & David Smythe (09094/3/001): A small scale residential development should be identified on the south side (S4_Doc_007) of the village and the text and Plan be amended accordingly.

David Smythe (09094/6/001): New mixed use site (S4_Doc_007) proposed for south west of the settlement.

J Halley (07693/7/002) The revised settlement boundary (S4_Doc_007) for Methven to incorporate the inclusion of the site to the north and east shown on the attached plan as a designated housing site.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

E5 and E6: West Cromwell Park and Cromwell Park

Thomas Huxley(00322/1/001 & 00322/1/002); J P Fullerton (00364/1/001); Alastair Godfrey (09941/1/010 & 09941/1/011); Peter Hutchinson (00864/1/001); Scottish Government (00778/1/001): The sites are both former admiralty workshops which are served by access roads which do not meet current standards. However both sites are brownfield land capable of accommodating further development making a useful contribution to the supply of employment land available during the life of the Plan. Any development will have to comply with the policies contained in the Plan, particularly TA1B: New Development Proposals (S4_Doc_387) on transport standards and accessibility standards. The local roads network and THOSE through Pitcairngreen are public without any restrictions. A core path (S4_Doc_531) runs through the site E5 and will be protected in any development. The policy framework contained in the Plan protects biodiversity (Policy NE3) (S4_Doc_406). The location and lack of accessibility of the site E5 means that it is not felt suitable to be identified for housing and it would not comply with the guidance contained in SPP (paragraph 78 and 80) (S4_Doc_099) in relation to the location of housing land. In particular bringing the roads up to an adoptable standard for housing development is unlikely to be economically viable.

No modification is proposed to the Plan.

Cromwell Park: E6

Dach Planning (09078/2/001): In principle a biomass plant would be an acceptable use on the site and conform to the employment policy framework. However there are issues of scale, traffic and design which require consideration, but it is more appropriate that these are dealt with through the planning application process. The Specific Developer Requirements listed are part of the policy framework of the Plan and do not need to be repeated.

No modification is proposed to the Plan.

Almondbank New site

G S Brown Construction Ltd (09817/8/001): The site is shown as being within the village and residential development would comply with Policy RD1: Residential Areas (S4_Doc_405) on infill development, access and flooding are issues which require solutions and further investigation. The site is shown as lying within the 1:200 flood risk area on the Scottish Environment Protection Agency's Indicative Flood Risk Map (S4_Doc_530).

No modification is proposed to the Plan.

Pitcairngreen New Site

Scone Palace & Estate (09163/4/019): Reference to the Schedule 4 no. 22 (Perth Green Belt) is highlighted for further information on this issue.

The Council accept that the representation has some merit. It is accepted that the village and Green Belt boundaries which follow some poorly defined property boundaries around this part of Pitcairngreen are not particularly robust. The proposed development

(S4_Doc_004) could create a better defined and more robust Green Belt and village boundary. However the site can only accommodate a limited number of houses (6) and will only make a very limited contribution to the effective housing land supply; the site should, therefore, not be formally identified as a housing site. A watercourse runs through the middle of the site and does not feature on Scottish Environment Protection Agency's indicative flood risk maps but any development in the area would require to undertake a flood risk assessment. Design would have to reflect the site's edge of conservation area location and adjacent B listed Inn, but the area is not critical to the overall integrity or objectives of the Green Belt. Sensitive development of the site would produce a more robust Green Belt and village boundary in line with the Green Belt Policy objectives (NE5) (S4_Doc_404) and the principles set out in SPP; the details could then be determined through a subsequent planning application for infill development (SPP paragraph 162) (S4_Doc_075).

If the Reporter is so minded to recommend that the Representation is accepted and the Plan modified to alter the Green Belt and village boundary the Council would be comfortable with this modification because it would not have any implications on the wider Green Belt or other policies within the LDP.

Methven New Sites

Philip Sloan (09128/5/001): The site lies significantly above the 95m contour (S4_Doc_007) in a exposed position and its development would adversely affect the setting of the village. The rest of the village does not extend above this height. The area was not considered suitable for expansion in the Perth Landscape Capacity study (Core_Doc_162). The proposed access to the site is restricted being a field access between two houses. The development will not be able to meet the design standards set out in SPP (paragraph 78) (S4_Doc_099) for new development in relation to settlements particularly in relation to the landscape setting of the village.

No modification is proposed to the Plan.

A & J Stephen Ltd & David Smythe (09094/3/001): The site is a small field with direct access onto Main Street and is considered to be an appropriate location for this type of development. The design and layout as submitted is acceptable in principle and could form the basis for the development of the site. The site is not prime agricultural land and could provide an immediately available, effective housing site.

If the Reporter is so minded to recommend that the Representation is accepted and the Plan modified to alter the village boundary to include the land , the Council would be comfortable with this modification because it would not have any implications for other policies within the LDP.

David Smythe (09094/6/001): The Plan identifies the existing site on the east side of the village which is within the village boundary, and this site represents the main source of expansion during the life of the Plan. Methven was not identified for further expansion in the MIR because of this. The site suggested would provide a similar sized area for expansion on the west side of the village with the added advantage that it would provide an opportunity to create a new access from the A85 which would serve the site and the existing white land within the village boundary. This site may have long term development potential and should be considered again during the next review of the Plan. The market would not support two similar sized sites in Methven.

No modification is proposed to the Plan.

J Halley (07693/7/002): The site lies on sloping ground which sits above the 95m contour and significantly extends the village above the Harrietfield/College Road. The rest of the village does not generally extend above this height. The area was not considered suitable for expansion in the Perth Landscape Capacity study (Core_Doc_162). The site is prime agricultural land which should not be developed unless part of a settlement strategy (SPP paragraph 97 (S4_Doc_108)). The north and east boundaries of the site are poorly defined and developing the area would create a very ragged settlement edge which would be particularly prominent when approaching from the north and east along College/Harrietfield Road as the lower slopes down to the A85 would not be developed. College Road slopes up steeply from the village and a difficult right angled bend exists on the south east corner of the site. It is difficult to see how the junction could be improved without significant roadworks and realignment. In any event the Council does not have any knowledge of road traffic accidents on this stretch of road, As there is already a consented site on the east side of the village for 103 houses it is considered that no further housing development is required in the village during the life of the Plan. In addition the likely build rates mean that the addition of approximately 70 houses would not add to the effective housing land supply during the Plan period, and would place an unacceptable strain on the existing infrastructure in particular the primary school.

No modification is proposed to the Plan.

Reporter's conclusions:

E5: West Cromwell Park and E6: Cromwell Park

1. The former Royal Navy workshops are an important source of local employment, which the Proposed Plan recognises by formally identifying them as existing employment sites. The proposed additions to these sites, in the form of proposed sites E5 and E6 are, in comparison with the size of the existing employment land, of very modest scale, amounting to two hectares in total. Although the allocation of additional employment land could be expected to increase traffic levels, including of large goods vehicles, on local roads, the likely increase over the existing situation would be insignificant. In the absence of any objection from the roads authority, it would be unreasonable to constrain the proposed modest expansion of these sites on traffic grounds.
2. No body with responsibility for nature conservation has raised concern over the potential biodiversity impact of the proposed allocations and there is no convincing evidence that the land in question has such habitat value that it should not be allocated for development.
3. There is no evidence that either site would be incapable of securing water or electricity supplies. Issues concerning the potential impact of employment development on a range of receptors are covered by a number of policies in the Proposed Plan, against which any proposal would be assessed. There is no need for the site-specific developer requirements to reiterate these.
4. Although there are a few houses in the locality, residential use would be inappropriate at site E5, as it is too remote from community facilities and, as demonstrated in Issues 20c and 20d, the Proposed Plan has already identified a generous supply of housing land.

E6: Cromwell Park renewable energy potential

5. Designation of this site for employment purposes would offer support to the principle of a biomass plant. However, in the absence of details of the potential impacts of such a proposal it would be inappropriate for the plan to offer more specific support.

Almondbank new site

6. The proposed site is situated within the settlement boundary as defined in the Proposed Plan. It would therefore be supported in principle for residential development regardless of whether it were identified as a housing allocation. Due to its proximity to the river, flood risk may present a significant development constraint. This factor and the modest size of the site mean there would be no benefit in allocating it for housing development.

Pitcairngreen new site

7. The implications of modifying the green belt boundary at this location have been discussed under Issue 14. These former farm buildings might be suitable for conversion but this would not require the proposed new build addition to the village, which would harmfully encroach upon its countryside setting to the detriment of the character and appearance of the countryside and the openness and rural character of the green belt.

Methven new sites

8. TAYplan expects the majority of development to be directed to principal settlements such as Methven. However, the Proposed Plan does not allocate any new development sites in this settlement. This would have been inconsistent with TAYplan had there been no other encouragement for the settlement population to expand in accordance with TAYplan's expectations. However, there is an existing site with permission for 103 houses, which the Proposed Plan includes within the settlement boundary. Therefore, even if the extant permission is not implemented, this will allow for a significant expansion of the settlement, in line with TAYplan expectations.

9. The new sites that are proposed to the north of Strathview Place and to the north of College Road would be unacceptably prominent on the hillside above the settlement and would incongruously extend it out into the surrounding farmland. Any benefits from providing amenity woodland with public access, which are proposed on the Strathview Place site would not overcome these concerns. As is discussed under Issues 20c and 20d, the supply of housing land, which the plan proposes to allocate, is considered to be sufficient to satisfy the housing demand within the plan period and beyond. There is therefore no need to consider unsuitable sites such as these in order to provide adequate effective housing land.

10. The relatively small site that is proposed to the south of Main Street would quite logically round off the settlement boundary at that point and would be unlikely to cause any harm to the character of the settlement or the surrounding countryside. However, the site was not considered in the Main Issues Report (MIR) and has not received any publicity or consideration in the Strategic Environmental Assessment (SEA). Therefore, it would not be appropriate to recommend that the plan be modified to incorporate this site, particularly when the Proposed Plan already identifies a generous supply of housing land.

11. The large mixed-use site that is proposed at the western entrance to the settlement was also not considered in the MIR. It is notable that the Proposed Plan does not allocate any employment land within the settlement and this site could have addressed that issue. However, notwithstanding any community support that may have been expressed in response to informal consultation, the necessary statutory publicity and environmental considerations have not been undertaken. It would be inappropriate for it to be allocated without this. Again, the Proposed Plan's generous provision of housing and employment land means there is no pressing need to find additional land for development and the merits of this site should be considered in the next Local Development Plan.

Reporter's recommendations:

No modifications.

Issue 26a		Perth Area (out with Core) North Settlements	
Development plan reference:		Bankfoot, page 92-93 Burrelton/Woodside, page 99-100 E8 - Whitelea Road, Burrelton/Woodside, page 99 H16 - School Road, Burrelton/Woodside, page 99 H17 - Church Road, Burrelton/Woodside, page 100 E9 – Dalcrue, page 104 Damside/Saucher, page 106-107 Guildtown, page 120-121 Wolfhill, page 149-150 H35 – Wolfhill, page 149	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):			
Peter Howarth (00088) Thomas Huxley (00322) Chris Lamont (00397) Andrew Whamond (00419) Sandra Service (00427) William Service (00428) Wendy Sheed (00451) M Pearson (00473) Beryl Linford (00477) Susan Howarth (00506) Mr & Mrs Frank Holt (00508) Margaret Shaw (00530) Steven & Elizabeth Stuart (00585) Ima Rogers (00683) Janet Rougvie (00684) Janet Parley (00714) Mr & Mrs Ragsdell (00732) Jane Filshie (00821) Martin Laing (00865) Janice Withers (00874) Scottish Environment Protection Agency (03194)		Scottish Natural Heritage (05211) Mr & Mrs I Brooks (07693) Mr & Mrs John Alexander (07896) Mabel Sharp (07967) Mr & Mrs J S Milne (08022) Zurich Assurance Ltd (08816) Scone Palace and Estate (09163) The Church of Scotland General Trustees (09167) Jamie Sinclair (09289) Burrelton & District Community Council (09376) Lomond Land (09415) R T Hutton Planning Consultant (09539) Patricia Matte (09653) A & J Stephen Ltd/Stewart Milne Homes Ltd (09727) G S Brown Construction Ltd (09817) Frank Moisey (09950) Auchtergaven Community Council (10045) David Cox (10185) Rebecca Linford & Alec Campbell (10282)	
Provision of the development plan to which the issue relates:		Settlements outwith the Perth Core Area (north)	
Planning authority’s summary of the representation(s):			
<u>Bankfoot</u> Scottish Natural Heritage (05211/25/036): In the interests of good practice the Spatial Strategy Considerations section (paragraph 5.6, page 59) should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_140).			

Auchtergaven Community Council (10045/1/002): Support for the Plan.

Bankfoot – New Sites

G S Brown Construction Ltd (09817/10/001): GS Brown have been working since 2005 to promote a significant housing site to the south of Bankfoot (S4_Doc_008). Agreement has been reached with SEPA over flooding issues and there are no significant infrastructure problems. The site would include significant landscape proposals and land would be made available to the Council to the south of Auchtergaven Primary School should that be required. A successful consultation exercise was held and the site was included in the Main Issues Report (Core_Doc_095).

The Church of Scotland General Trustees (09167/2/001): The Plan does not contain enough effective housing sites to meet the strategy set out in TAYplan (Core_Doc_099) and it is questionable if any of the identified long term sites can deliver any development during the Plan period. The site suggested (S4_Doc_008) is effectively meeting the tests set out in PAN2/2010 (Core_Doc_019) and will contribute to the effective land supply. The site is an appropriate location for housing development.

Zurich Assurance Ltd (08816/5/001): The Plan does not contain enough deliverable housing land to comply with its own strategy and national policy. Some 1905 of the 3105 houses are constrained until major new transport infrastructure can be delivered and it cannot be relied on within the period to 2024. The site at Highfield Place Churchfield Place (S4_Doc_008) is available now and could contribute 30 units to the effective housing supply. The site is an appropriate location for further housing development and an acceptable access could be provided via Innewan Gardens.

Burrelton/Woodside

Frank Moisey (09950/4/001): The extension along Whitelea Road (formerly MIR sites 238 and 239) and those on Manse Road (which were not in the MIR) (S4_Doc_249) are on prime agricultural land contrary to LDP Policies ER5 (S4_Doc_506) and RD1 (S4_Doc_405).

Burrelton/Woodside E8

Scottish Environment Protection Agency (03194/25/001): The site is located in or adjacent to a functional flood plain or an area of known flood risk and developers should be made aware of a potential flood risk from this. The developable area may be constrained by flood risk and a flood risk assessment needs to be carried out prior to submitting a planning application to inform the scale layout and form of development. This guidance follows from national planning policy and the duties placed on local authorities to reduce the overall risk of flooding.

Mr & Mrs J S Milne (08022/1/001): Support for the Plan

Burrelton/Woodside H16

Patricia Matte (09653/4/001); Chris Lamont (00397/1/001); M Pearson (00473/1/001); Mr & Mrs Ragsdell (00732/2/001); Martin Laing (00865/1/001); Jane Filshie (00821/1/001): Object to Site H16 on some or all of the following grounds: the total amount of traffic generated by the proposals in the Plan (1000 houses) will give the entire A94 corridor a congested appearance; the suggested numbers would increase the population of the village by a significant number over a short period of time which would significantly alter the character of the village; the amount of expansion proposed for the village is excessive and will cause undue strain on local services and increased congestion; the recently constructed affordable housing on the edge of the village has led to an increase in anti-

social behaviour; the scale of the development is too large for the village and will result in the loss of a considerable amount of agricultural land which is environmentally important; Whitlea Road is not suitable for more traffic and more housing would add to the congestion; there is a lack of facilities in the village; there is no drainage capacity; the school needs upgrading before any further building is considered; construction traffic will be too large for the existing road and poses an unacceptable risk to children using the school; the existing primary school has poor access and extending it will only exacerbate the problem; the style of housing will not be in keeping with the village; without the new road traffic congestion will be unacceptable; and if developments are allowed to go ahead before the Cross Tay Link Road then there will be further traffic problems in Bridgend.

Frank Moisey (09950/1/001); John Alexander (07896/1/002); Janet Parley (00714/1/001): Object to the scale of the development proposed for site H16 on some or all of the following grounds: the large size of the site will have an adverse effect on the landscape character type and the village will lose some of its rural setting; the development of the site will not meet the LDP place making policies (S4_Doc_396, S4_Doc_515 & S4_Doc_496); the site was originally designated as low density so that the character of the village was not destroyed; the proposals for the site do not comply with LDP Policy RD1 (S4_Doc_405); the access to the site is limited; there are flooding issues with flash flooding affecting the properties at Altnasheil and Midway House 2-3 times per year; the village is too remote and not well served by public transport to accommodate this scale of development; and the scale of development proposed will lead to more car travel since there are few employment opportunities in the village

Mr & Mrs J S Milne (08022/2/001): The site boundary should remain as shown in the adopted Perth Area Local Plan (S4_Doc_782); Whitelea Road cannot sustain any more traffic.

Andrew Whamond (00419/1/001): Support for the Plan providing that Bridgend bottleneck is addressed, water supply is improved, and gas pressure maintained.

Burrelton/Woodside H17

Patricia Matte (09653/4/002); Sandra Service (00427/1/001); Chris Lamont (00397/1/002); Bill Service (00428/1/002); Wendy Sheed (00451/1/003); Mr & Mrs Ragsdell (00732/1/001); Jane Filshie (00821/1/002); Martin Laing (00865/1/002): Object to site H17 on some or all of the following grounds: the total amount of traffic generated by the proposals in the Plan (1000 houses) will give the entire A94 corridor a congested appearance; development of the site will breach the natural boundary of the village; the density is too high and when counted with other sites will result in a 50% increase in population; the suggested numbers would increase the population of the village by a significant number over a short period of time which would significantly alter the character of the village; any future development along the A94 corridor should be shelved until the Cross Tay Link Road is a reality and not a budget proposal; development should not take place until the Cross Tay Link Road is completed; increasing the village size without putting in place other amenities will change the nature of the village and is contrary to the policy of keeping a sense of rurality; the amount of expansion proposed for the village is excessive and will cause undue strain on local services and increased congestion; the recently constructed affordable housing on the edge of the village has led to an increase in anti-social behaviour; it is difficult to see how a suitable boundary can be achieved on this site which is outwith the natural boundary of the village; object to use of Cameron Walk as access; the access via Cameron Walk will mean that exiting residents will have no privacy and safety will be reduced; interruption to wildlife by crossing of burn; the field floods badly when the burn rises; increased noise pollution; higher risk to children using

pathway to cross fields; if developments are allowed to go ahead before the Cross Tay Link Road then there will be further traffic problems in Bridgend; without the new road traffic congestion will be unacceptable; and the existing primary school has poor access and extending it will only exacerbate the problem.

Frank Moisey (09950/1/002); Janet Parley (00714/1/002): Object to the scale of the development proposed for site H17 on some or all of the following grounds: the large size of the site will have an adverse effect on the landscape character type and the village will lose some of its rural setting; the scale of development will destroy the rural nature of the village; the development of the site will not meet the place making policies set out in the Plan (S4_Doc_396, S4_Doc_515 & S4_Doc_496); the sites were originally designated as low density so that the character of the village was not destroyed; the proposals for the site do not comply with LPD Policy RD1 (S4_Doc_405); the access to the site is limited; the village is too remote and not well served by public transport to accommodate this scale of development while meeting the aim of reducing the need to travel by car.

Mr & Mrs J S Milne (08022/3/001): The suggested extension (S4_Doc_249) would allow ample housing in the central part of the village rather than elongating it as proposed in the LDP. The access should be via Cameron Walk with a service road to keep pedestrians safe from A94 traffic.

Andrew Whamond (00419/1/002): Support for the Plan providing that Bridgend bottleneck is addressed, water supply is improved, and gas pressure maintained.

Mabel Sharp (07967/1/001): Support for the Plan

Burrelton/Woodside New Sites

John Alexander (07896/1/001): A better location for development would be to the west of Manse Road (S4_Doc_249) which would be a more discrete location less visible than the large site identified in the LDP. It may also be able to provide the offer the sporting facilities that the village needs.

A & J Stephen Ltd & Stewart Milne Homes Ltd (09727/1/002): TAYplan (Core_Doc_099) recognises that smaller sites in non-principal settlements can contribute to housing supply. 86% of Perth and Kinross Council housing requires Cross Tay Link Road completion. The village is capable of greater expansion than is shown in the Plan and this would be benefit to the residents by improving community facilities such as education and open space. Though predominately housing led a phased mixed use expansion of the village is proposed including, business units, local retailing, primary school etc. Phase 1 is the LDP site while phases 2 and 3 are land to the south and west (S4_Doc_249). The calculation of the effective housing land supply cannot be made until there is clarity on the timescale of the Cross Tay Link Road. Any developer contributions will have to satisfy the 5 tests set out in Circular 1/2010 (Core_Doc_097). A masterplan is required for the long term planned expansion of the village and the expansion will make a significant contribution to the effective land supply and will bring certainty to the local community.

Dalcrue E9

Thomas Huxley (00322/1/003): The Conservation Area at Pitcairngreen village is being degraded by HGVs resulting from planning permissions for developments round the periphery including at site E9 in Dalcrue. E9 was allocated for employment uses because of its use during WWII as a storage site. Although there was considerable traffic using the roads at that time as a result vehicles today have more impact due to their

increased size and weight. Conservation Area designation is adversely affected and the LDP should recognise that action must be taken to halt the wrong kind of development at these peripheral sites.

Damside/Saucher

Peter Howarth (00088/1/001); Susan Howarth (00506/1/001); Rebecca Linford (10282/1/001); Beryl Linford (00477/1/001); Margaret Shaw (00530/1/001); Janet Rougvie (00684/1/001); Ima Rogers (00683/1/001); Jamie Sinclair (09289/19/001); Janice Withers (00874/1/001): Object to the proposed settlement boundary for Damside/Saucher for some or all of the following reasons: Saucher is a long established hamlet round a village green but the collection of dwellings to the north are not known collectively as Damside; defining a settlement boundary linking Saucher and Damside purely for the LDP is spurious, contrived and is an attempt to force the unwelcome creation of larger villages; there is no relationship between Damside and Saucher and they should not be referred to as one settlement; the Draft Perth Area Local Plan 2004 (Core_Doc_128) correctly presented them separately and rounded off the housing at Damside in an appropriate way; the unique character and identity of each area should be protected and preserved but the proposed settlement boundary will not improve character or environment (refer LDP Policy RD1 (S4_Doc_405)); the layout of Saucher is unique and should be preserved; the individuality of the two areas should be preserved; residents wish these to remain separate and don't want to be part of large developments; the two areas are not connected and have different postcodes; Saucher has its own style and residents don't want this changed; more appropriate to continue to treat villages separately and not artificially link them; and it is unclear as to the benefits of joining these communities.

Peter Howarth (00088/1/001); Burrelton & District Community Council (09376/1/002); Susan Howarth (00506/1/001); Rebecca Linford (10282/1/001); Beryl Linford (00477/1/001); Margaret Shaw (00530/1/001); David Cox (10185/1/001); Janet Rougvie (00684/1/001); Ima Rogers (00683/1/001); Janice Withers (00874/1/002 & 00874/1/003): Object to the principle of further residential development within the proposed settlement boundary on some or all of the following grounds: the main access is a busy single track road used by large agricultural vehicles and the exit from the road at Saucher is hazardous given the volume of heavy lorries using the road to Collace quarry; Kinnochtry Burn flowing through the area is subject to flooding and further development upstream could increase flood risk, SEPA are concerned about water pollution from agricultural practices and further residential development would exacerbate this; there would need to be a communal sewage system as effluent cannot drain into Kinnochtry Burn; there are no local services, minimal public transport links, and utilities infrastructure is basic; there is already outline planning permission for 9 houses (S4_Doc_252) within the settlement boundary proposed in the 2004 Draft Local Plan (Core_Doc_128) which would double the number of houses in the area – the impact of these should be assessed first; proposed construction of houses is inappropriate and excessive and has the potential to seriously distort this small hamlet; the argument for infill would hinge on the availability of the field nearest to Saucher otherwise the two areas would not be joined but this field was not proposed by landowners for the MIR, it is unsuitable as it floods very readily and should be retained as flood plain to alleviate problems downstream; other areas within proposed settlement boundary also flood (refer specifically to field around Mill Cottage); the inclusion of the area to the north/north east of Mill Cottage is an extension of the settlement boundary not infill; infill development is to be of similar density to its environs (refer LDP Policy RD1 (S4_Doc_405)) but the proposed settlement boundary could support a large number of houses which would not be in keeping with existing density; infill might not be possible leaving two separate settlements; nearby Kinrossie is a

conservation area seeking to protect the character and historic integrity of the area; the land surrounding Kinrossie, Damside and Saucher is prime agricultural land and should remain so; proposals for infill development seem disproportionate and will surely put undue pressure on access and local amenities; electricity and water supply would need to be upgraded; there are enough houses and residents don't want any more built; only one house has been built since the last Local Plan in 2004 so do not understand proposals to build more when impact on surrounding area and residents is unclear; and developer contributions would be necessary to improve the access to Damside area by road and increase public transport.

Jamie Sinclair (09289/19/001): The area encompassed by the proposed settlement boundary would accommodate an additional 65 houses even at low density in what are presently two very small, highly nucleated settlements. The settlement boundary proposed would encourage development away from the existing public foul drainage system at Saucher. A more natural extension of Saucher would be additions to the perimeter. Smaller land areas would promote higher densities in keeping with existing character. Additional development on sites proposed would contribute to demand for affordable housing, could be contained within existing landscape framework, and could improve the public foul drainage network. Small infill development around the nucleus at Damside would preserve the small settlement feel rather than creating a single lengthy joined up settlement. Two settlements could have a joint written statement in the LDP but without being linked by a shared boundary.

Mr & Mrs I Brooks (07693/4/001): Support for the Plan.

Guildtown

Scone Palace & Estate (09163/4/022): There is scope for further development on the west side of Guildtown to provide for sustainable growth (S4_Doc_339). There are no environmental designations or flood risk affecting the sites proposed. Scottish Water will progress improvements to provide for existing allocations and Scone Estates could provide additional land for further extensions to the sewage treatment works. There is a strategic need to protect the setting of Perth so expansion of surrounding villages is inevitable. There is a longer term opportunity for Guildtown to form the basis of a new settlement for Perth given proximity to the proposed Cross Tay Link Road. A more substantial land allocation would assist in creating economies of scale, avoid piecemeal development, and help support and encourage investment in services and facilities.

Wolfhill H35

Mr & Mrs Frank Holt (00508/1/001): The site is better reduced in size and shown for 12 houses like H67 of the Perth Area Local Plan (S4_Doc_254). The development of the site will create a road safety issue by increasing the volumes of traffic using a hazardous bend on the entrance to the village. The cesspit outfall for Wolfhill House is located on the extended site. The development will increase the carbon footprint requiring people to travel further to obtain services and put the existing services under greater pressure. The development will result in the loss of agricultural land and there is sufficient brown land to provide extra housing.

Steven & Elizabeth Stuart (00585/1/001): Extending an existing housing site to the west will not improve its appearance. The reference to green buffer strip should relate to the west edge of the village not the south. The location of the site is such that it would materially alter the village away from its heart contrary to the terms of paragraph 2.2.3 (S4_Doc_783) of the plan. Wolfhill is not a suitable location for development as it has limited public transport and facilities. Identifying the site is pointless as it requires the

Cross Tay Link Road before an embargo is lifted and the site will not contribute to the housing numbers (refers paragraph 80 of SPP (S4_Doc_099)).

Wolfhill New Sites

R T Hutton Planning Consultant (09539/2/001): The site (S4_Doc_009) should be identified for 8/9 houses to avoid exacerbating the problems associated with air quality. A generous allowance could be made for tree planting along the eastern boundary. Access could be taken from the exiting road to the west and there are no physical constraints known which would limit development.

Lomond Land (09415/7/001): A substantial tree belt could be provided along the eastern boundary and the site (S4_Doc_009) would be designed to integrate with the permission already granted for the poultry sheds to the north. The site is in the control of a house builder and considered suitable for early development contributing to the housing supply.

Modifications sought by those submitting representations:

Bankfoot

Scottish Natural Heritage (05211/25/036): Include either suggested mitigation measure Option A or Option B below:

Option A: add the following text in the Spatial Strategy Consideration section (paragraph 5.8.2, page 92):

'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 the River Tay Special Area of Conservation.'

'Where the development site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation.'

Option B: incorporate the following new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60):

'The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area.'

In order to ensure no adverse effects on the River Tay SAC, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.

- (a) *Drainage from all development should ensure no reduction in water quality.*
- (b) *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.*
- (c) *Where the development site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required.*

Note: Supplementary Guidance 'River Tay Special Area of Conservation' provides detailed advice to developers on the types of appropriate information and safeguards to

be provided in support of planning applications for new projects which may affect the River Tay SAC.'

And, insert the following text in the Spatial Strategy Considerations section (paragraph 5.8.2, page 92):

'Bankfoot lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Bankfoot New Sites

G S Brown Construction Ltd (09817/10/001): A site should be identified for housing on the south side Forestry Place and Nicoll Drive (S4_Doc_008) as shown in the Main Issues Report and our previous representations.

The Church of Scotland General Trustees (09167/2/001): A site should be identified for housing development at Auchtergaven Glebe, Bankfoot (S4_Doc_008).

Zurich Assurance Ltd (08816/5/001): A site should be identified for 30 houses at Highfield Place/Church field Place Bankfoot (S4_Doc_008).

Burrelton/Woodside

Frank Moisey (09950/4/001): Remove the extension to the settlement boundary along Manse Road and Whitelea Road

Burrelton/Woodside E8

Scottish Environment Protection Agency (03194/25/001): A flood risk assessment should be a specific developer requirement used to inform the scale layout and form of the development. No built development should take place on the functional flood plain or within an area of known flood risk.

Burrelton/Woodside H16

Patricia Matte (09653/4/001); Chris Lamont (00397/1/001); M Pearson (00473/1/001); Mr & Mrs Ragsdell (00732/2/001); John Alexander (07896/1/002); Delete site H16.

Martin Laing (00865/1/001): The development of site H16 should not be considered until the Cross Tay Link Road is under construction, not a '*committed project*'. The primary school should be replaced, not extended.

Jane Filshie (00821/1/001): The sites should be developed at low density and the embargo should be in place until construction of the Cross Tay Link Road begins.

Frank Moisey (09950/1/001): Any development should be at a low density of 5 per hectare rather than the 20 per hectare proposed and the development should be scaled back to that shown as VH17 of the 2004 Draft Plan (S4_Doc_253).

Janet Parley (00714/1/001): The site should be identified for low density development.

Mr & Mrs J S Milne (08022/2/001): The site should not be extended on the west side and should remain as shown in the adopted Perth Area Local Plan ALT 10 (S4_Doc_782). Housing should be low density.

Andrew Whamond (00419/1/001): No specific modification sought but wishes that the Bridgend bottleneck is addressed, water supply is improved, and gas pressure maintained.

Burrelton/Woodside H17

Patricia Matte (09653/4/002); Sandra Service (00427/1/001); Chris Lamont (00397/1/002); Bill Service (00428/1/002); Wendy Sheed (00451/1/003); Mr & Mrs Ragsdell (00732/1/001): Delete site H17.

Jane Filshie (00821/1/002): The sites should be developed at low density and the embargo should be in place until construction of the Cross Tay Link Road begins.

Martin Laing (00865/1/002): The development of site H17 should not be considered until the Cross Tay Link Road is under construction, not a '*committed project*'. The primary school should be replaced, not extended.

Frank Moisey (09950/1/002): Any development should be at a low density rather than medium density.

Janet Parley (00714/1/002): The site should be identified for low density development.

Mr & Mrs JS Milne (08022/3/001): Extend the site westwards into MIR sites 235 and 236 (S4_Doc_249).

Andrew Whamond (00419/1/002): No specific modification sought but wishes that the Bridgend bottleneck is addressed, water supply is improved, and gas pressure maintained.

Burrelton/Woodside New Sites

John Alexander (07896/1/001): Add site to the West of Manse Road (S4_Doc_249) for small scale development. This is assumed to be the area of land immediately north of the identified area of open space in the northern end of the settlement.

A & J Stephen Ltd & Stewart Milne Homes Ltd (09727/1/002): Additional sites should be identified for a housing led mixed use development on the south and west of the village (S4_Doc_249) and the village boundary adjusted accordingly.

Dalcruie E9

Thomas Huxley (00322/1/003): No specific modification sought but implied that site E9 should not be allocated for employment land.

Damside/Saucher

Peter Howarth (00088/1/001); Susan Howarth (00506/1/001); Rebecca Linford (10282/1/001); Janice Withers (00874/1/003): Boundaries in the Draft Perth Area Local Plan 2004 (S4_Doc_784) should be retained for the Saucher and Damside areas.

Beryl Linford (00477/1/001); Margaret Shaw (00530/1/001); Janet Rougvie (00684/1/001); Ima Rogers (00683/1/001); Janice Withers (00874/1/001 & 00874/1/002): No specific modification sought but assumed that the LDP should not encourage further development at Damside/Saucher and the two settlements should not be joined together.

Burrelton & District Community Council (09376/1/002): No specific modification sought but implied that the settlement boundary should be redrawn more tightly so as not to allow for infill development.

David Cox (10185/1/001): Proposals for infill housing at Damside should be dropped or the number of houses reduced.

Jamie Sinclair (09289/19/001): Amendments should be made to the settlement boundary for Damside/Saucher as per submitted maps.

Guildtown

Scone Palace & Estate (09163/4/022): Settlement boundary for Guildtown should be more generously drawn to the west (S4_Doc_339).

Wolfhill H35

Mr & Mrs Frank Holt (00508/1/001); Steven & Elizabeth Stuart (00585/1/001): The removal of site H35 and its substitution by the site with planning consent and the reduction in numbers to 12 with subsequent amendments to the plan in accordance with the above.

Wolfhill New Sites

R T Hutton Planning Consultant (09539/2/001): The village boundary should be extended to include a small infill area of 8-9 houses on the east side of the village (S4_Doc_009).

Lomond Land (09415/7/001): A site for housing for 10-15 units single or single and a half storey houses should be included at Castle Road, Wolfhill (S4_Doc_009).

Summary of responses (including reasons) by planning authority:

Bankfoot

Scottish Natural Heritage (05211/25/036): It is considered that amending the Plan to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (S4_Doc_140) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature conservation Sites (S4_Doc_389) will apply, and would also set out what will be expected of them in making their planning application.

If the Reporter is so minded to amend the Plan in line with the suggested additional text by the respondent, in the interests of keeping the Plan as short and succinct as possible, the Council's preference would be to incorporate suggested mitigation Option B (proposed Policy EP15) as it would result in the least amount of additional text and repetition in the Plan.

Bankfoot New Sites

G S Brown Construction Ltd (09817/10/001); The Church of Scotland General Trustees (09167/2/001); Zurich Assurance Ltd (08816/5/001): There are a number of significant issues with further development of Bankfoot. In particular the risk of flooding from the burn and of the area to the south is a matter of concern. As identified in the SEA Environmental Report Appendix D (S4_Doc_785) there was widespread flooding in Bankfoot in 1993 and 2004 resulting from the overtopping of watercourses, blocked screens, collapsed culverts, a lack of capacity in piped/culverted watercourses and road drains and run off from surrounding fields. Development of land to the north could also potentially increase the flood risk of lower lying parts of the settlement. The capacity of the existing sewerage network is a constraint on further development of the settlement. Auchtergaven Primary School site is also constrained – the suggestion that it could expand southwards would involve crossing the burn and the site is located in the floodplain. In light of the above even if sites were to be identified for housing it is unlikely that they could be made effective within the life of the Plan. Bankfoot is not within the Perth Core Area where the majority of housing allocation is to be directed in line with

TAYplan Policy 1 (S4_Doc_067), nor is it identified in TAYplan as a tiered settlement. It is however a well served settlement and there may be some scope for future expansion but only once the issues identified above have been resolved. It is therefore considered that any additional development in Bankfoot should be reserved for a future LDP.

No modification is proposed to the Plan.

Burrelton/Woodside

Frank Moisey (09950/4/001): The boundary is a logical extension to the settlement matching the form along the north side of Whitlea Road. Land is prime quality classified 3.1 but its development is not contrary to national policy if part of a settlement strategy (SPP paragraph 97 (S4_Doc_108)). LDP Policy ER5 (S4_Doc_506) applies outside settlements and Policy RD1 (S4_Doc_405) would guide future development.

No modification is proposed to the Plan.

Burrelton/Woodside E8

Scottish Environment Protection Agency (03194/25/001): The site is not shown as an area of flood risk. However due to its proximity to an at risk area the proposed modification is considered acceptable as it would ensure that no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter is minded to accept the proposed modification the Council would have no objection to a Flood Risk Assessment being added as a Site Specific Developer Requirement.

Burrelton/Woodside H16

Patricia Matte (09653/4/001); Chris Lamont (00397/1/001); M Pearson (00473/1/001); Mr & Mrs Ragsdell (00732/2/001); John Alexander (07896/1/002); Martin Laing (00865/1/001); Jane Filshie (00821/1/001); Frank Moisey (09950/1/001); Janet Parley (00714/1/001); Mr & Mrs J S Milne (08022/2/001); Andrew Whamond (00419/1/001): The site is class 3.1 prime land national policy is that this should not be developed unless it is an essential component of a settlement strategy (SPP paragraph 97 (S4_Doc_108)). As this site together with site H17 are the best sites for the expansion of the village development complies with national guidance. It is intended that the main access to the site be taken from Whitea Road as School Road is not suitable to deal with traffic from the development. Whitlea Road is suitable as an access to the site. The style of the development is a matter of detail best dealt with through planning applications and the density (20 per hectare) is comparable with surrounding properties and in the medium range identified in the Plan. Part of the site is shown in the existing local plan but only for 15 houses. This allocation has no link to Whitlea Road and does not make best use of the site. The increased density on the site is part of the strategy to meet the housing land requirements for the plan period and will enable the improvement of local facilities through developer contributions. The development of the site will assist in increasing housing choice and provide an element of affordable housing in an area where there is a particular need. The route of construction traffic is a matter of detail which will require consideration of the phasing and design of development through the planning application process, as will any upgrading of water supply and gas pressure maintenance. It is suggested that the development embargo should be in place until such time as the Cross Tay Link Road is under construction however this could cause significant issues for the house building industry. The timing of both the Cross Tay Link Road being a committed project and the embargo being lifted is considered critical to the delivery of housing in the Perth Area. This is discussed in detail in Schedule 4 number 24 and in the Council's

Delivering Infrastructure Background Paper (S4_Doc_440).

No modification is proposed to the Plan.

Burrelton/Woodside H17

Patricia Matte (09653/4/002); Sandra Service (00427/1/001); Chris Lamont (00397/1/002); Bill Service (00428/1/002); Wendy Sheed (00451/1/003); Mr & Mrs Ragsdell (00732/1/001); Jane Filshie (00821/1/002); Martin Laing (00865/1/002); Frank Moisey (09950/1/002); Janet Parley (00714/1/002); Mr & Mrs J S Milne (08022/3/001); Andrew Whamond (00419/1/002); There is no existing physical feature which provides a robust village boundary, the proposed development at site H17 will assist in the creation of a more robust boundary. The site was the subject of an appeal which was dismissed due to the unsuitability of the access. Church Road is a private road and at the time there were difficulties in the obtaining the necessary visibility splays. The development at Cameron Walk does provide a potential access route and would be appropriate for the scale of development proposed. However there may be other ways to access the site. The development of the site together with the development of site H16 for 100 houses will improve services in the village. The density (20 per hectare) is in the medium range identified in the Plan and is considered appropriate for the area. A flood risk assessment is required as a specific developer requirement. Any required upgrading of the water supply and gas pressure maintenance is a matter which will be considered through the planning application process. It is suggested that the development embargo should be in place until such time as the Cross Tay Link Road is under construction. As mentioned above the timing of both the Cross Tay Link Road being a committed project and the embargo being lifted is considered critical to the delivery of housing in the Perth Area. This issue is addressed in detail in Schedule 4 number 24 and in the Council's Delivering Infrastructure Background Paper (S4_Doc_440). Extending the site westwards is something that could be considered during a future review of the plan but is not considered desirable or necessary for this Plan period. Any increase in the land allocation would be unlikely to deliver more effective housing land supply during the life of the Plan.

No modification is proposed to the Plan.

Burrelton/Woodside New Sites

John Alexander (07896/1/001): The site proposed (S4_Doc_249) is white land within the settlement boundary. It is therefore accepted that it may have some development potential providing an acceptable scheme is put forward.

No modification is proposed to the Plan.

A & J Stephen Ltd/Stewart Milne Homes Ltd (09727/1/002): The identification of land for a large expansion in three phases to the south and west of the village does not conform to the strategy set out in TAYplan Policy 1 (S4_Doc_067) and the level of development identified (50ha and around 1200 houses) would require a strategic allocation and would be a matter for a future review of the Strategic and Local Development Plan. The number of units identified in the LDP for site H16, together with the site at H17, is considered to be an appropriate scale of development for this size of settlement over the life of the Plan. Any increase in the land allocation would be unlikely to deliver more effective housing land supply during the life of the Plan. Part of the site lies within the pipeline consultation zone.

No modification is proposed to the Plan.

Dalcrue E9

Thomas Huxley (00322/1/003): This is an existing employment site. It is a brownfield site and access is via public roads. The impact of any additional development on roads and traffic-related issues would be assessed under LDP Policy TA1B (S4_Doc_387).

No modification is proposed to the Plan.

Damside/Saucher

Peter Howarth (00088/1/001); Susan Howarth (00506/1/001); Rebecca Linford (10282/1/001); Beryl Linford (00477/1/001); Margaret Shaw (00530/1/001); Janet Rougvie (00684/1/001); Ima Rogers (00683/1/001); Burrelton & District Community Council (09376/1/002); David Cox (10185/1/001); Jamie Sinclair (09289/19/001); Janice Withers (00874/1/001, 00874/1/002 & 00874/1/003): There was pressure for development at Damside which was moving southwards and a number of planning consents have been granted for individual houses (S4_Doc_252). It is considered that there are opportunities for a limited amount of further infill residential development across the Damside/Saucher settlements. No specific number of houses is proposed in the Plan. The identification of a settlement boundary was to give some structure to the future development of this area over the life of the Plan and to create a sense of cohesion. In a wider context it was also to create some development opportunities in the wider countryside. Concerns raised in the representations regarding access, flooding etc are matters of detail which will be assessed against other LDP policies through the planning application process. The Plan seeks to address concerns about the potential for merging of what are considered in the representations to be two distinct settlements, by identifying the important areas of open space to ensure their maintenance and protection. The settlement boundaries also limit the development of prime agricultural land in line with SPP (S4 Doc 108). Policy RD1 will require the scale and form of development to be compatible with the character of the settlement.

No modification is proposed to the Plan.

Jamie Sinclair (09289/19/001): At Saucher the areas proposed for development are largely outwith the proposed settlement boundary and are fairly substantial in size in comparison with the size of the existing settlement. The boundary at Saucher has been purposefully drawn tightly round the existing houses to retain the character of this area as a small group of houses built round a village green. The existing housing at Damside is more linear in nature and it is therefore considered that there is more scope for additional small scale development here, taking into account the existing planning consents. At Damside the area proposed for development is already within the proposed settlement boundary.

No modification is proposed to the Plan.

Guildtown

Scone Palace & Estate (09163/4/022): Guildtown lies outside the Perth core area and is a small linear settlement with a population of around 300. Planning permission exists for 90 houses on the east side of the village on three sites which have yet to be implemented. The settlement boundary has been drawn to allow the linear form of the settlement to be replicated by some limited infill development during the life of the Plan but the northern quarter of this area is required for a Sustainable Urban Drainage System pond as part of the development of 20 houses on the other side of the road. The level of expansion proposed is sufficient for the life of the Plan but it may be that the western side of the village could accommodate development in future plans. The area could be

revisited once the existing consents have been implemented but it is considered that any increase in the land allocation would be unlikely to deliver more effective housing land supply during the life of the Plan. It should be noted that the extreme northern section of the area lies within a gas transmission pipeline consultation zone.

No modification is proposed to the Plan.

Wolfhill H35

Mr & Mrs Frank Holt (00508/1/001); Steven & Elizabeth Stuart (00585/1/001): The size of site as proposed in the LDP is considered to be a reasonable expansion to Wolfhill over the life of the Plan. Concerns over drainage and road safety issues will be assessed against other Plan policies at planning application stage.

No modification is proposed to the Plan.

Wolfhill New Sites

R T Hutton Planning Consultant (09539/2/001); Lomond Land (09415/7/001): The Plan already identifies site H35 for 24 houses which is considered a reasonable scale of expansion for this scale of settlement over the life of the Plan. Furthermore planning consent has been granted for a small development of four houses on the site of the former poultry sheds to the north which will offer further choice to house purchasers.

However the site can be considered an infill site and as such if the Reporter was minded to identify this site for a small scale residential development the Council would have no objection to this as it would not have any implications for any other aspect of the Plan.

Reporter's conclusions:

Bankfoot

1. The Proposed Plan identifies extremely limited housing expansion potential during the Plan period. All proposed housing sites in Bankfoot are affected by the lack of capacity in the local primary school and the fact that there is no potential to extend that school in order to accommodate a larger intake. There are also flooding issues for a number of existing properties, which affect the development potential of vacant land, and the council has identified a sewerage capacity constraint.

2. The site that is promoted to the south of the settlement could potentially provide land onto which the village primary school could expand, which would address one of the identified constraints to development. The prospective developer is also confident that flooding concerns could be overcome. However, the proposed development would be wholly disproportionate to the size of the existing settlement and to its status within the settlement hierarchy. Bankfoot is not identified as a principal settlement in TAYplan. As such, it is not a location to which significant development should be directed. Policy 1 of TAYplan, with which the Proposed Plan must be consistent, gives clear priority to principal settlements. The examination of Issues 20c and 20e has confirmed that, in accordance with this principle, the Proposed Plan has identified a generous supply of housing land to meet the requirement identified in TAYplan. A further concern is that only some of this site was identified as a potential development option in the Main Issues Report (MIR). It is possible therefore that the full implications of the site have not been considered in terms of adequate publicity for the proposal and proper consideration of its implications under the Proposed Plan's Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA).

3. The site at Highfield Place/Churchfield Place, which is proposed for 30 units, is prominent from the southbound A9 to the north of the settlement and the site proposed to the east of the Manse on the eastern edge of the village would illogically extend the settlement out into the surrounding countryside. Neither has been subject to statutory publicity or to consideration under the SEA or HRA processes. As outlined above, the Proposed Plan provides for a generous supply of housing land without having to rely on unsuitable sites such as these in non principal settlements such as Bankfoot.

4. It would be appropriate for the Spatial Strategy Considerations section of the plan's text for Bankfoot to reflect the outcome of the Habitats Regulations Appraisal

Burrelton/Woodside settlement boundaries

5. The proposed settlement boundary at the northern end of Manse Road would include within the village boundary the playing fields and adjacent prime agricultural land. There is no landscape justification for the proposed boundary, which would create a much less logical edge to the settlement than Manse Road, where the settlement boundary in the Perth Area Local Plan was drawn. The playing fields would be equally well protected from development if they were excluded from the settlement boundary and, given the clear strategic policy in TAYplan to focus development on principal settlements, which Burrelton/Woodside is not, there can be no housing supply justification for the remainder of the settlement boundary extension, the effect of which would be to identify a site for development. The boundary at this point should be modified to reflect that set out in the Perth Area Local Plan (Schedule 4 document 782).

6. The proposed settlement boundary along the southern side of Whitelea Road also has no obvious landscape justification. It would enlarge the settlement onto prime agricultural land rather than following the boundaries of existing residential properties as the settlement boundary in the Perth Area Local Plan did. The recommended modification to the settlement boundary on the opposite side of Whitelea Road (see the consideration of site H16 below) further reduces any landscape justification for the proposed boundary on the southern side of the road. In accordance with the clear expectations in TAYplan that non principal settlements such as Burrelton / Woodside should not be the focus for significant levels of development and the conclusions reached elsewhere in this examination that the Proposed Plan identifies a generous supply of development land, there is no justification in land supply terms for the proposed settlement boundary. The settlement boundary at this point should be modified to reflect that in the Perth Area Local Plan (Schedule 4 document 782).

Burrelton/Woodside E8

7. Given the identified potential for this site to be at risk of flooding, it would be appropriate to modify the site-specific developer requirement to confirm that a flood risk assessment needs to be carried out prior to submitting a planning application, to inform the scale, layout and form of development.

Burrelton/Woodside H16

8. The roads around the site are narrow but there is no convincing evidence that they would be incapable of supporting the proposed level of development. The extension of the settlement into surrounding countryside would detract from the local landscape character but, subject to extensive landscaping of the site's northern and western boundaries, the degree of such harm might be acceptable if the site could be

demonstrated to be essential in order to meet the Proposed Plan's housing strategy. However, Burrelton is a small settlement with very few services and limited employment opportunities. It is not identified as one of the Plan area's principal settlements, which TAYplan Policy 1 requires to be the focus for the majority of development. The proposed 100 houses on this site would represent a very significant enlargement of the settlement with no obvious strategic justification. Bearing in mind that it has been concluded elsewhere in this examination that the strategic housing sites in west / north west Perth and the range of other proposed sites elsewhere are likely to be capable of delivering significant housing numbers during the plan period, the achievement of the plan's housing land requirement cannot be argued in justification of this site. And, as the Proposed Plan provides an adequate range and choice of housing sites in locations within the principal settlements and elsewhere, no significant weight should be attached to any additional market choice that this site would provide. A further significant consideration is that the site would be subject to the proposed development embargo that will remain in place until the Cross Tay Link Road (CTLR) is a committed project. As has been concluded under Issue 24, there is no likelihood of that occurring within the Plan period and it is unlikely therefore that the site could make any contribution to the housing supply during the plan period even if it were allocated. Bearing these factors in mind, site H16 should not be allocated. The settlement boundary at this point should be modified to reflect that in the Perth Area Local Plan (Schedule 4 document 782).

Burrelton/Woodside H17

9. This site would provide a much smaller level of development than is proposed for site H16, and would be more in scale with the size of the settlement. It was allocated for development in the Perth Area Local Plan and there is no reason to suspect that there has been any physical change in circumstances that would justify not taking this site forward into the Proposed Plan. The introduction of TAYplan represents a significant change in strategic policy, as it sets out a clear expectation that the majority of development be directed to principal settlements. However, it does not absolutely preclude development elsewhere and it is considered, on balance, to be appropriate to retain the allocation in the Proposed Plan. Issues of detail that have been raised by representors who are opposed to the site, such as the adequacy of the site access, are matters that would be resolved at the planning application stage. There is no evidence to suggest that they would pose any insurmountable problems.

Burrelton/Woodside New Sites

10. It has been concluded above that the settlement boundary that is drawn in the Proposed Plan at the northern end of Manse Road is inappropriate. The site that is proposed to the west of Manse Road, which would enlarge the settlement boundary beyond the proposed line, would for similar reasons, represent an unjustified and unnecessary expansion of the settlement, which would detract from its setting and result in the loss of prime agricultural land. The development land that would be created by the proposed modification would be disproportionate to the size of the settlement and would be contrary to the expectations of TAYplan for a non principal settlement. Any improvement to existing sporting facilities would not outweigh these reasons for not accepting the proposed modification.

11. The proposed further expansion of site H16 would provide further phases of development (identified as phases 2 and 3 in the representation) incorporating housing, business units, community facilities and local retailing. This very significant scale of development would be entirely at odds with the existing size and role of the village and,

for the same reasons that are set out in respect of site H16 above, would not be required in order to achieve the housing land requirement or to provide adequate choice within the market. It is recognised that some development in smaller settlements is potentially acceptable under TAYplan. But not of the scale that is proposed in this representation. This proposed modification, which would be inconsistent with the expectations of TAYplan Policy 1, is therefore not justified.

Dalcrue E9

12. Dalcrue as a location for vehicle repair and dismantling options, is illogical, given its relatively remote rural location. However, it is an established use and the land which is proposed for further employment development has a history of employment activity. Concerns over the potential that a further employment allocation might encourage additional large goods vehicles to use the minor rural road network are understandable. However, it cannot necessarily be assumed that the proposed allocation would lead to a material increase in such traffic or that the effects of any such increase would be objectionable. Such issues could be considered at the planning application stage.

Damside/Saucher

13. It is difficult to see the logic in drawing a settlement boundary around the small group of houses at Saucher and this becomes impossible when one considers the proposed inclusion of Damside Farm and houses to the north, which includes land up to 600 metres away. The stated intention of the plan's approach (to provide further opportunities for further infill residential development to create a more cohesive settlement) is undermined by the fact that these scattered small groups of houses cannot reasonably be regarded as a settlement in functional or visual terms. The additional infill opportunities that would be afforded by the proposed settlement boundary could accommodate a ten fold increase in the number of dwellings. No justification has been provided for such a significant level of development in a relatively remote rural location that lacks the services and facilities required of a sustainable development location. The landscape and visual impact of additional residential development in this location, even if carried out to a high standard, would also inevitably have a harmful and urbanising effect on the locality. The proposed identification of this location as a settlement with a defined settlement boundary when there is clear evidence that the nature/scale of land use required to deliver the plan is likely to be capable of being accommodated in more sustainable locations (see Issues 20c and 20e), is inconsistent with the approach expected of local development plans in TAYplan.

14. Taking all factors into account, there are no grounds to support the identification of Damside/Saucher as a settlement with a settlement boundary.

Guildtown

15. Guildtown is a small village with limited facilities or employment opportunities. There is already planning permission for 64 houses, which is likely to see the village population increase by over a third. The proposed settlement boundary along the west of the A93 will permit a further 15 or so houses. The requested modification would permit a very significant number of houses which would be disproportionate to the size of the settlement. This area is subject to the proposed development embargo pending the CTRL becoming a committed project. It has been concluded in Issue 24 that this is most unlikely to occur within the plan period. Therefore even if there had been a shortage of sites in more sustainable locations on which to meet the plan's housing requirement

(which, as confirmed above, there is not) there is no likelihood that development here would in fact be effective within the plan period.

Wolfhill H35

16. The existing development at Fraser Avenue, being of single storey height and having mature landscaping within gardens, does not form an objectionably harmful western edge to this very small settlement. And even if it had, the development of Site H67 in the Perth Area Local Plan, which lies within the existing settlement boundary, would have provided an opportunity to address this. There is therefore no justification in landscape terms for extending the settlement boundary so significantly into the adjacent countryside. Indeed the effect of the site H35, even with a generous landscape buffer at its western edge, is likely to be significant detriment to the character of the surrounding landscape. Of equal significance is the fact that Wolfhill has virtually no services or sources of employment. The proposed settlement boundary at the south eastern side of the settlement and the land which is identified as H67 in the local plan will permit a number of new houses to be built and, if the proposed plan is to be consistent with TAYplan, there is no justification for the additional housing that would be provided by site H35. Site H35 should be deleted and the settlement boundary at the western edge of the village should be aligned with the western edge of site H67 in the Perth Area Local Plan.

Wolfhill new sites

17. The site that is proposed to the east of the village would extend the settlement onto open grazing land. When one considers Wolfhill's relative remoteness, the lack of any services, employment opportunities or public transport connections and the fact that it is not identified in TAYplan as a principal settlement, there is no justification for any additional housing development beyond that which will be facilitated by the proposed settlement boundary. The proposed site would also be inappropriate in landscape terms. There are some low sheds to the north of the site, which it is understood are to be replaced with housing and some limited development on the opposite side of the road but these do not provide a logical landscape framework into which the settlement could expand. Even with generous landscaping, the proposed settlement enlargement would detract from the character of the local landscape by appearing as an incongruous expansion of built development into the surrounding countryside.

Reporter's recommendations:

Bankfoot

1. Modify the Spatial Strategy Considerations text by the addition of the following two paragraphs at the end of that section.

"A Construction Method Statement shall be provided where a development site will affect a watercourse. The methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation."

Where a development site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation."

Burrelton/Woodside settlement boundaries

2. Modify the settlement boundary at the north of Manse Road to reflect that set out in the Perth Area Local Plan (Schedule 4 document 782).
3. Modify the settlement boundary along the southern side of Whitelea Road to reflect that set out in the Perth Area Local Plan (Schedule 4 document 782).

Burrelton/Woodside E8

4. Modify the site-specific developer requirements by the addition of the following:

“A flood risk assessment will be required to inform the scale, layout and form of the development. No built development should take place on the functional flood plain or within an area of known flood risk.”

Burrelton/Woodside H16

5. Delete site H16 from the plan. Modify the settlement boundary at this point to reflect that set out in the Perth Area Local Plan (Schedule 4 document 782).
6. Make consequential modifications to the table under paragraph 5.1.11.

Damside / Saucher

7. Delete section 5.15 and the accompanying settlement plan from the plan.

Wolfhill H35

8. Delete site H35 and align the settlement boundary at the western edge of Wolfhill with the western edge of site H67 in the Perth Area Local Plan.
9. Make consequential modifications to the table under paragraph 5.1.11.

Issue 26b	Perth Area (out with Core) East Settlements and Landward Sites	
Development plan reference:	5.1.6-8 Employment Land, page 68 5.1.11 Housing Land Table, page 69 Errol, page 110-111 Errol Airfield/Grange, page 112-113 H21 - West of Old Village Hall, Grange, page 112 Inchtute, page 122-123 H24 - Moncur Farm Road, Inchtute, page 122 Rait, page 140 St Madoes/Glencarse, page 145	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
George Low (00115) The Morris Leslie Group Ltd (00385/1 & 00385/2) J Carroll (00385/3) Mark Macdonald (00434) Elisabeth Yorke (00458) David Hume (00487) Inchtute Community Council (00701) Mr & Mrs MG Sheret (00721) Corinne MacDougall (00811) Graeme Fitzgerald (01001) Scottish Environment Protection Agency (03194) Muir Homes Ltd (09035)		The Rennie Family Trust (09052) Errol Park Estate (09060) Keir Doe (09067) J W Farquharson/G D Strawson (09117) The Church of Scotland General Trustees (09167) Culfargie Estates Ltd (09289/20) D S McLaren (09289/26) Robert Morgan (09371/2) Morgan Homes (Scotland) Ltd (09371/3) Dr Peter Symon (09723) G S Brown Construction Ltd (09817) CKD Galbraith (10229)
Provision of the development plan to which the issue relates:	Settlements outwith the Perth Core Area (East) and Landward sites	
Planning authority's summary of the representation(s):		
<u>Errol</u> Robert Morgan (09371/2/001): The respondent argues that the approach taken by TAYplan (S4_Doc_633) to the Carse of Gowrie does not seek to prevent housing opportunities in the Carse of Gowrie and that some level of development will be permitted, provided it is of a suitable scale. A site is suggested (S4_Doc_265) for about 300 houses phased over the Plan period and beyond. It is argued that: the landscape framework would be able to absorb new development with the creation of new settlement boundaries in the form of tree planting along the western and north-western boundaries of the land; the south-west boundary of the land abuts new housing development to the north of Errol; the land is enclosed by trees and hedges that define the western and north-western boundaries providing a containable development opportunity, which would prevent further encroachment to the north; the land is flat which makes it more viable for development; the land fronts a main road and could be made readily accessible; services and infrastructure could be made readily available; the land could be regarded as effective and suitable in planning terms; and the land could incorporate improvements to the road network (formation of a new roundabout). Attached statement about the site (Core_Doc_143)		

Dr Peter Symon (09723/6/001): Welcomes settlement development boundary to ensure that all present land is built out first, but this could be accompanied by a statement of presumption against development outwith the settlement boundary. A series of comments are made suggesting changes on the basis that these are considered to be necessary by the respondent.

Errol Park Estate (09060/4/001): Northbank Farm is positioned to the north of Errol and is reported to be free of environmental and physical constraints. Reported to be a better option for development than Errol Airfield (S4_Doc_265). The proposed site would actively support Perth Core area given its proximity and transport links. Proportionate phased development here would actively support both Perth and Dundee and be easily accessible.

Errol is a tier 3 settlement and together with the smaller surrounding Carse villages provides a pleasant setting within easy reach of Perth Core Area with its employment opportunities, services and other facilities. The *'good range of amenities and services'* in Errol needs to be sustained in the longer term through housing allocations.

The strategy set out in TAYplan (Core_Doc_099) and the Proposed LDP is not ambitious as required by Paragraph 5 of Circular 1/2009 (S4_Doc_262). There is presently an over-reliance on the development of limited infill sites (settlement statement). There is already established demand for people to live in Errol following the expansion to the north of Errol (Northbank).

Errol Airfield/Grange settlement

G S Brown Construction Ltd (09817/17/001 & 09817/17/002): In conjunction with the landowner, we propose that an area (S4_Doc_010) be allocated for housing. This was originally proposed in the MIR (S4_Doc_787) (Core_Doc_210). There is no economic rationale to upgrade the existing business units, which are reported to have reached the end of their life. Continued employment use at the site could prejudice development of four adjacent houses (planning application 09/01785/IPL (S4_Doc_263)). Housing use is sought since it is reported this is a more beneficial alternative for which there is known demand.

Keir Doe (09067/1/002): The present area allocated for mixed uses covers the former RAF hangars and poultry sheds and is occupied by 15 tenants. The land allocated is not large enough to support many more jobs than already exist. The respondent argues that the present facilities are in poor condition and wishes to demolish and reconstruct the premises for existing tenants but also wishes to build additional space for other new tenants (S4_Doc_010). They argue that the present allocation is not large enough to allow for the demolition of old and rebuild of new premises or to accommodate additional units. Similarly they contend that low rents and land prices in this rural area mean that some residential development would also be necessary to cross-fund the project.

Errol Airfield/Grange H21

Elisabeth Yorke (00458/1/001): The land to the west of Old Village Hall is not suitable for housing development because serious drainage issues exist in the area associated with new housing developments affecting drainage of neighbouring properties and roads (the area between the railway crossing and Newbiggin Farm road end is mentioned); and the road's narrow width makes it dangerous, especially when shared with agricultural traffic. The railway crossing is potentially hazardous because oncoming vehicles do not have clear views.

Graeme Fitzgerald (01001/1/001): Raises concerns that site is greenfield, is next to the railway, there is an unspecified risk of water damage and drainage issues, the road is not wide enough, the site is reported to be an old orchard with interest expressed in its regeneration, and there is no mention of employment or business use. It is inferred that the mixed use area in the settlement should be developed before greenfield land at H21.

Mr & Mrs M G Sheret (00721/1/001): The drainage system in the area near H21 is inadequate and has been unable to cope with the volume of water due to recent housing development, and high levels of rainfall. This has caused localised flooding and made the local road network impassable. The road width is insufficient to cope with traffic. This also poses safety issues for other users such as pedestrians and cyclists. Attached photos (S4_Doc_257).

Dr Peter Symon (09723/1/001): H21 is unsuitable for development because there would be an increase in road traffic over the level crossing; the site is exposed to train noise; reduce the amenity of existing homes at Grange; and the land may present drainage problems. Allowing H21 would be inconsistent with the refusal of new housing development in Errol village (5.17.2) because allocated housing land has not been fully taken up. It is difficult to assess the cumulative impacts of infrastructure for H21 and for Errol Airfield/Grange development which lack spatial coherence. A coherent settlement boundary is needed around Errol Airfield/Grange to mitigate the adverse effect of a new 240 unit development (including 60 affordable homes), which will create an isolated estate distinct from the nearest community services and facilities in Errol Village. H21 is cut off from the airfield by the railway line. Development of H21 should be conditional on reaching an agreement with the office of rail regulation to improve the level crossing and ensuring £6,105 per market home completed for education provision and the £200,000 contribution to Errol Community Association solely for the extension of Errol Community Centre paid for by the developer. The description of the site '*west of old village hall*' is misleading since the small hall in question is believed to have been converted to housing some years ago. Apart from the '*green*' proposed in the draft master plan for Errol Airfield '*sustainable village*' the settlement lacks new community services or facilities. Suggests that it would be helpful to know if the Plan proposes to re-establish orchards such as those which used to inhabit H21.

Scottish Environment Protection Agency (03194/35/001): H21 is located in or adjacent to the functional flood plain or an area of known flood risk. As such, part of the site may not be suitable for development. The site specific developer requirements should make it clear to developers that flood risk is an issue to be taken into consideration and that a flood risk assessment will be required to inform the scale, layout and form of development. This will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk. This would reflect the new duty placed on local authorities in the Flood Risk Management (Scotland) Act 2009 (Core_Doc_059).

Errol Airfield/Grange new sites

The Morris Leslie Group Ltd (00385/2/001): The statement in 5.18.2 is incorrect and H21 allocation for 16 dwellings misrepresents the situation.

-Errol Airfield has an outline planning permission, and is accounted for in the housing audit as an effective housing site. It has a notional capacity of 240 housing units, 60 of

which are affordable houses for rent. The site exists alongside an established and successful business/commercial/industrial centre, thereby offering employment opportunities to those living in the area.

-The outline planning permission that exists has a red line boundary to the extremes of the airfield, with housing provision currently lying in the north and north eastern parts of the landholding. Should a shortfall of allocated land occur in the Perth Core Area, there is adequate available and unconstrained land at Errol Airfield that could contribute to the Plan.

-It is disappointing that an unconstrained site with a major planning permission is not afforded any formal recognition or allocation within the LDP. The fact that it is described in 1.5 lines in the document, simply as a matter of fact, and without any amplification, perhaps reflects the fact that it was approved by Members, and endorsed by Scottish Ministers, against the recommendation of officials in the first place. To then bracket it in the description Errol Airfield/Grange (16 units) without referring to the capacity afforded planning permission, is a severe misrepresentation of the actual situation.

J W Farquharson & G D Strawson (09117/7/001, 09117/8/001 & 09117/9/001): Grange is a suitable housing site and should be included within the table of housing sites to come forward over the Plan period. Development of a consolidated/new settlement at Grange represents a sustainable way to accommodate part of the growth to be catered for over the Plan period and beyond. The LDP should refer to Grange as a Long Term Strategic Development Area to accommodate part of the growth in the two areas identified at Berthapark and Perth West. Land at Grange should be identified as a growth hub and a strategic growth area so that the lead in time is available to create the supporting infrastructure. Supporting Statement explaining the development concept is attached (Core_Doc_098).

J W Farquharson & G D Strawson (09117/10/001): Messrs Farquharson and Strawson own sufficient land at Grange (S4_Doc_010) to consolidate the existing dispersed pockets of residential development and create a new community based around a new railway station on the existing line which serves Perth and Dundee. This would be a strategic growth point to complement the peripheral expansion of Perth city.

The Plan presents an over concentration of expansion proposed at West/North West Perth and the North West side of the city in particular is subject to environmental and flood risk constraints. A proportion of the growth directed towards the periphery of Perth could be diverted to the Carse of Gowrie in the vicinity of Grange to create a new settlement. This would be a more sustainable option to accommodate growth and would be based primarily upon rail travel and not car usage.

A new community is suggested that knits together the existing housing at Grange and includes full provision of education and other community facilities that would be needed to support, at its completion, up to 3,500 homes. A supporting statement (Core_Doc_098) sets out the land use model that is proposed, which would include employment areas and a new commercial centre to serve the Carse.

The Plan should recognise the long term potential around Grange and make reference to this in the LDP. Development could start towards the end of the Local Plan period (about 2019) and could continue beyond the Plan period. Identification of Grange to contribute towards meeting housing needs in the latter part of the Plan period would not prejudice implementation of the growth around the West and North sides of Perth which is planned to come forward straightaway. If, for whatever reason, development in these areas is delayed then growth at Grange could be brought forward to fill the gap in supply.

The Morris Leslie Group Ltd (00385/1/002): The respondent argues for an allocation for employment use at a site at Errol Airfield (west) (S4_Doc_010). The site is reported to be listed incorrectly in the Council's Employment Land Audit 2010 (Core_Doc_145), with changes requested to state that planning permission exists and the site is free from constraints. The respondent notes that there is a significant oversupply of employment sites (paragraph 5.1.8), however, examination of the employment land referred to in the 2010 Audit, shows that only 8.25 Hectares of a total of 337 Hectares is unconstrained, with 194.4 Hectares having major constraints and 134 Hectares having minor constraints. Much of the identified land is said to be likely to come forward only in the later years of the Plan, which the respondent argues is not an ideal position should there be economic recovery, and alternative employment land options should be explored.

Inchtute H24

J Carroll (00385/3/001): Respondent argues that a capacity of 16 units on this site does not reflect comparable densities for other villages in the same Housing Market Area. It is reported that discussions between the site owner and house builders raise concerns over the viability of such a small number of units. A modest increase could present a more viable project, and represent a more economic and efficient use of land in Inchtute.

Mark Macdonald (00434/1/001): Development of H24 would increase already busy levels of traffic and even more so if there is direct access to the A90. The trees and boundary wall in front of the respondent's property would be removed and these presently provide a wind break and diffuse noise from the A90. The entrance to the development should not be in front of existing properties to avoid blocking sunlight and prevent disturbance.

Muir Homes Ltd (09035/3/001): Site H24 should be deleted from the Plan. The respondent considers that H24 would actually bring infrastructure constraints relating to drainage, the level of the site compared with related infrastructure, and the reluctance by Scottish Water to allow pumped drainage for Inchtute.

David Hume (00487/1/001): Site H24 would overlook the respondent's property opposite. It is reported that the site is presently used as open space and its development would move dog fouling nuisance to the local streets; and that there would be an unacceptable increase in traffic along Moncur Road which would also have a safety impact on the local primary school.

The Rennie Family Trust (09052/4/001): For reasons of visual and landscape impact, residential amenity and road safety issues, H24 should be de-allocated. Instead, the site should remain as open space/community woodland as previously identified within the draft Perth Area/Central Area Draft Local Plan 2004 (Core_Doc_128). Use of site H24 for housing would be incompatible with the adjacent industrial estate (Class 5/6 uses) and could limit the currently lawful industrial activities. The proposal runs counter to good planning and in particular PAN56 (superseded by PAN 1/2011) (Core_Doc_146).

Inchtute Community Council (00701/1/001): Support Inchtute settlement boundary and H24 within it.

Inchtute new site

Muir Homes Ltd (09035/3/002): An alternative to site H24 is identified Site 502 (S4_Doc_264) and (S4_Doc_011), which makes more sound planning sense than H24 and is better related to the settlement.

Rait

Morgan Homes (Scotland) Ltd (09371/3/001): Respondent wishes an allocation for housing (S4_Doc_013), or alternatively an amendment to the settlement boundary to enable a housing proposal to be considered in the future. It is argued that further development would be in keeping with the Conservation Area status. There are existing drainage problems in the village the improvement of which would require significant development to be economically viable, which would be inappropriate. Development of the sites proposed could potentially provide some improvements. Sites could contribute to the housing land requirement providing low density housing catering for different sectors of the housing market. Respondent stresses that it is important that a range of sites are provided, especially smaller scale, to reduce reliance on strategic sites with deliverability constraints.

Corinne MacDougall (00811/1/001): The respondent argues that the settlement boundary excludes gardens belonging to Old Burnside Cottage and Weavers Cottage, which would partially include and partially exclude the two curtilages from the settlement. These curtilages represent original plot layouts, once more characteristic of the village, and therefore should continue to be included in their entirety within the settlement boundary (S4_Doc_788).

The Church of Scotland General Trustees (09167/7/001): The respondent argues that there is no valid reason for excluding the site at Rait Glebe (S4_Doc_013) from the settlement boundary. The site is relatively flat open agricultural land on the northern edge of the village. The Plan states the settlement boundary at Rait has been drawn tightly to protect the character and historic integrity of the Conservation Area yet the site is within the Conservation Area. Development in the Conservation Area is not prohibited by Policy HE3 (S4_Doc_508). The settlement boundary in the adopted Perth Area Local Plan (S4_Doc_788) is more logical '*filling in*' this site which has developed land on three sides. Site would be considered as infill under Policy RD3 (S4_Doc_418) so there is no valid requirement to remove it.

St Madoes/Glencarse

G S Brown Construction Ltd (09817/14/001): Identification of existing business use at GS Brown headquarters in St Madoes is appropriate but should this use cease the site's use should change to housing.

CKD Galbraith (10229/1/001): There should be less reliance on strategic sites; the Plan should recognise importance of smaller settlements and sites in housing delivery. There is no new housing proposed in St Madoes. Population growth and reducing household sizes could mean people having to leave to find housing. The Plan's housing allocation should be more evenly distributed. Providing limited housing land in St Madoes would be a planned approach to the future of the village and allow gradual growth.

The site proposed (S4_Doc_014) is located east of the category A-listed Pitfour Castle. It is unconstrained and deliverable, services are available and development phasing can be managed to ensure education provision. A site in this area was previously in a Finalised Local Plan (S4_Doc_789) but was withdrawn following concerns from Historic Scotland. However the character of the setting of the castle has been lost, much of the castle is screened by woodland and no development is proposed to the open southern elevation. Inappropriate impacts of development on the setting can be mitigated using landscape, open space and routes to contribute to an enhanced setting.

D S McLaren (09289/26/001): Reiterate comments in representation 10229/1/001 above

seeking a housing allocation at the site east of Pitfour Castle, St Madoes (S4_Doc_014).

New Landward Sites

George Low (00115/1/001): Site on submitted plan adjacent to North Mains (S4_Doc_011), Inchture should be allocated for housing. Site could accommodate up to 4 houses.

G S Brown Construction Ltd (09817/16/001): Site on submitted plan MIR site 426 at Flawcraig (S4_Doc_013) should be allocated for housing. This is a brownfield site, reported to have previously been used as a pheasant hatchery, which is no longer economically viable. It is argued that its reuse would therefore accord with Government policy. A small scale residential development could complement houses on other site of the road. Without an alternative use, the site could become increasingly unsightly.

Culfargie Estates Ltd (09289/20/002): Site on submitted plan at East Melginch MIR site 412 (S4_Doc_015) should be allocated for up to 2 Hectares of employment land. This could provide local employment land close to Balbeggie and could facilitate a range of economic activities without significant detriment to the local rural environment. Site could provide local employment opportunities linked to the propose expansion of Balbeggie village nearby. It is reported that there would be little impact on local services and on the transport network, and that the site could help meet demand for lower cost and specification commercial space for sole traders and smaller companies.

Errol Park Estate (09060/1/002): Site on submitted plan at Drums of Ardgait Farm, Errol (S4_Doc_017) should be allocated for up to 43 Hectares of commercial/industrial development and roadside services. The respondent argues that the site has space, access and a strategic location. It could provide for a diverse range of economic development opportunities and it could be served by a range of transport modes. The site is greenfield but there are no large vacant brownfield sites in the immediate surrounding area that are accessible and could accommodate long term development. It is reported that the site is not at risk of flooding, there are no environmental designations or significant landscape features limiting its use, and it is not prime agricultural land.

SPP (S4_Doc_327) requires Development Plans to identify suitable locations for new or expanded rail freight interchanges. Because Tayside has no rail freight facilities, it is proposed to develop a freight depot on the existing railway line alongside the proposed industrial/business land allocation. An informal discussion with Network Rail suggests that the railway line could be suitable for freight. An integrated lorry park as part of the roadside services could be provided.

The Morris Leslie Group Ltd (00385/1/003): Site at Valleyfield (S4_Doc_010), north east of the Inchmichael junction on the A90 trunk road is currently in use for storage and distribution. The site has previously been discussed with the Council as a potential site for the relocation of Perth Auction Mart. An allocation for some mixed use development is also sought at the site. The Respondent argues that the site is well located with easy access to the trunk road system and development would consolidate employment opportunities in the wider Errol area.
10/01992/FLL (S4_Doc_790).

Modifications sought by those submitting representations:

Errol

Robert Morgan (09371/2/001): Amend settlement boundary to include the site; or

alternatively allocate for housing (S4_Doc_265).

Dr Peter Symon (09723/6/001): Proposes several amendments:

- Presumption against development outside Errol settlement boundary.
- Include reference to the landward parts of Errol parish (or area of representation of Errol Community Council).
- More social rented housing should be a priority in the settlement of Errol.
- The conservation area boundary should be extended to the south east to include Cistern Green and the road leading there from Errol village.
- Include conservation area proposals for restoring Cistern Green to return it to a grassy green for sporting, grazing or community purposes.
- Improve the description of Errol village to mention the landward population and fuller details about Errol's historic significance and architecture.
- Qualify the statement about well-provided with amenities by noting the closure of the bank, baker, pub, hotel, train station and loss of employment and rural business.
- The decision by the Council to pursue a site-specific presentation of proposed housing sites means the Plan excludes two sites proposed or permitted for development - Inchoonans and Errol Airfield. Inchoonans proposal for development appears inconsistent with Policy ED1 (S4_Doc_483) and should be rejected
- Plan should include discussion of sites outside of Errol to provide a clearer spatial framework.

Errol Park Estate (09060/4/001): All or part of land at Northbank Farm (S4_Doc_265), north of Errol be allocated for housing (19 Hectares).

Errol Airfield/Grange settlement

G S Brown Construction Ltd (09817/17/001 & 09817/17/002): Change the allocation at Errol Airfield/Grange to include an additional identified area as was indicated in the Main Issues Report (S4_Doc_787). Allocate land at Errol Airfield/Grange (S4_Doc_010) for housing.

Keir Doe (09067/1/002): Extend the allocation for mixed uses at Errol to cover a larger area and allow for residential development (S4_Doc_010).

Errol Airfield/Grange H21

Elisabeth Yorke (00458/1/001); Mr & Mrs M G Sheret (00721/1/001): Amend plan to remove site H21.

Graeme Fitzgerald (01001/1/001): Mixed use area should be developed before site H21.

Dr Peter Symon (09723/1/001): Amend Plan to remove site H21 and make other textual revisions to Errol Airfield/Grange Settlement. The Plan should also clarify the use of land not presently granted planning permission or subject to a current proposal that lies within the settlement boundary and should contain a presumption against development outwith the settlement. Clarification of the future use of Errol Airfield (including car boot market, leisure uses of the airstrip and other industrial and employment uses). Amend the location description of H21 as '*West of Old Village Hall*' is no longer appropriate.

Scottish Environment Protection Agency (03194/35/001): A Flood Risk Assessment should be included as a site specific developer requirement for H21. In addition, SEPA recommend that the requirement specifies that no built development should take place on the functional flood plain or within an area of known flood risk.

Errol Airfield/Grange new sites

The Morris Leslie Group Ltd (00385/2/001): Amend Plan to identify a housing site for a sustainable community at Errol Airfield referred to at paragraph 5.18.2. Seek formal allocation for this site, with the added recognition that it can contribute to far more than the 240 units for which there is an extant planning permission.

J W Farquharson & G D Strawson (09117/7/001, 09117/8/001, 09117/9/001 & 09117/10/001): Amend Plan to include a long term strategic development area at Errol Airfield/Grange in the Carse of Gowrie (S4_Doc_010). Amend paragraph 5.1.11 to include Grange as a housing site for 1,000 units up to 2024 and 2,500 beyond 2024. Amend Plan to include Grange as a Long Term Strategic Growth Area of area 279 hectares (estimated) and with a capacity of 3,000+ residential units and in excess of 25 hectares of employment land.

The Morris Leslie Group Ltd (00385/1/002): Amend Plan to include an existing employment land site at Errol Airfield (west) (S4_Doc_010).

Inchtute H24

J Carroll (00385/3/001): Increase density at site H24.

Mark MacDonald (00434/1/001); David Hume (00487/1/001); The Rennie Family Trust (09052/4/001): Amend Plan to remove site H24.

Muir Homes Ltd (09035/3/001): Amend Plan to remove site H24.

Rait

Morgan Homes (Scotland) Ltd (09371/3/001): Settlement boundary for Rait should be amended to include land (S4_Doc_013) in part or in full. The land should also be allocated, in part or in full, for residential development.

Corinne MacDougall (00811/1/001): Settlement boundary for Rait should be amended in the south-western end of the village to follow that in the adopted Perth Area Local Plan (S4_Doc_788).

The Church of Scotland General Trustees (09167/7/001): Settlement boundary for Rait should be amended to include land at Rait Glebe (S4_Doc_013) as per submitted plan and the adopted Perth Area Local Plan (S4_Doc_788).

Inchtute new site

Muir Homes Ltd (09035/3/002): Amend plan to include an identified alternative housing site.

St Madoes/Glencarse

G S Brown Construction Ltd (09817/14/001): Amend Plan to remove final sentence at paragraph 5.34.2.

Suggested replacement text: *'In the event that the existing business use should cease the most appropriate alternative use should be residential to reflect the pattern of surrounding use'.*

CKD Galbraith (10229/1/001); Mr D S McLaren (09289/26/001): Amend Plan to include a housing site to the east of Pitfour Castle, St Madoes (S4_Doc_014).

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Errol

Robert Morgan (09371/2/001); Errol Park Estate (09060/4/001): TAYplan (S4_Doc_067) sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. Errol is not in the Perth Core Area. TAYplan (S4_Doc_062) also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. To be consistent with TAYplan, only limited development can be allocated to the Carse of Gowrie, large sites such as these would not be consistent with TAYplan. The Plan has made allocations at Inchtute and Longforgan, but not Errol. The reason for this is because the village has seen considerable expansion following allocation of a site for 162 houses in the adopted Local Plan (S4_Doc_791). This allocation has not yet been completed (the housing land audit (Core_Doc_047) notes that there are 102 built and 60 to build) and therefore no additional housing sites are required in the village. No evidence has been submitted that the necessary infrastructure could be made available. The proposed sites would not provide containment as suggested, but would represent sprawl.

No modification is proposed to the Plan.

Dr Peter Symon (09723/6/001): The presumption against development outside Errol settlement boundary is unnecessary because it is already covered elsewhere in the Plan, mainly under Policy RD3 (S4_Doc_418) and the Housing in the Countryside Supplementary Guidance (Core_Doc_064). The need for social rented housing is already covered elsewhere in the Plan by Policies RD4 (S4_Doc_489), RD6 (S4_Doc_713) and the Affordable Housing Supplementary Guidance (Core_Doc_063). The boundary of the Conservation Area is already covered in Supplementary Guidance (Core_Doc_079). Despite the closure of several facilities in the village, services such as a shop, school, hall, and park are available. Generally, the gradual loss of facilities is in common with patterns observed in other settlements. Various points seeking textual changes, particularly relating to areas outside Errol, are not necessary in order to indicate where development should and should not happen, and these changes need not be included in the Plan. The Plan does not contain a proposal for development at Inchcoonans.

No modification is proposed to the Plan.

Errol Airfield/Grange settlement

G S Brown Construction Ltd (09817/17/001 & 09817/17/002); Keir Doe (09067/1/002): The mixed use area in the core of the settlement has been identified because it provides low cost employment premises, which are important to retain, especially for start-up businesses. The Plan recognises the need for cross-subsidy to encourage upgrading of the employment units and it also provides for a small number of houses. The areas suggested for development are relatively large and TAYplan Policy 5 (S4_Doc_062) indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. Without any local services at Errol Airfield/Grange, it would be considered inappropriate to allocate development of the scale suggested.

No modification is proposed to the Plan.

Errol Airfield/Grange H21

Elisabeth Yorke (00458/1/001); Graeme Fitzgerald (01001/1/001); Mr & Mrs M G Sheret (00721/1/001); Dr Peter Symon (09723/1/001): The Plan provides a relatively small housing site, which has been carried over from the previous adopted plan (S4_Doc_792). Its development would help consolidate the settlement. Network Rail has not objected to the continued allocation of H21 and there is no requirement to upgrade the level crossing arising from H21. Contributions are set out in Supplementary Guidance (Core_Doc_069). The Council supports the restoration of orchards through work carried out with bodies such as the Countryside Trust and Policy NE2 (S4_Doc_500) and Supplementary Guidance on Green Infrastructure would support the restoration of orchards. It is not appropriate for the Plan to include such detail. Orchards were common in the Carse of Gowrie area however the site is not currently in use as such. The respondent suggests that there is interest in restoring the land for use as an orchard, however not from its owner. Matters relating to flooding and drainage are covered in the next point (Scottish Environment Protection Agency (03194/35/001)).

A settlement boundary is proposed by the Plan to encourage cohesion and links with adjacent development, and it would not be appropriate to specifically limit development outside the settlement boundary at Errol Airfield/Grange because this is already covered elsewhere in the Plan, particularly Policy RD3 (S4_Doc_418) and Supplementary Guidance on Housing in the Countryside (Core_Doc_064).

The approved uses at Errol Airfield are defined by existing planning consents (S4_Doc_793) and it would be inappropriate to restate these in the Plan. The location description of site H21 is considered adequate. It would be inappropriate to include site specific developer requirements for contributions that differ from those set out at Policy PM3 (S4_Doc_496) and Supplementary Guidance (Core_Doc_069).

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/35/001): The issue raised is noted and accepted. If the Reporter is so minded to recommend that the proposed modification is adopted, the Council would be comfortable with this modification because it would not have any implications on any other parts of the Plan.

Errol Airfield/Grange new sites

The Morris Leslie Group Ltd (00385/2/001): The site referred to is in the effective housing land supply – site ref. PEL251 (Core_Doc_047), it already has planning consent and there is no need to identify it in the Plan as a specific proposal. Instead it is shown on the map as a Significant Housing Planning Consent and referred to at paragraph 5.18.2 and within the effective land supply figure in the table at paragraph 5.1.10. This is a consistent approach to all sites in the Plan that have a planning consent, where the reader is advised that consent exists with a symbol, but the detail of existing consents is not in the Plan.

Turning to the request for a significant additional contribution to housing numbers, TAYplan Policy 5 (S4_Doc_062) (as mentioned above) indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. To be consistent with TAYplan, only limited development can be allocated to the Carse of Gowrie.

No modification is proposed to the Plan.

J W Farquharson & G D Strawson (09117/7/001, 09117/8/001, 09117/9/001 & (09117/10/001): TAYplan Policy 1 (S4_Doc_067) sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. Grange is not in the Perth Core Area. TAYplan Policy 5 (S4_Doc_062) also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. TAYplan (S4_Doc_063) further indicates that there will be no need for any new settlements during the lifetime of the Plan. To be consistent with TAYplan, only limited development can be allocated to the Carse of Gowrie. Allocation of a further Strategic Development Area at Grange would make the Plan inconsistent with TAYplan, and furthermore would be unnecessary. The suggested new settlement of 3,500 houses would be a major new settlement that would undermine TAYplan's strategy. The suggestion that a new railway station could be provided at this location is not included in TAYplan (Core_Doc_002), Regional Transport Strategy (Core_Doc_022), the Tay Estuary Rail Study (Core_Doc_057), and the Strategic Transport Projects Review (Core_Doc_050).

No modification is proposed to the Plan.

The Morris Leslie Group Ltd (00385/1/002): The site referred to is already identified in the Plan as part of the mixed use areas in the core of the settlement and it would be unnecessary to specifically identify it as a proposal in the Plan. Land currently in employment uses at the south of the settlement is covered by the existing Significant Housing Planning Consent symbol.

No modification is proposed to the Plan.

Inchtute H24

J Carroll (00385/3/001); Mark MacDonald (00434/1/001); David Hume (00487/1/001); The Rennie Family Trust (09052/4/001); Muir Homes Ltd (09035/3/001): Inchtute lies in the Carse of Gowrie where TAYplan (S4_Doc_062) limits development opportunities. The village has expanded considerably and the settlement boundary has been drawn to accommodate only limited further expansion during this Plan period. The proposal for one small site of 16 units best meets these requirements. Given the level of expansion proposed in the village and the constraint on the school capacity, a significantly larger number of units would not be considered appropriate. The number of units at the site is limited by noise issues from the adjacent A90 and the site's relationship to employment land to the north east. A noise assessment may be appropriate at the planning application stage. The access to the proposed site is considered satisfactory and there are no indications from Scottish Water of drainage problems. The responsible supervision of dogs is not a planning issue.

No modification is proposed to the Plan.

Inchtute new site

Muir Homes Ltd (09035/3/002): Inchtute lies in the Carse of Gowrie where TAYplan (S4_Doc_062) limits development opportunities. The village has expanded considerably and the settlement boundary has been drawn to accommodate only limited further expansion during this Plan period. The proposal for one small site of 16 units within the existing settlement boundary best meets these requirements. It will be possible for a future LDP to determine whether this is a suitable area for settlement expansion

depending on capacity at the time.

Rait

Morgan Homes (Scotland) Ltd (09371/3/001); Corinne MacDougall (00811/1/001); The Church of Scotland General Trustees (09167/7/001): The Representations wish additional land allocated in Rait for residential development either through boundary extensions or by specific allocations. The areas lie to the east and south west of the village. The sites all lie within the boundary of Rait Conservation Area. Rait Conservation Area appraisal (Core_Doc_211) was approved by the Council in August 2012. The appraisal emphasises the unique qualities of Rait with its “fermtoun” origins and eclectic mix of buildings (some listed). The appraisal also indicates these qualities could be easily lost by inappropriate development. The settlement boundary has been tightly drawn around the existing urban form to deliberately emphasise the point. It follows that conservation area policies will be given significant weight when considering any planning applications for the sites which are the subject of the Representations. Policy HE3 (S4_Doc_508) emphasises the importance of design, materials, scale and siting when dealing with any development proposals in conservation areas. Any development proposals for Rait will have to show this level of detail to allow proper consideration and the Plan's policy framework strikes the correct balance between allowing appropriate development and protecting the qualities of the conservation area. The proposal by Morgan Homes (Scotland) Ltd (09371/3/001) has the potential to completely change the character of the Conservation Area, even at low density, since the settlement is relatively compact around the old fermtoun.

Turning to the point raised by Ms Corinne MacDougall (00811/1/001), while it is recognised that gardens form part of their respective curtilages, to include them in the settlement boundary might inadvertently give the impression that development such as backland residential development there might be acceptable. The Rait Conservation Area appraisal (Core_Doc_211) at paragraph 4.14 highlights superb long range views from the village across the site promoted by The Church of Scotland General Trustees (09167/7/001) and later highlights that these are “...particularly important to its character” (paragraph 9.1).

No modification is proposed to the Plan.

St Madoes/Glencarse

G S Brown Construction Ltd (09817/14/001): The site is identified for employment uses reflecting the current land uses. Residential properties exist on the south and west boundaries. However it is part of the overall strategy of the Plan to identify employment areas in villages and it is important that this site is retained for this purpose because it is the only employment site serving the settlement.

No modification is proposed to the Plan.

CKD Galbraith (10229/1/001); D S McLaren (09289/26/001): Pitfour Castle is a Category A listed mansion by Robert Adam. The site is part of the former policies of the mansion and Historic Scotland has previously objected to any development taking place on this site due to the adverse impact this would have on the setting of the listed building. It has been indicated that Historic Scotland would continue to object should an allocation be proposed at this location. TAYplan (S4_Doc_062) also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. To be consistent with TAYplan, only limited development can be allocated to the Carse of Gowrie, large sites such as these would

not be consistent with TAYplan. The Plan has made allocations at Inchtute and Longforgan, but not St Madoes. The proposal is for a relatively large allocation and school capacity would be an issue.

No modification is proposed to the Plan.

New Landward Sites

George Low (00115/1/001): The site is outside any settlement boundary and is of a relatively small size. Accordingly there is no need to specifically identify it in the Plan. Policy RD3 (S4_Doc_418) and the Supplementary Guidance on Housing in the Countryside (Core_Doc_064) already cover this issue adequately. In addition, the site is greenfield.

No modification is proposed to the Plan.

G S Brown Construction Ltd (09817/16/001): The site is outside any settlement boundary and is of a relatively small size. Accordingly there is no need to specifically identify it in the Plan. Since the site is brownfield, Policy RD3 (S4_Doc_418) and the Supplementary Guidance on Housing in the Countryside (Core_Doc_064) already cover this issue adequately and might provide an opportunity for development.

No modification is proposed to the Plan.

Culfargie Estates Ltd (09289/20/002): The Representation seeks an allocation of a site for small rural businesses. There is no need to specifically identify this site in the Plan because it is more appropriate to consider this under the terms of Policy ED3 (S4_Doc_395), which gives favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas, and it is considered that this Policy covers this issue adequately.

No modification is proposed to the Plan.

Errol Park Estate (09060/1/002): This Representation seeks an allocation in the Plan for a regional scale multi-modal freight facility, which raise issues that 'cross local authority boundaries or involve strategic infrastructure' (SPP paragraph 10 (S4_Doc_328)), meaning that it should be addressed at the SDP level.

Section 16(6) of the Planning Etc (Scotland) Act 2006 (S4_Doc_732), states that 'the planning authority are in preparing the local development plan to ensure that the Plan prepared is consistent with the Strategic Development Plan.'

TAYplan Policy 4 (S4_Doc_633) requires LDPs to identify specific sites for strategic development areas but does not allocate land for this purpose at this site. TAYplan Policy 3 (S4_Doc_064) safeguards land for future infrastructure provision (including routes) that are integral to a Strategic Development Area or promote freight modal shift, but does not safeguard land at this site.

The Regional Transport Strategy (Core_Doc_022) does not contain policies or proposals that would support an allocation in the Plan. Furthermore, the suggested allocation was not identified in Transport Scotland's Strategic Transport Projects Review (Core_Doc_050).

The Council considers therefore that to make this allocation land would render the Plan inconsistent with TAYplan, which specifically identifies the strategic development areas that will contribute to the region's economic success; and with the Regional Transport Strategy; and the Strategic Transport Projects Review.

No modification is proposed to the Plan.

The Morris Leslie Group Ltd (00385/1/003): TAYplan (S4_Doc_067) indicates that there is a presumption against allocating development land releases in areas surrounding the Perth and Dundee Cores. To be consistent with TAYplan, the Plan only identifies limited development in the Carse of Gowrie.

There is no need to specifically identify this site (S4_Doc_010) in the Plan because Policy ED3 (S4_Doc_395) gives favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas, and it is considered that this policy covers this issue adequately.

No modification is proposed to the Plan.

Reporter's conclusions:

Preliminary Matters

1. TAYplan sets the strategic framework for the Proposed Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth Housing Market Area. Policy 1: Location Priorities identifies the hierarchy composed of 3 tiers within each of which a sequential approach to prioritising land release whether for residential or other uses must be adopted. The policy allows for some development in settlements which are not defined as principal settlements but only where this can be accommodated and supported by the settlement. In rural areas (i.e. outside of boundaries of settlements) the release of land must genuinely contribute to the objectives of TAYplan and meet specific local needs or support regeneration of the local economy.

2. Policy 5: Housing of TAYplan at its subsection C states a presumption against land release in areas surrounding the Perth Core Area, including the Carse of Gowrie where that would prejudice the delivery of any of the Strategic Development Areas. These are identified in Table 1: Strategic Development Areas of Policy 4: Strategic Development Areas.

3. Applying that policy framework to Issue 26b - Perth Area (outwith Core) East Settlements and Landward Sites- it is concluded that:

- All of the areas of land referred to lie in the Carse of Gowrie. However, a release on any one of them would not prejudice the delivery of any of the Strategic Development Areas identified in Table 1: Strategic Development Areas which is incorporated within Policy 4 of TAYplan.
- None of the settlements referred to is identified a principal settlement in TAYplan i.e. falls within Tier 1, or Tier 2, or Tier 3.
- It has been established elsewhere in this report that there is sufficient land allocated to deliver the housing requirements of TAYplan within, or on the edge of, principal settlements.

With these conclusions in mind, critical tests to be applied to each of proposed land releases referred to in this Issue are:

- For proposals within established settlement boundaries whether the release could be accommodated and supported by the settlement.
- For proposals outwith established settlement boundaries the release of land genuinely could contribute to the objectives of TAYplan and meet specific local needs or support regeneration of the local economy.
- Whether there are any other material considerations which would justify setting aside these strategic policy considerations to accommodate the strategy of the Proposed Plan to allocate limited growth to those settlements with a range of facilities capable of serving local needs.

Errol

4. A short history of the settlement and its vicinity is incorporated into the Errol Conservation Area Appraisal (August 2009) at its sections 3 and 4. Accordingly, there is no need to bulk out the description in paragraph 5.17.1 with further historical detail. Of considerably more importance, contrary to the text in paragraph 5.17.1, Errol is not identified as a principal settlement in TAYplan or, indeed, in this proposed local development plan at the relevant paragraph 4.2.1.

5. There was an allocation of a site for 162 houses in the adopted Perth Area Local Plan. That allocation has not yet been fully built out and there is no overwhelming need for additional housing sites within the settlement at this stage in the planning process.

6. The site promoted by Morgan Homes (Scotland) Ltd lies outside the established settlement boundary. The council proposes to retain the current delineation and no persuasive justification has been brought forward to justify its abandonment in this vicinity to meet the respondent's aspirations. The release of 14.56 hectares to accommodate some 300 houses on greenfield land currently in agricultural use is not supported by evidence of any specific local need or a substantive contribution to the local economy.

7. Errol Park Estate seek the allocation of all, or part, of 19 hectares of greenfield, agricultural land for a substantial residential development with open space, affordable housing and community facilities. The farmland lies outside of the settlement and the allocation is not supported by evidence of any specific local need or a substantive contribution to the local economy.

Errol Airfield/Grange settlement

8. The settlement boundary for Grange as that appears in the adopted Perth Area Local Plan has been substantially extended in the Proposed Plan to include portions of the former Errol Airfield. No exception has been taken to the generality of that proposal and, accordingly, no conclusions are reached here on its merits for inclusion in the local development plan.

9. G S Brown Construction Ltd proposes the allocation for housing of a large area of land identified in an indicative fashion on Map 17 of the Main Issues Report. It has been established elsewhere in this report that there is sufficient land allocated to deliver the housing requirements of TAYplan within, or on the edge of, principal settlements. Errol Airfield/Grange is not a principal settlement and it follows that the allocation of land for housing, as the respondent and landowner prefer, would run contrary to the policies of

strategic development plan. No evidence has been provided to that the settlement has a range of facilities capable of serving local needs.

10. The owner of Muirhouses Farm proposes that an area of land of approximately 4.4 hectares south of Grange be allocated for mixed development. In both the adopted local plan and the proposed local development plan the site lies outside the settlement boundary. The proposals to replace the former RAF sheds/hangers built 70 years or so ago and to re-house existing tenants would be in accord with the objectives of TAYplan. However, on the evidence presented it is not clear that this laudable outcome, or indeed the provision of a community orchard, is dependent on a further extension of the settlement boundary. Nor is there sufficient evidence that this exceptional release would fulfil a specific local need that cannot be met elsewhere for housing or employment land.

Errol Airfield/Grange H21

11. The site, of some two hectares, was identified in the adopted Perth Area Local Plan 1995 as site ALT H12c. Despite its vintage, and the fact that there have been numerous consents in the vicinity, the site remains undeveloped. It is currently greenfield agricultural land but not in use as an orchard.

12. The surfacing of some roads in this vicinity is less than perfect, and at peak times there is congestion in the vicinity of the former airfield which now has alternative uses. However, the additional traffic generated from 16 houses on this site does not present an insuperable hurdle to its development. Other matters of concern are dealt with elsewhere in the Plan. In particular, the concerns of local residents regarding safety at the nearby level crossing have been dealt with as they apply generally across Perth and Kinross by way of the recommended modifications to Policy TA1: New Development Proposals which are to be found at Issue 10 of the report.

13. The Scottish Environment Protection Agency (SEPA) shares the concerns expressed by other respondents regarding flooding because the “*site is located in or adjacent to the functional flood plain or an area of known flood risk*”. With that evidence in mind, a minor addition to the site-specific development requirements is appropriate.

Errol Airfield/Grange new sites

14. As far as the representations from the Morris Leslie Group Ltd are concerned, paragraph 1.1.2 of the Proposed Plan makes it clear that: “*The Development Plan provides the framework against which planning applications are assessed.*” This explains why sites which already have planning permission are not identified.

15. The proposals by J W Farquharson and G D Strawson amount to a new settlement to be located on around 279 hectares including employment land served by a railway station and with a provision for 3000+ houses. Neither TAYplan Policy 1 nor TAYplan Policy 5 nor any other strategic guidance provides any support for a new settlement or the other notions to which the respondents have in mind. Accordingly, no modification to the Proposed Plan need be contemplated.

Inchtute H24

16. Site H24, of approximately of 3.6 hectares, is located within the established boundary of the settlement of Inchtute. It has been identified for 16 houses to be built out on two hectares. The additional traffic generated is not sufficient reason for its deletion

from the Proposed Plan and the other concerns raised can be addressed by way of the site-specific developer requirements associated with its allocation. A development of this size can be accommodated and supported adequately within the settlement. However, an increase in the number of houses could not be accommodated without unacceptable loss of amenity.

Inchtute new site

17. The site promoted by Muir Homes Ltd lies outside the settlement boundary which was established in the adopted Perth Area Local Plan 1995 and retained in the Proposed Plan. It falls to be considered as an additional allocation. There is no evidence to support a view that an exceptional release can be justified on the grounds that it meets specific local needs or is necessary to support regeneration of the local economy.

Rait

18. The land identified by Morgan Homes as a potential residential development opportunity is located to the south of the boundary of the settlement of Rait. It is promoted as 2 parcels which, taken together, amount to approximately 2.2 hectares. Given the conclusions elsewhere in this report regarding the strategic land supply, the two parcels fall to be considered as additional housing allocations. An exceptional release cannot be justified on the grounds that one or other of the parcels, or both, would meet a specific local need or is necessary to support regeneration of the local economy. Moreover, a development would run contrary to the retention of the distinctive qualities of the settlement as identified in the recently completed Rait Conservation Area Appraisal (August 2012).

19. As far as the site known as Rait Glebe is concerned, the Appraisal refers to it as follows: *“4.14 On the eastern edge of the village are the churchyard and the remains of the medieval parish church. The church is situated on a knoll and there are superb long range views from here of the Carse of Gowrie and to Dundee beyond. That site has been identified by the Council as important to the character of the settlement which is contained within the conservation area.”* The parishes of Rait and Kilspindie were merged sometime around 1634 and there is no evidence to support a view that the use of the Glebe has been related to any of the existing buildings in the settlement since then. In short, it has functioned as part of the adjacent countryside. The council has a sound reason for the alteration to the settlement boundary: *“a tight boundary has been drawn to protect the character and historic integrity of the Conservation Area.”*

20. The settlement boundaries delineated in the Proposed Plan exclude the long established gardens within the curtilages of the properties known as Old Burnside Cottage and / or Weavers Cottage on the grounds that established settlement boundary *“might give the impression that development such as backland residential development there might be acceptable”*. It is for the development management process to determine whether a proposal for development in the garden grounds of Old Burnside Cottage or Weavers Cottage would, or would not, be acceptable in the light of the statutory requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and all the policies of the development plan, including those which are relevant to conservation areas, and any other material considerations which may be applicable. The alteration to the settlement boundary in the Proposed Plan appears to serve no useful purpose.

St Madoes/Glencarse

21. The site, known as the Nurseries, accommodates the headquarters of G S Brown Construction Ltd. There are houses on the south and west boundaries of the site and the company considers that if it were to move elsewhere, its current property could be seen as appropriate for a change of use. It seeks a statement to the effect that: *"In the event that the existing business should cease the most appropriate alternative use should be residential to reflect the pattern of the surrounding use."* Any such statement would be premature. The respondent acknowledges that the site is currently in use as employment land. In the event that the company transfers its business to another location it would be open to it at that stage in the planning process to make an application for planning permission for a change of use at The Nurseries to residential.

22. The release of the greenfield agricultural land in countryside in the vicinity of Pitfour Castle for housing would be contrary to the policies of TAYplan and no circumstances have been raised which would justify an exceptional allocation. No weight can be given to the fact that Historic Scotland objected to a previous application for planning permission. That is part of the history of the site which will be taken into account at the development management stage should a planning application be lodged; it is not factor determining whether or not land should be allocated for residential development within this Proposed Plan. Historic Scotland has not made a representation and, accordingly, the stance it would adopt in the event of an application coming forward for development of these 8.75 hectares can only be speculation at this stage of the planning process.

New Landward Sites

23. As far as the land at Drums of Ardgath Farm is concerned, Errol Park Estate proposes that all or part of 43 hectares of land be allocated for commercial, industrial development and roadside services. The evidence submitted acknowledges that the proposition is at an early stage of what inevitably will be a long gestation period. The respondent has suggested that this is a strategic location. However, there is no mention of it in either TAYplan, the Regional Transport Strategy 2008 - 2023 produced by the Tayside and Central Scotland Transport Partnership, or any other relevant document dealing with strategic matters. Accordingly, the proposed allocation does not have the support necessary for any reference to be made to it in the Proposed Plan.

24. The site, of 1.12 hectares, at North Mains, Inchtute is below the minimum required to justify a specific land allocation in the Proposed Plan. The merits of a planning application for building 4 houses on this site can properly be considered by way of the development management process.

25. Although the site referred to is considerably larger, at 3.7 hectares, similar considerations apply to any proposal to develop a part of the former pheasant hatchery located on the south side of the road at Flawcraig. That application will require to take into account not only that part of the site which lies within the inner zone of a pipeline consultation area but also the fact that there is archaeological interest on the north east corner.

26. For the same reasons, the merits of Culfargie Estate's aspirations for a new employment site of up to 2 hectares at East Melginch, north east of Balbeggie should be assessed by way of the development management process.

27. The process of producing a local development plan should not be confused with the assessment of a particular application for planning permission whether this is at the pre-application stage or beyond. Accordingly, there is no need to identify land at the north east corner of the Inchmichael junction in the Proposed Plan.

Reporter's recommendations:

Errol

1. Delete the word "*principal*" in paragraph 5.17.1.

Errol Airfield/Grange H21

2. Add to the site-specific developer requirements: "*Flood risk assessment*".

Rait

3. Modify the settlement boundary for Rait to follow, in the vicinity of Old Burnside Cottage and Weavers Cottage, that identified in the adopted Perth Area Local Plan.

Issue 26c	Perth Area (out with Core) South Settlements and Landward Sites	
Development plan reference:	5.1.11 Housing Land Table, page 69 Aberargie, page 82-83 Abernethy, page 84-86 E4 - Newburgh Road, Abernethy, page 86 H8 - Hatton Road, Abernethy, page 86 H9 - Station Road, Abernethy, page 86 H10 - Newburgh Road (South), Abernethy, page 86 H11 - Newburgh Road (North), Abernethy, page 86 Forgandenny, page 115-116 H22 - County Place, Forgandenny, page 115 Glenfarg, page 118-119 H23 - Duncrieve Road, Glenfarg, page 118	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Wendy McKerchar (00089) Mr & Mrs Gray (00099) Andy Proctor (00114) Dinah Morren (00139) James Ogilvie Gray (00141) Margaret Shaw (00192) Anne Petrie (00196) Angus MacIntyre (00208) Thomas M McDonald (00211) Trevor Abell (00238) Mr & Mrs Ptak (00259) Mr & Mrs Rose (00260) D & I Buchan (00300) Dr David Booth (00316) Geo P Taylor (00317) David Nichol (00318) Robert & Lynda Jones (00319) Sheila Douglas (00321) David Willington (00323) Philip Segaud (00362) Felicity Legge (00365) Douglas, Christina & Jennifer Cleeton (00372) Mr & Mrs W Melville (00416) Trevor Goody (00417) Irene Morrison (00418) George Brown (00436) M Gray (00443) Elizabeth Matthews (00471) Ronald Archer (00472) K Duguid (00485) Kathleen Taylor (00486) Mr & Mrs E D Manos (00505)		Alison Leeper (00577) Charles Wemyss (00602) Alison Anderson (00619) Lewis Bowers (00676) Mr & Mrs G McLaren (00677) Jessie Brown (00681) Elizabeth & Mary Rose Reville (00687) T Marlow (00690) K Harker (00691) Ian Dunsire (00692) David McLaughlan (00693) Alexandra McLaughlan (00694) Sue Ternent (00696) Danny Ternent (00697) Chris Williams (00730) S W Marlow (00835) Neil Campbell (00861) Andrew Sinclair (00904) Councillor Michael Barnacle (02633) Councillor Alan Jack (03030) A & J Stephen (Builders) Ltd (03068) Scottish Environment Protection Agency (03194) Branston Ltd (09022) Muir Homes Ltd (09035) The Rennie Family Trust (09052) Dach Planning (09078) Yeoman McAllister Architects (09099) Abernethy & District Community Council (09215) William Thomson (09289) Shell UK Ltd (09313) Duncan Scott (09389)

Mr & Mrs J Leggate (00510) Alexander Hamilton (00527)	Earn Community Council (09922) BP North Sea Infrastructure (09994)
Provision of the development plan to which the issue relates:	Landward settlements to the South of the Perth Housing Market area with development proposals.
Planning authority's summary of the representation(s):	
<p><u>Aberargie settlement</u> Abernethy & District Community Council (09215/4/001): Settlement boundary should not extend to the south of the main road, it is not a defined boundary but subdivides fields and will detract from the distinctive character of Aberargie. The number of houses this extended area would contribute to the overall housing land requirement is negligible therefore the existing boundary should be retained. The proposed boundary is contrary to TAYplan (Core_Doc_099) and the LDP which direct development to the Core Area and large villages.</p> <p>Abernethy & District Community Council (09215/5/001): Information relating to Abernethy primary school serving Aberargie is considered inaccurate; the extension is only commencing April 2012 and is a result of lack of accommodation following two large housing developments in Abernethy. Open space is suitable but serious safety concerns will arise should there be development on the opposite site of the busy main road.</p> <p><u>Abernethy settlement</u> Angus MacIntyre (00208/1/001); Abernethy & District Community Council (09215/7/001): The 2001 census population for Abernethy is 945 but approx 200 houses built since then so actual population will be nearer 1500-2000. Undercount will undoubtedly reflect on the infrastructure capabilities to cope with further development.</p> <p>Abernethy & District Community Council (09215/6/001): Information relating to the primary school is inaccurate. Site specific developer requirement relating to primary school capacity suggests under-estimation is likely as was the case with the previous housing developments which were not properly accounted for in terms of school capacity.</p> <p><u>Abernethy E4</u> Andy Proctor (00114/2/001): Site E4 was allocated for housing in the previous Local Plan; previous planning application for this site was for storage with a bund and planting but this has not been completed. A sewer was routed along the south of E4 to service future housing development. Site should be retained for housing.</p> <p>Branston Ltd (09022/3/002): Support the allocation of site E4. Additional land to the north (currently allocated as part of site H11) will also be required to maintain the existing business and accommodate future expansion within the life of the LDP. The existing business is a major employer in the area and without additional investment and expansion to provide indoor workspace the long-term sustainability of the business may be threatened. Purchase of the former garage on Newburgh Road was intended to enable increased traffic management and improvements to the local road network. A substantive boundary with new housing at site H11 would be provided, a masterplan approach for the entire area is proposed to link existing business with additional facilities, traffic management improvements and parking facilities.</p>	

Lewis Bowers (00676/1/001): Trees were planted to provide screening for houses from the potato packing plant, they are well established and have biodiversity interest.

Abernethy H8

Angus MacIntyre (00208/1/005): Information relating to the primary school is inaccurate. Site specific developer requirement relating to primary school capacity suggests under-estimation is likely as was the case with the previous housing developments which were not properly accounted for in terms of school capacity.

Anne Petrie (00196/1/001); George Brown (00436/1/001); Mr & Mrs W Melville (00416/1/001): Objecting to site H8: Hatton Road is unsuitable as the access; requires land purchase to allow road widening; Ballo Burn is an identified flood risk and the road would have to be heightened to accommodate a culvert thus increasing the flood risk to neighbouring properties. Due to site levels the alternative access from Perth Road would require screening to be provided to protect amenity of neighbouring properties. Detrimental visual impact and should be left as green open space area.

D & I Buchan (00300/1/001): Owners of site H8 have not been approached by any builders or developers and do not have intentions to develop the site in the foreseeable future.

Dr David Booth (00316/1/001): Objecting to allocation of site H8: there are more suitable areas for development within the village and environs; site is rural, open backland and not within the village envelope; site is raised and development would result in loss of privacy for existing houses; existing undeveloped housing sites and identification of larger areas for housing which can be more efficiently serviced would better meeting the housing land requirement; concerns about ability of local infrastructure - specifically school and healthcare - to provide for a larger population.

Abernethy & District Community Council (09215/8/001): Site H8 should be retained as open space as it contributes to village character, it is adjacent to the conservation area, and it is well used for recreation. If the housing allocation is retained more thought as to site access is required - access from Perth Road should be relatively manageable but access via Hatton Road may raise safety and flooding issues.

Abernethy H9

Angus MacIntyre (00208/1/002): Information relating to the primary school is inaccurate. Site specific developer requirement relating to primary school capacity suggests under-estimation is likely as was the case with the previous housing developments which were not properly accounted for in terms of school capacity.

Dinah Morren (00139/1/001); Wendy McKerchar (00089/1/001); Margaret Shaw (00192/1/001); Abernethy & District Community Council (09215/9/001); Douglas, Christina & Jennifer Cleeton (00372/1/001): Object to development of site H9 for the following reasons: would be too dense, site not big enough for 16 houses; country site with narrow busy roads and limited passing places for agricultural vehicles; query whether the drainage system can accommodate proposal; additional housing will create parking difficulties and adversely affect quiet nature of area; concern over loss of green space; proximity to conservation area; will create capacity problems at the school and other local infrastructure.

Scottish Environment Protection Agency (03194/32/001): Site H9 is in or adjacent to the functional flood plain or an area of known flood risk and as such part of the site may not

therefore be suitable for development. Flood Risk Management (Scotland) Act 2009 (Core_Doc_059), National Planning Framework (Core_Doc_020).

Culverted section of Nethy Burn possibly runs through the site. Inclusion of developer requirement to remove the culvert would restore the water environment to its natural state in keeping with the Council's duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (Core_Doc_102).

Abernethy H10

Angus MacIntyre 00208/1/003): Information relating to the primary school is inaccurate. Site specific developer requirement relating to primary school capacity suggests under-estimation is likely as was the case with the previous housing developments which were not properly accounted for in terms of school capacity.

Mr & Mrs E D Manos (00505/1/001): Removal of further green areas would erode sense of place and further decline of town centre, amenities and identity; loss of views of open space which contribute to village character; loss of residential amenity and use of site for walking etc; adverse impact on biodiversity; soil disturbance creating dust etc causing negative health impacts; accentuate existing water pressure problems; increase traffic with associated traffic management issues; lack of school capacity; impact on the character of the conservation area; and increase land drainage issues if further soft ground is lost.

The Rennie Family Trust (09052/5/001): Site H10 is not physically well suited for development; constrained by the railway line and A913 where residential amenity could be adversely impacted by noise. Development would be prominent and difficult to integrate without undue physical impact. Concerns about future school capacity, lack of local employment opportunities and poor local bus service suggest further housing allocations are inappropriate.

Muir Homes Ltd (09035/2/001): Support for the Plan

Abernethy H11

Andy Proctor (00114/1/001); Angus MacIntyre (00208/1/004); The Rennie Family Trust (09052/5/002): Objecting to site H11 for some or all of these reasons: 50 units is too dense; concerns over the school capacity; lack of local employment opportunities and poor local bus service; site H11 is physically not well suited for development and would result in the loss of an attractive rural edge to village. Adopted Perth Area Local Plan (Core_Doc_003).

Branston Ltd (09022/3/001): The southern part of site H11 is not available for housing development. Site boundary should therefore be altered to reflect the ownership and intention of the owners to expand their existing business. There is no objection to the remainder of H11 being allocated for housing.

NOTE - there is confusion in representations 09052/5/001 and 09052/5/002 between sites H10 and H11 however, it is highlighted all points are responded to in the 'summary of responses by planning authority' section.

Abernethy new sites

Yeoman McAllister Architects (09099/1/001 & 09099/2/001): It is considered there is demand for more than the 132 houses allocated in the LDP and the proposed sites could be constrained for various reasons. Site at land east of Southfield shown on submitted

plan and the site at Midfield are both unconstrained and would meet any immediate housing shortfall.

Duncan Scott (09389/4/001): H10 requires two accesses in line with Designing Streets (Core_Doc_014); a single access off the roundabout would create a cul-de-sac contrary to guidance. Other access points are constrained. Addition of the land at Thorn Bank to H10 (as shown on submitted plan) offers scope for provision of an access and the opportunity to increase the number of units on the site. Resulting boundary for the enlarged H10 would also provide a more satisfactory settlement boundary by incorporating the existing buildings at Glendale.

NOTE - assumed that references to H11 in the representation should read H10.

Forgandenny settlement

William Thomson (09289/16/001): Support for the settlement boundary as proposed.

Forgandenny H22

James Ogilvie Gray (00141/1/001); Sheila Douglas (00321/1/001); K Duguid (00485/1/001): H22 is an unsuitable, other gaps sites and brownfield sites are better; contrary to brownfield first policy; its development would cause transport problems in County Place.

Elizabeth Matthews (00471/1/001); Mr & Mrs J Leggate (00510/1/001); M Gray (00443/1/001); T Marlow (00690/1/001); Earn Community Council (09922/1/001); Mr & Mrs Ptak (00259/1/001); Mr & Mrs Rose (00260/1/001); Geo P Taylor (00317/1/001); Trevor Abell (00238/1/001); David Willington (00323/1/001); Thomas M McDonald (00211/1/001); Trevor Goody (00417/1/001); Irene Morrison (00418/1/001); Felicity Legge (00365/1/001); Philip Segaud (00362/1/001); Kathleen Taylor (00486/1/001); Charles Wemyss (00602/1/001); Alison Anderson (00619/1/001); Danny Ternent (00697/1/001); Sue Ternent (00696/1/001); Alexandra McLaughlan (00694/1/001); David McLaughlan (00693/1/001); K Harker (00691/1/001); Elizabeth & Mary Rose Reville (00687/1/001); Jessie Brown (00681/1/001); Chris Williams (00730/1/001); Neil Campbell (00861/1/001); Ian Dunsire (00692/1/002); Alison Leeper (00577/1/001); Councillor Alan Jack (03030/1/002): Objecting to site H22 for some or all of the following: development would adversely impact on the character of the village; too dense; would affect setting of a conservation area; is subject to flooding; would remove a flood plain which protects Forgandenny; loss of prime agricultural land; local infrastructure including drainage and school at capacity; poor local public transport; could not be sustained in employment terms by the village; H22 access to Kinnauld Road and County Place is too narrow and there would be a dangerous increase in traffic for other road users including horse riders; there are bats and red squirrels; broadband services are already stretched. There are other brownfield sites within the village Forgandenny pre-MIR Site Assessments (Core_Doc_147).

Proposed link road should be opposite Strathallan School entrance.

Ronald Archer (00472/1/001): Site subject to flooding; H22 is part of a natural flood plain which protects Forgandenny. Respondent suggests that the terms of a historic legal covenant prevent H22 from coming forward for development.

Alexander Hamilton (00527/1/001): Site forms no natural extension to the village and the two phase proposal makes clear further expansion westwards is planned over open fields with no natural boundary. H22 is prime agricultural land; site is subject to frequent

flooding; local primary school is over capacity and public transport is poor; local water and drainage infrastructure is inadequate. There are better brownfield sites within the village (Forgandenny pre-MIR Site Assessments (Core_Doc_147)). The development would be out of character with the village.

Mr & Mrs Gray (00099/1/001): H22 outside the village boundary on prime agricultural land; development too dense, out of character and impact on the landscape and views, it will also impact on sunlight. No employment in Forgandenny to support the development and local amenities are insufficient, school is already at capacity. Access roads are subject to flooding and the water and sewage infrastructure are inadequate. The respondent considers that they were not notified during discussions in 2009.

David Nichol (00318/1/001); Mr & Mrs G McLaren (00677/1/001); Robert & Lynda Jones (00319/1/001); S W Marlow (00835/1/001): Objecting to H22 for all or some of the following: the site is outside of the village on prime agricultural land SPP paragraph 97 (S4_Doc_108) ; edge of a conservation area; site is subject to frequent flooding Flood Risk Management (Scotland) Act 2009 (Core_Doc_059), SPP paragraph 204 Flood Risk Framework (S4_Doc_109) ; no local employment to support the site; local amenities are inadequate, the school is over capacity and public transport is poor; the local water and drainage infrastructure is inadequate. There are better brownfield sites within the village; other sites identified in the Draft Local Plan Dec 2004 (VH22 and V47) (S4_Doc_241) have been ignored as have MIR site 430. The development would be out of character with the village and would affect listed buildings contrary to SPP (Core_Doc_048) and Scottish Historic Environment Policy (SHEP), policy 9, Dec 2011 (Core_Doc_026). The link road would be better running along the front of Strathallan School Gates. The village will be over populated.

Scottish Environment Protection Agency (03194/36/001): This site is located in or adjacent to the functional flood plain or an area of known flood risk. As such, part of the site may not be suitable for development. A small watercourse flows along the southern boundary of the development site. The Flood Risk Management (Scotland) Act 2009 (Core_Doc_059), National Planning Framework (2009, paragraph 177) (S4_Doc_258)

Dach Planning (09078/1/001): Supports H22, compatible with the neighbouring land use and development in this location would represent a logical approach to the settlement strategy for Forgandenny. New homes will help to sustain the community and local businesses.

Forgandenny new sites

Mr & Mrs Gray (00099/1/002): Site number 430 Forgandenny pre-MIR Site Assessments (Core_Doc_147) north and west of Strathallan School is mostly brownfield and is to the north of the village where it will have no visual impact from the B935 and would not have much visual disturbance to the school.

Mr & Mrs Gray (00099/1/003): Site 432 Forgandenny pre-MIR Site Assessments (Core_Doc_147) is considered to be the logical extension to Forgandenny offering the opportunity to link the northern side of the village to the southern end and the community hall. The site has excellent access and is big enough to accommodate the housing proposed on site H22. A new road could also be added to ease the tight access into Kinnaird Road and enabling future development of further sites within.

A & J Stephen (Builders) Ltd (03068/13/001): The 2.4ha site, on the southern side of Forgandenny Forgandenny pre-MIR Site Assessments (Core_Doc_147) represents the

most logical extension to the village and will help maintain and enhance existing services. Landscaping along the southern and eastern boundaries will provide strong containment of the site. Although the Proposed LDP allows for frontage development along the B935 a better solution would be the identification of this site allowing for creation of a through route from the main road to Kinnaird Road. The site owner also owns land opposite the village hall and he will be making a separate submission regarding an alternative location for the provision of car parking to serve the village hall.

Alexander Hamilton (00527/1/002): Wants to see site 432 (Forgandenny pre-MIR Site Assessments (Core_Doc_147)) from the MIR (located to the south-east of the village of Forgandenny) identified as the preferred site for future housing in the village and included in the LDP. Site 432 is most logical extension to Forgandenny, complimenting the rural characteristics of the village, and is contained within the existing village by Kinnaird Road to the west and the B935 to the north. It provides a natural limit to the village by the rising terrain to the south-east and existing field boundary and proposed planting. Site 432 is not prime agricultural land and is used for permanent rough grazing.

Alexander Hamilton (00527/1/003): Site H22 favoured because it can provide additional parking for the village hall and a new through route from the main B935 road joining with County Place preventing a cul-de sac type development. Site 432 can do this and better. A & J Stephens have proposed a new through route from the B935 joining with Kinnaird Road and parking could be on site 431 opposite the village hall. Propose that a portion of this field can be acquired by the Council as part of any future planning approval at zero cost to provide the required parking for the hall (subject to contract). Forgandenny pre-MIR Site Assessments (Core_Doc_147)

Glenfarg settlement

Councillor Michael Barnacle (02633/1/028): Support for the Plan

Glenfarg H23

Shell UK Ltd (09313/3/004): Welcome the recognition of the pipeline consultation zone but wish the HSE re-consulted on the development of the site to ensure that there are no conflicting issues.

A & J Stephen (Builders) Ltd (03068/9/001): Support for the Plan

BP North Sea Infrastructure (09994/4/001): Support for the Plan

New Landward Site

Andrew Sinclair (00904/1/001): Site on submitted plan should be included within the Dron village area as suitable for housing. Additional housing would add to the village and help create a community; area appears to be a natural extension of the existing housing.

Modifications sought by those submitting representations:

Aberargie settlement

Abernethy & District Community Council (09215/4/001): Settlement boundary at Aberargie should remain as existing and not extend south of Main Road.

Abernethy settlement

Angus MacIntyre (00208/1/001): Population figure for Abernethy needs to be corrected - likely to be nearer 1350-1500.

Abernethy & District Community Council (09215/7/001 & 09215/5/001): Para 5.4.1 should contain correct population figure - should be nearer 2000. Para 5.4.2 should be amended - school extension only due to commence in April 2012.

Abernethy & District Community Council (09215/6/001 & 09215/7/001): Population of Abernethy should be corrected. Site specific developer requirement for H8, H9, H10 and H11: 'This site may require to be phased to ensure sufficient space is available in the primary school' should also be referred to in paragraph 5.4.3.

Abernethy E4

Andy Proctor (00114/2/001): Site E4 should be retained for housing.

Branston Ltd (09022/3/002): Site E4 should be extended northwards into part of proposed site H11 as shown on submitted plans. E4 schedule on p.86 should be amended to reflect the increased site size.

Lewis Bowers (00676/1/001): Triangular area of trees on the west side of Site E4 (adjacent to Newhaven and St Brides) should be retained as it is.

Abernethy H8

Anne Petrie (00196/1/001); D & I Buchan (00300/1/001); Dr David Booth (00316/1/001); Mr & Mrs W Melville (00416/1/001); George Brown (00436/1/001): Not stated but assumed that site H8 should be deleted from the Plan; site should be left as open space.

Abernethy & District Community Council (09215/8/001): Site H8 should be retained as open space. Should the housing allocation be retained more thought is required as to site access.

Abernethy H9

Dinah Morren (00139/1/001); Wendy McKerchar (00089/1/001); Margaret Shaw (00192/1/001): Not stated but assumed site H9 should be deleted from the Plan.

Douglas, Christina & Jennifer Cleeton (00372/1/001): Site H9 should be deleted from the Plan for housing and instead designated as 'Green Belt'.

Abernethy & District Community Council (09215/9/001): Site H9 should be retained as open space. If the housing allocation is retained the number of housing should be reduced.

Scottish Environment Protection Agency (03194/32/001): A flood risk assessment should be included as a site specific developer requirement which specifies that no built development should take place on the functional floodplain or within an area of known flood risk. A feasibility study to assess the potential for channel restoration by removing the culvert should be included as a site specific developer requirement.

Abernethy H10

Mr & Mrs E D Manos (00505/1/001); The Rennie Family Trust (09052/5/001): Site H10 should be deleted from the Plan.

Abernethy H11

Andy Proctor (00114/1/001): Number of units on site H11 should be reduced.

Branston Ltd (09022/3/001): Boundary of site H11 should be reduced to exclude the southern part of the site as shown on submitted plans. H11 schedule on p.86 should be amended to reflect the reduced site size and residential capacity (30 units suggested).

The Rennie Family Trust (09052/5/002): Site H11 should be deleted from the Plan.

Abernethy new sites

Yeoman McAllister Architects (09099/1/001): Land east of Southfield, Abernethy should be allocated for residential as shown on submitted plan.

Yeoman McAllister Architects (09099/2/001): Land west of Midfield, Abernethy should be allocated for residential as shown on submitted plan.

Duncan Scott (09389/4/001): Site at Thorn Bank, Abernethy adjacent to site H10, as shown on submitted plan, should be included within the settlement boundary and allocated for housing.

NOTE - assumed that references to H11 in the representation should read H10.

Forgandenny H22

James Ogilvie Gray (00141/1/001): Delete site H22 from Plan and replace with a more appropriate site e.g. 430, 431 or 432 (MIR references) Forgandenny pre-MIR Site Assessments (Core_Doc_147).

Sheila Douglas (00321/1/001); T Marlow (00690/1/001); Elizabeth Matthews (00471/1/001); Ronald Archer (00472/1/001); M Gray (00443/1/001); Mr & Mrs J Leggate (00510/1/001); K Duguid (00485/1/001); Earn Community Council (09922/1/001): Delete H22 and replace with a brownfield site or alternative sites in the village - possibly former quarry site, site down Station Road or sites within the (unextended) village boundary.

Alexander Hamilton (00527/1/001); Mr & Mrs Gray (00099/1/001); Mr & Mrs Ptak (00259/1/001); Mr & Mrs Rose (00260/1/001); Geo P Taylor (00317/1/001); David Nichol (00318/1/001); Robert & Lynda Jones (00319/1/001); David Willington (00323/1/001); Thomas M McDonald (00211/1/001); Trevor Goody (00417/1/001); Irene Morrison (00418/1/001); Philip Segaud (00362/1/001); Kathleen Taylor (00486/1/001); Charles Wemyss (00602/1/001); Alison Anderson (00619/1/001); Danny Ternent (00697/1/001); Sue Ternent (00696/1/001); Alexandra McLaughlan (00694/1/001); David McLaughlan (00693/1/001); K Harker (00691/1/001); Elizabeth & Mary Rose Reville (00687/1/001); Jessie Brown (00681/1/001); Mr & Mrs G McLaren (00677/1/001); Councillor Alan Jack (03030/1/002); Chris Williams (00730/1/001); S W Marlow (00835/1/001); Neil Campbell (00861/1/001): Delete site H22 from the Plan.

Trevor Abell (00238/1/001); Felicity Legge (00365/1/001): Delete H22 and retain previous development boundary.

Ian Dunsire (00692/1/002): Delete H22 and extend the present conservation area.

Alison Leeper (00577/1/001): Reduce H22 density.

Scottish Environment Protection Agency (03194/36/001): A flood risk assessment should be included as a site specific developer requirement. In addition, we recommend that the requirement specifies that no built development should take place on the functional flood plain or within an area of known flood risk.

Forgandenny new sites

Mr & Mrs Gray (00099/1/002): Include site number 430 north and west of Strathallan School in the Plan Forgandenny pre-MIR Site Assessments (Core_Doc_147).

Mr & Mrs Gray (00099/1/003): Add site number 432 land to the east of Kinnaird road into the Plan Forgandenny pre-MIR Site Assessments (Core_Doc_147).

A & J Stephen (Builders) Ltd (03068/13/001): Add a site to the Plan west of Kinnaird Road and south of Kinnaird Place/B935 in Forgandenny.

Alexander Hamilton (00527/1/002): Inclusion of new site (432 MIR reference) to replace H22 Forgandenny pre-MIR Site Assessments (Core_Doc_147).

Alexander Hamilton (00527/1/003): Identification of new site for parking, site 431 (MIR reference).

Glenfarg H23

Shell UK Ltd (09313/3/004): HSE wish to be re-consulted on the specific proposal to ensure that there are no conflicting issues.

New Landward Site

Andrew Sinclair (00904/1/001): Site on submitted plan should be included within the Dron village area as suitable for housing.

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Aberargie settlement

Abernethy & District Community Council (09215/4/001): The extension of the boundary southwards allow the area to be considered under the terms of Policy RD1 (S4_Doc_405) which would allow certain types of development compatible with the residential nature of the area. Currently the settlement lies on the north side of the Abernethy Road and appears urbanised with street lighting, maintained open space, and a speed limit. The Plan proposes to guide development to the south side of the road therefore allowing balanced growth during the Plan period. The boundary does not reflect any natural features and a village boundary will have to be created through development. The boundary has been drawn as part of a strategy of allowing small scale development in the smaller settlements.

No modification is proposed to the Plan.

Abernethy & District Community Council (09215/5/001): The primary school extension at Abernethy is underway to deal with the increased housing need, financial contributions will be required in line with the Council's policy.

No modification is proposed to the Plan.

Abernethy settlement

Angus MacIntyre (00208/1/001); Abernethy & District Community Council (09215/6/001):

The population quoted reflects the 2001 census. It is accepted that it has increased since then, unfortunately the results of the 2010 census are not yet available but it is estimated that the population is around 1470.

It is not considered necessary to amend paragraph 5.4.2 as proposed as the school extension works have commenced and at the time of the Plan's publication will have been completed, prior to the adoption of the Plan. The sentence is therefore accurate.

No modification is proposed to the Plan.

Abernethy & District Community Council (09215/7/001): The proposed modification to paragraph 5.4.3 to take account of the site specific developer requirement regarding phasing to take account of the primary school would be duplication and is not necessary.

No modification is proposed to the Plan.

Abernethy E4

Andy Proctor (00114/2/001): A small part of E4 was allocated for housing in the Perth Area Local Plan 1995 (Core_Doc_003). The site adjacent to E4 is currently in employment use and there is a current planning permission pertaining to E4 for storage. The employment site is considered necessary to support local employment and the sustainability of the community, and adequate housing had been allocated within the settlement for the future housing needs during the Plan period. It is worth noting the landowner in representation 09022/3/002 supports the allocation and seeks a small extension to it which is dealt with below.

No modification is proposed to the Plan.

Branston Ltd (09022/3/002): The proposed allocation of E4 was considered adequate at the time of publication to support the expansion of the current business. The landowner has submitted their representation that in order for their business to continue and expand E4 needs to be enlarged.

If to facilitate the viable economic expansion of the current business the Reporter is so desired the Council would have no objection to the proposed modification increasing the site size to include the southern part of the site H11 for employment use and updating the Plan to reflect this.

Lewis Bowers (00676/1/001): As stated in the representation the established trees planted provide screening for the neighbouring residential area to the west from the business use, this could be dealt with during any planning application process and is not considered necessary to be stated in the Plan.

If the Reporter is minded the Council would have no objection to the requirement to retain the trees as a developer requirement.

Abernethy H8

Anne Petrie (00196/1/001); D & I Buchan (00300/1/001); Dr David Booth (00316/1/001); Mr & Mrs W Melville (00416/1/001); George Brown (00436/1/001): Abernethy does not lie within the Perth Core Area. Consequently, the allocation is in line with the LDP's strategy of identifying small scale development sites in villages out with the core. The site is within the LDP settlement boundary as proposed. The primary school capacity is currently being enlarged and any future lack of capacity in the school provision at the time of the

submission of a planning application will be dealt with by the education contributions policy. Scottish water has not made any representations on the proposal. SEPA has not made a representation regarding this site and it is not in a known area of flood risk however, due to its proximity to the burn the developer requirements suggest a flood risk assessment. The site is raised and the issues this presents will be dealt with during the planning process once a planning application is submitted.

With respect to the landowners not having been approached by developers this may be the case but the Plan should prepare for the future and this is therefore not of relevance.

No modification is proposed for the Plan.

Abernethy & District Community Council (09215/8/001): H8 is considered an appropriate infill site to meet housing need and should therefore be retained. H8 is separated from the conservation area by the main road. Whilst the Council considers that access can be dealt with through the planning application process if the Reporter was so minded the Council would have no objection to the access being revised in the developer requirements in the Plan to provide access from Perth Road and to investigate potential access from Hatton Road and allow access to the west to facilitate future development.

Abernethy H9

Dinah Morren (00139/1/001); Wendy McKerchar (00089/1/001); Margaret Shaw (00192/1/001); Douglas, Christina & Jennifer Cleeton (00372/1/001); Abernethy & District Community Council (09215/9/001): H9 is a continued housing allocation (H40) from the Perth Area Local Plan 1995 (Core_Doc_003) and is not currently designated as open space. The landowner has been contacted and wishes it to remain available as a housing site. The proposed development density is within the medium density range identified in paragraph 4.3.13 of the Plan (S4_Doc_498). It reflects the density of existing neighbouring development and attempts to make the best use of the site.

The site is close to the main road and a modest scale of development can be accommodated with careful design so as not to exacerbate problems with the narrow road network. The site has not previously been identified as open space, and is separated by the main road from the conservation area.

The primary school capacity is currently being enlarged and any future lack of capacity in the school provision at the time of the submission of a planning application will be dealt with by the education contributions policy. Scottish Water has not made a representation regarding this site.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/32/001): The site is not within an identified flood risk area but due to its proximity to the risk area the proposed modification can be considered acceptable. It is noted though the Council feel that Policy EP2 (S4_Doc_407) would allow for a flood risk assessment to be requested in appropriate circumstances and Policy EP3D (S4_Doc_428) would ensure the restoration of natural watercourses. Both of these policies will ensure no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter was so desired the Council would have no objection to the proposed modifications to the Site Specific Developer Requirements requiring a specification to the Flood Risk Assessment requirement that no build development should take place on a

functional flood plain, and a feasibility study regarding the channel restoration by removing the culvert be included.

Abernethy H10

Mr & Mrs E D Manos (00505/1/001); The Rennie Family Trust (09052/5/001): Site H10 is considered to be a logical extension to the settlement and creates a solid settlement boundary around it. Its development will also contribute to improving the gateway entrance to the settlement from the east. The site is not currently designated as open space. The site is not adjacent to the conservation area and will have little impact on the character of the conservation area. There is no justification that the site will lead to further decline of the town centre or amenities. The increase in traffic associated with development will be limited as the site is accessed from the main road. The issue of school capacity has been dealt with in earlier responses above. The issue of soil disturbance creating dust can be controlled through the planning application process.

No modification is proposed to the Plan.

Abernethy H11

Andy Proctor (00114/1/001); The Rennie Family Trust (09052/5/002): H11 will help to create a more attractive eastern village boundary as well as improve the gateway entrance to the settlement. The site is physically suitable for development and the density proposed is at the upper end of the Medium density range in paragraph 4.3.13 of the Plan (S4_Doc_498) which is considered appropriate in this location. The site is to provide a mix of housing including low cost therefore the upper end of the Medium density range proposed is appropriate to accommodate these typically smaller housing units and reducing the numbers would not make the best use of the site.

The primary school capacity is currently being enlarged and any future lack of capacity in the school provision at the time of the submission of a planning application will be dealt with by the education contributions policy.

No modification is proposed to the Plan.

Branston Ltd (09022/3/001): H11 is considered appropriate for housing however if to facilitate the viable economic expansion of the current business the Reporter was so desired the Council would have no objection to the proposed modification reducing the site size to exclude the southern part of the site and updating the Plan to reflect this; site capacity would have to be adjusted to reflect the smaller site area.

Abernethy New Sites

Yeoman McAllister Architects (09099/1/001): This site is outside the settlement boundary and would therefore be an extension to the settlement; the Council is not seeking to recommend any further extension of the settlement. Currently its inclusion is not considered appropriate but this may be reconsidered in a future Plan.

No evidence is submitted of more housing demand than that allocated or of the sites being constrained. The level of expansion proposed is in line with primary school capacity during the life of this Plan and the market is unlikely to sustain a greater level of growth.

No modification is proposed to the Plan.

Yeoman McAllister Architects (09099/2/001): This small site is not considered appropriate for allocation; there are physical constraints due to the narrow access which has poor visibility.

No modification is proposed to the Plan.

Duncan Scott (09389/4/001): This site is outside the settlement boundary and would therefore be an extension to the settlement; the Council is not seeking to recommend any further extension of the settlement. It's considered there is enough housing land allocated in this settlement and the addition of this site is unlikely to increase the housing land supply during the life of this Plan. The level of expansion proposed is in line with primary school capacity during the life of this Plan and the market is unlikely to sustain a greater level of growth.

No modification is proposed to the Plan.

Forgandenny H22

James Ogilvie Gray (00141/1/001): As highlighted above in the last two responses MIR sites 430, 431 and 432 Forgandenny pre-MIR Site Assessments (Core_Doc_147) are not suitable for development. Site H22 should be retained in order to meet the required housing land supply in the settlement.

No modification is proposed to the Plan.

Sheila Douglas (00321/1/001); T Marlow (00690/1/001); Elizabeth Matthews (00471/1/001); Ronald Archer (00472/1/001); M Gray (00443/1/001); Mr & Mrs J Leggate (00510/1/001); K Duguid (00485/1/001); Earn Community Council (09922/1/001); Alexander Hamilton (00527/1/001); Mr & Mrs Gray (00099/1/001); Mr & Mrs Ptak (00259/1/001); Mr & Mrs Rose (00260/1/001); Geo P Taylor (00317/1/001); David Nichol (00318/1/001); Robert & Lynda Jones (00319/1/001); David Willington (00323/1/001); Thomas M McDonald (00211/1/001); Trevor Goody (00417/1/001); Irene Morrison (00418/1/001); Philip Segaud (00362/1/001); Kathleen Taylor (00486/1/001); Charles Wemyss (00602/1/001); Alison Anderson (00619/1/001); Danny Ternent (00697/1/001); Sue Ternent (00696/1/001); Alexandra McLaughlan (00694/1/001); David McLaughlan (00693/1/001); K Harker (00691/1/001); Elizabeth & Mary Rose Reville (00687/1/001); Jessie Brown (00681/1/001); Mr & Mrs G McLaren (00677/1/001); Councillor Alan Jack (03030/1/002); Chris Williams (00730/1/001); S W Marlow (00835/1/001); Neil Campbell (00861/1/001); Trevor Abell (00238/1/001); Felicity Legge (00365/1/001); Ian Dunsire (00692/1/002); Alison Leeper (00577/1/001): In response to the objections raised regarding site H22:

There are no suitable brownfield sites in the village large enough to meet the required housing needs and therefore site H22 should be retained. H22 is also the most suitable development site.

The site is identified for 30 houses or 22 per hectare. The density proposed for the site is very similar to that of the surrounding housing in Glenearn Park, County Place, Kinnaird Road. This is within the range for medium density for housing development in the plan area shown on the table at page 65 (S4_Doc_502).

The site is class 2 prime land; national policy is that this should not be developed unless it is an essential component of a settlement strategy. As this is the best site for the expansion of the village its development complies with national guidance.

There is a small watercourse on the southern boundary of the site which runs parallel with County Place then between the properties on Glenearn Park and County Place before running through the grounds of Strathallan School and eventually into the Earn. The watercourse does not feature on SEPA's flood risk maps.

Forgandenny does not lie within the Perth Core Area. Consequently, the allocation is in line with the LDP's strategy of identifying small scale development sites in villages out with the core. The village does have a post office shop, village hall, recreation facilities and bus service as services. Any lack of capacity in the school provision at the time of the submission of a planning application will be dealt with by the education contributions policy. Scottish Water has not made any representations on the proposal.

The site is part of a large flat field on the west boundary of the village. Apart from the village hall (a former free kirk) which is C listed development adjoining the site is relatively recent, Glenearn Park having been developed through identification in the Perth Area Local Plan 1995 (Core_Doc_003). The site contains no features which are worthy of retention, and it forms a logical extension to the village.

The site can be accessed from the B935 and there is a requirement for a link to be provided to County Place. Topography and the line of the road means that it will be more difficult to achieve good access for a development site on the east side of the village.

No modification is proposed to the plan.

Scottish Environment Protection Agency (03194/36/001): The site is not within the identified flood risk area but due to its proximity to the risk area the proposed modification is considered acceptable. This ensures no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter was so desired the Council would have no objection to the proposed modification to the Site Specific Developer Requirements requiring a Flood Risk Assessment.

Forgandenny new sites

Mr & Mrs Gray (00099/1/002): Site 430 Forgandenny pre-MIR Site Assessments (Core_Doc_147) is highly prominent particularly from the roads on the north side of the Earn and the Glasgow/Aberdeen/Inverness railway it will also change the form of the village pulling it further northwards to a location that has no good linkages with the existing village and consists of mainly of property associated with Strathallen School. The site can not be considered as brownfield and is not a suitable site for development during the life of this Plan.

No modification is proposed to the Plan.

Mr & Mrs Gray (00099/1/003); A & J Stephen (Builders) Ltd (03068/13/001); Alexander Hamilton (00527/1/002) : Site 432 Forgandenny pre-MIR Site Assessments (Core_Doc_147) is partly shown within the settlement boundary indicating that it does have some development potential. However extending further south would require development on the more prominent slopes which would then dominate and be out of keeping with the character of the rest of the village. The site can not be considered as brownfield. Regarding site 431 Forgandenny pre-MIR Site Assessments (Core_Doc_147) proposed for car parking it lies within the conservation area and its retention as open space is important to its character and setting it should therefore not be developed for

buildings or car parking.

No modification is proposed to the Plan.

Alexander Hamilton (00527/1/003): Site 431 Forgandeny pre-MIR Site Assessments (Core_Doc_147) lies within the conservation area and its retention as open space is important to its character and setting it should therefore not be developed for buildings or car parking.

No modification is proposed to the Plan.

Glenfarg H23

Shell UK Ltd (09313/3/004): The settlement is clearly shown as a pipeline consultation zone in the Plan. Any planning application within an HSE pipeline consultation zone goes through the PAHDI process during its consideration so it is not felt there is any need to repeat that in the Plan.

No modification is proposed to the Plan. However, if the Reporter is so minded the Council have no objection to adding a Site Specific Developer Requirement advising developers that the HSE be re-consulted on the development of the site at planning application stage to ensure that there are no conflicting issues.

New Landward Site

Andrew Sinclair (00904/1/001): The Plan does not show the smaller settlements nor include settlement boundaries on such small settlements as Dron. In line with this the Plan does not allocate development sites in these small settlement but where development can be accommodated it will be determined through the planning application process and covered by the Housing in the Countryside policy.

No modification is proposed to the Plan.

Reporter's conclusions:

Preliminary Matters

1. TAYplan sets the strategic framework for the Proposed Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth Housing Market Area. Policy 1: Location Priorities identifies the hierarchy composed of 3 tiers within each of which a sequential approach to prioritising land release whether for residential or other uses must be adopted. The policy allows for some development in settlements which are not defined as principal settlements but only where this can be accommodated and supported by the settlement. In rural areas (i.e. outside of boundaries of settlements) the release of land must genuinely contribute to the objectives of TAYplan and meet specific local needs or support regeneration of the local economy.
2. Policy 5: Housing of TAYplan at its subsection C states a presumption against land release in areas surrounding the Perth Core Area where that would prejudice the delivery of any of the Strategic Development Areas. These are identified in Table 1: Strategic Development Areas of Policy 4: Strategic Development Areas.
3. Applying that policy framework to Issue 26c it is concluded that:
 - A release on any one of Abergardie, Abernethy and Forgandenny would not prejudice the delivery of any of the Strategic Development Areas identified in Table

- 1: Strategic Development Areas which is incorporated within Policy 4 of TAYplan.
- None of the settlements referred to is identified a principal settlement in TAYplan i.e. falls within Tier 1, or Tier 2, or Tier 3.
- It has been established elsewhere in this report that there is sufficient land allocated to deliver the housing requirements of TAYplan within, or on the edge of, principal settlements.

4. With these conclusions in mind, the critical tests to be applied to each of proposed land releases referred to in this Issue are:

- For proposals within established settlement boundaries whether the release could be accommodated and supported by the settlement.
- For proposals outwith established settlement boundaries the release of land genuinely could contribute to the objectives of TAYplan and meet specific local needs or support regeneration of the local economy.
- Whether there are any other material considerations which would justify setting aside these strategic policy considerations to accommodate the strategy of the Proposed Plan to allocate limited growth to those settlements with a range of facilities capable of serving local needs.

Aberargie Settlement

5. All of the built up area of Aberargie is located to the north of the Abernethy Road. The settlement is composed of housing, it has no land allocated for employment uses, and it has no facilities to support any further residential development. Accordingly, there is no justification for the considerable realignment which is proposed and the settlement boundary should be modified to that delineated within the adopted Perth Area Local Plan

Forgandenny Settlement

6. There are numerous features which do not run in favour of the allocation at H22. In particular, the council refers to a need for housing at Forgandenny but does not provide any justification for that statement let alone the reasoning adopted to underpin the estimate of 30 units to be provided in the vicinity of County Place. It has been established elsewhere in this report that there is sufficient land allocated to deliver the housing requirements of TAYplan within, or on the edge of, principal settlements. Forgandenny is not a principal settlement. Accordingly, it would run contrary to the requirements of TAYplan if the Perth and Kinross Local Development Plan were to draw the boundaries of Forgandenny simply in order to make room for an additional housing allocation.

7. The council has acknowledged that community facilities are limited to a village hall and school. It has not provided any evidence to support a view that the proposed allocation could be accommodated and supported by the settlement. A land release for housing would increase rather than reduce the need to travel to access services. The proposal requires a release of land outside the established built up area into open countryside. That release would not work with the grain of the established settlement and, hence, it would be contrary to Policy 2 of TAYplan: Shaping better quality places.

Abernethy Settlement

8. In the absence of small area statistics from the 2011 Census the council has estimated the population of the settlement at around 1470 and this requires a modification to paragraph 5.4.1. A site inspection confirmed that the primary school

extension is far advanced. Accordingly, there is no need for a modification to either paragraph 5.4.2 or paragraph 5.4.3.

Abernethy H8

9. The owners of the land allocated as H8 state that *“At the present time there is no thought for this proposal to go ahead in the foreseeable future.”* In response the council states *“With respect to the landowners not having been approached by developers this may be the case but the Plan should prepare for the future and this is therefore not of relevance.”*

10. Scottish Planning Policy (SPP) at paragraph 72 states that *“Local development plans should allocate land on a range of sites which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of adoption, ensuring a minimum of 5 years effective land supply at all times.”* The Glossary makes it clear that *“the effective housing land supply is the part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing.”*

11. Planning Advice Note 2/2010 confirms that a site is only considered effective where it can be demonstrated that within 5 years it will be free of constraints relating to ownership, physical factors, contamination, deficit funding, marketability, infrastructure provision and land use policy and can be developed for housing.

12. The position of the owners of the land is unequivocal as is the policy of Scottish Ministers. The owners are not willing sellers. It will not be available for the construction of housing in the foreseeable future and, consequently, it cannot be treated as contributing to the effective land supply.

Abernethy H9

13. H9 is a continued housing allocation (H40) from the Perth Area Local Plan 1995. Although that plan is of a considerable vintage there is no evidence to support a conclusion that the site is not effective. In particular, in contrast to the position at H8, the landowner is a willing seller. A development on this site can be accommodated within the settlement. However, the proposed development density of 16 houses to be built out on 0.6 hectares is at the limit of what is appropriate if the new build is to reflect the density of neighbouring development. In the event that a planning application is received, the other matters of concern raised by respondents, including access onto the A913 and the capacity of the primary school, can be dealt with by way of the development management process. The site-specific developer requirements should be modified to take into account the advice from the Scottish Environment Protection Agency (SEPA).

Abernethy H10

14. Abernethy is not a principal settlement. It has been established elsewhere in this report that there is sufficient land allocated to deliver the housing requirements of TAYplan within, or on the edge of, principal settlements. Accordingly, it would run contrary to the requirements of TAYplan if the boundaries of Abernethy were to be redrawn simply in order to make room for an additional housing allocation. Taken together, the allocations for H10 and H11 are for an additional 100 houses in a settlement which is not identified in Tier 1, or Tier 2, or Tier 3. The site currently provides an

attractive, well defined rural edge to the settlement in this vicinity which fits well within the existing landscape. Moreover, as the council's estimates confirm, Abernethy has accommodated considerable growth in population over the past 10 years only a small proportion of which can find employment locally. There is considerable commuting from Abernethy to Perth and the allocation of further land for residential development in this vicinity would conflict with the aim of the Plan to decrease rather than increase movements to work, to shop and to access other services.

Abernethy H11 and E4

15. The allocation of site E4 for employment use contributes to a balanced community providing local job opportunities to accompany housing and related facilities within the same settlement. The ownership position, even when related to an aspiration expressed by an existing business is not a sufficient justification to extend E4 into the land allocated for residential development at H11. As far as that proposed allocation is concerned is concerned, there is no overwhelming justification for a large additional allocation of housing land in Abernethy. However, this small settlement has sufficient in the way of a range of facilities capable of serving local needs to justify a small allocation. A way forward is to allocate the 1.5 hectare site at H11 for mixed use. Policy ED1B would then apply thereby promoting the integration of employment generating opportunities with a smaller number than the 50 identified in the Proposed Plan. A decision on the extent of the land required for employment uses, and the number of houses which can be accommodated on the site, as well as the merits of retaining established trees, can be determined by way of the development management process should a planning application come forward.

Abernethy New Sites

16. The land east of Southfield and the land at Thorn Bank both lie outside the established settlement boundary of Abernethy. There is no evidence to support a view that the release of either of these proposed additional allocations of housing land would genuinely contribute to the objectives of TAYplan or meet specific local needs or support regeneration of the local economy.

17. The land west of Midfield is located within the settlement boundary. The respondent's position that a small residential development would "*tidy-up what is currently an oddity in the settlement plan*" can be tested by way of the development management process.

Glenfarg H23

18. In response to a request for further information the council has confirmed that on 4 June 2013 the council received three planning applications for the staged development of 33 houses on H23. Some site investigation works were carried out in advance of the submission. The settlement is shown as a pipeline consultation zone in the Proposed Plan.

New Landward Site

19. An allocation of additional land for housing at Dron in the local development plan cannot be justified. The merits of any proposed development in this vicinity can be assessed by way of the development management process.

Reporter's recommendations:Aberargie

1. Modify the settlement boundary to follow that delineated in the adopted Perth Area Local Plan.

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2. Delete site H22 from the Plan.

Abernethy

3. At paragraph 5.4.1 delete, "*a population of 900*"; insert, "*with an estimated population of around 1470*".
4. Delete site H8 from the Plan.
5. Add to the site-specific requirements at H9 a fifth requirement as follows: "*Flood Risk Assessment and no development should take place on a functional flood plain or within an area of known flood risk.*"
6. Add to the site-specific requirements at H9 a sixth requirement as follows: "*A feasibility study to assess the potential for channel restoration by removing the culvert.*"
7. Delete H10 from the Plan.
8. Delete H11 and replace as a Mixed Use opportunity.

Glenfarg H23

9. Add to the site-specific requirements at H23 a fifth requirement as follows: "*Re-consult the HSE on the development of the site at the planning application stage to ensure that there are no conflicting issues.*"

Issue 26d	Perth Area (out with Core) West Settlements	
Development plan reference:	H19 – Clathymore, page 101 Dunning, page 108-109 H20 - Auchterarder Road, Dunning, page 108 Op23 - Station Road, Dunning, page 109 Tibbermore, page 148	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Colin Young (00337) David Prentice (00462) Susette Walker (00688) Mr & Mrs A Garry (00882) A &J Stephen (Builders) Ltd (03068) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Dunning Community Council (07079)		S Howie (07693) The Rennie Family Trust (09052) DMH Baird Lumsden (09142) Methven & District Community Council (09221) I Kirkland (09744) Dupplin Estate (10231) Mr Mark McKinney (10294)
Provision of the development plan to which the issue relates:	Landward settlements in the west of Perth Housing Market Area with development proposals.	
Planning authority's summary of the representation(s):		
<p><u>Clathymore H19</u> Scottish Environment Protection Agency (03194/34/001): Drainage at the existing Clathymore development site was designed to have no overflow of effluent with all sewage effluent to be evapotranspired as conventional solutions were not appropriate. However effluent is currently overflowing into the adjacent field presumably as the existing system is undersized. Additional development would have to have a similar form of drainage. However SEPA policy has changed and now closed systems which do not have an overflow are not licensed for year round activities due to limitations of evapotranspiration in the winter. Unlikely that treated effluent could achieve the very tight standards to allow discharge into the adjacent small watercourse. To minimise use of a defined overflow and the environmental impact of the development likely a sizeable sewage treatment area would be needed requiring considerable land take, thus reducing housing numbers possible on the site.</p> <p>Scottish Natural Heritage (05211/25/046): The number of units proposed for the site and the Site Specific Developer Requirements should reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_149).</p> <p><u>Clathymore H19</u> A & J Stephen (Builders) Ltd (03068/8/001): Support site H19 at Clathymore.</p> <p><u>Dunning settlement</u> Dunning Community Council (07079/1/003): Object to only part of the field that separates Dunning from Newton of Pitcairns being identified as open space.</p>		

Dunning H20

Mr & Mrs Kirkland (09744/1/001): Do not support site H20. Transport links are inadequate and create a safety issue.

Dunning Community Council (07079/1/001): Development of H20 should not go ahead due to poor access visibility, lack of connection to Latch Burn Wynd, loss of agricultural land, adverse effect on drainage system, contrary to Policy PM1B (S4_Doc_396), it is not compatible with the amenity and environment of the village and potential impact on European Protected Species.

S Howie (07693/5/001): The extension to the west does not involve a rounding of the settlement and there are other sites which are free from constraints on the north and east of the village which would be better identified for housing.

Colin Young (00337/1/001): The Plan leaves much undetermined in relation to H20, flooding issues need to be resolved, the access and internal road layout need to be designed, the mature trees on the Auchterarder Road may be approaching the end of their safe lives and a planting and landscaping scheme is required. The off road path to the village centre needs to be explained and contributions need to be made to the core paths network, the development of the site will not enhance biodiversity. The development of the site does not meet the policies set out in the Plan: PM1A, PM1B (S4_Doc_396), RD1 (S4_Doc_405), TA1B (S4_Doc_387), NE1D (S4_Doc_389), NE3 (S4_Doc_406).

The Rennie Family Trust (09052/3/001): The access into the site is not safe due to limited visibility and a considerable bend in the road. The development of the site will remove a piece of agricultural land and detract from an attractive entrance to the village.

Mark McKinney (10294/1/001): The development on the site will lead to more traffic congestion in and around the village. Development should take place on the north side of the village to minimise congestion and on smaller sites. There is insufficient capacity in the sewerage system. There is no available land to expand the primary school.

Susette Walker (00688/1/001): The development on the site will lead to more traffic congestion in and around the village. The access into the site is not safe due to limited visibility and a considerable bend in the road.

Mr & Mrs A Garry (00882/1/001): The proposal is for a large development in a small village which would be out of keeping with its conservation area status, the public sewer is at capacity, further development in Dunning should be limited to infill, no demand for 50 houses, the proposal is high quality agricultural land. There are a number of gap sites which should be developed in advance of H20.

A & J Stephen (Builders) Ltd (03068/11/001): The requirement for a link to village centre is not reasonable and fails the test set out under Circular 1/2010 (Core_Doc_097). The Council cannot require connections outwith the control of the landowner.

A & J Stephen (Builders) Ltd (03068/12/001): The western somewhat artificial boundary of the site would be improved by extending it westwards to an area of existing tree planting (S4_Doc_020).

Dunning Op23

Dunning Community Council (07079/1/002): There are major issues with biodiversity and

development will remove highly productive agricultural land.

Colin Young (00337/1/002): There are major issues with biodiversity and development will remove highly productive agricultural land.

Dunning new sites

Colin Young (00337/1/003 & 00337/1/004): There is an area of unproductive land to the east of Dunning (S4_Doc_020) on the south of the Bridge of Earn road. The area currently lies within the 30 MPH limit and the village boundary could be extended to include it. It could accommodate 50 houses and provide an alternative location for H20.

S Howie (07693/5/003): The identification of the site to the north would allow the potential expansion of the primary school. The site to the east on Bridge of Earn road could accommodate further affordable housing to reflect the scale and design of that already constructed. The boundary could also be adjusted to the south to allow an expansion of Dunning Park the existing yard could be redeveloped which would improve the appearance of this sensitive location. (S4_Doc_020). HGV movements would also be reduced. The area at Muckhart Road should not be identified as open space (Village plan supplied).

DMH Baird Lumsden (09142/6/001): The site identified in Dunning (H20) does not have the capacity to deliver the required 50 housing units during the life of the Plan and additional land must be allocated. An adjoining area to the south of Latch Burn Wynd (S4_Doc_020) should be identified which would have sufficient relationship to develop a cohesive approach to the development of both sites. The site would have minimal visual impact and is a natural extension to the village envelope. A robust village boundary could be created with additional planting.

Tibbermore settlement

Dave Prentice (00462/1/001): Settlement boundary at Tibbermore has been extended south of the Huntingtower - Gloagburn road to allow for housing. This area floods and the ground is often waterlogged. It is therefore unsuitable.

Methven & District Community Council (09221/1/028): Proposed development site south of the Madderty road, Tibbermore should be deleted because there is sufficient expansion land to the north.

Tibbermore new sites

Dupplin Estate (10231/1/002): Support principle of extended settlement boundary at Tibbermore but it should be extended further southwards (S4_Doc_360). Allocation of this larger site would allow provision of a residential development within a high quality landscaped area in accordance with Policy PM1 (S4_Doc_396), and for provision of local amenities such as a play park and paths. Affordable housing could be provided. Site area reflects and complements scale of existing housing on the opposite side of the road.

The site meets the effectiveness criteria in PAN 2/2010 (Core_Doc_019), is considered marketable and would help meet the housing land requirement. It is agricultural land but not prime. It forms a natural extension to Tibbermore, is deliverable in the Plan period, can be accessed by public transport, and the archaeological point of interest identified previously has been investigated and would not prevent development.

Modifications sought by those submitting representations:Clathymore H19

Scottish Environment Protection Agency (03194/34/001): Expansion of site specific developer requirements for Site H19 in Clathymore to make it explicit that resolution of drainage is likely to result in a considerable land take to treat sewage and therefore a reduction in the number of units that could be developed on the site.

Scottish Natural Heritage (05211/25/046): Update the number of units proposed at the site on page 101 of the Plan from '16' to state: '*Number of units to be determined following the resolution of drainage issues*', in line with SEPA's advice on land take required to resolve current drainage issues.

Amend the first developer requirement for the site on page 101 to read:

⇒ '*Resolution of drainage issues may limit the developable area of the site.*

And add:

⇒ '*Mitigation measures should be supplied to ensure no increase in nutrient loading and no adverse effects on Methven Moss SAC*'

Dunning settlement

Dunning Community Council (07079/1/003): All the fields that separates Dunning from Newton of Pitcairns should be identified as open space.

Dunning H20

Mr & Mrs Kirkland (09744/1/001); Dunning Community Council (07079/1/001); S Howie (07693/5/001); Colin Young (00337/1/001); The Rennie Family Trust (09052/3/001); Mark McKinney (10294/1/001); Susette Walker (00688/1/001); Mr & Mrs A Garry (00882/1/001): Delete site H20 from Plan

A & J Stephen (Builders) Ltd (03068/11/001): Delete developer requirement 4 '*off-road path to village centre through Rollo Park*'.

A & J Stephen (Builders) Ltd (03068/12/001): Extend west boundary to reflect natural boundaries (S4_Doc_020).

Dunning Op23

Dunning Community Council (07079/1/002); Colin Young (00337/1/002): Delete site Op23 from Plan.

Dunning new sites

Colin Young (00337/1/003 & 00337/1/004): The village boundary should be extended to include an area on the south side of the Bridge of Earn road (S4_Doc_020). The area should be identified as a housing site.

S Howie (07693/5/003): Revised settlement boundary to incorporate three development sites and the removal of area of green space adjacent to Muckhart Road (S4_Doc_020).

DMH Baird Lumsden (09142/6/001): A housing site should be identified to the south of Latch Burn Wynd for 20-25 units (S4_Doc_020).

Tibbermore settlement

Dave Prentice (00462/1/001): The settlement boundary at Tibbermore should not extend south of the Huntingtower - Gloagburn road.

Methven & District Community Council (09221/1/028): Proposed development site south of the Madderty road, Tibbermore should be deleted. Assumed therefore that the settlement boundary should be amended to exclude this area.

Tibbermore new sites

Dupplin Estate (10231/1/002): Settlement boundary at Tibbermore should be extended to the south to include site shown on submitted plan (S4_Doc_360).

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Clathymore H19

Scottish Environment Protection Agency (03194/34/001): As with all development sites a technical solution to the drainage is necessary and this will require more detailed examination at the planning application stage. The land take for the drainage solution could be outwith the site, the amount of land needed has not been identified nor the required infrastructure.

The Council do not feel it is essential to add to the Site Specific Developer Requirements but if the Reporter is so minded the Council would have no objection to this being inserted.

Scottish Natural Heritage (05211/25/046): It is considered that by amending site H19 to incorporate the mitigation measures as set out in the HRA (including Appropriate Assessment) (S4_Doc_149) of the Proposed Plan, and detailed in the previous section would provide greater clarity and transparency for applicants as to what will be expected of them in making their planning application.

If the Reporter is so minded the respondents suggested text should be added to the Plan as detailed in the previous section.

Dunning settlement

Dunning Community Council (07079/1/003): The plan identifies the important areas of open space which are to be retained throughout the life of the Plan. These areas are important to the character of the settlement and emphasise the physical separation between Dunning and Newton of Pitcairns. The green area identified is considered to be the main area which is critical to ensuring Newton of Pitcairns is perceived as a separate settlement. Whilst the area in white related to the representation is acknowledged to contribute to the separation there is development along road to the west so its is not as critical. Policy RD1 (S4_Doc_405) is designed to protect the residential amenity of other areas within the settlement but allow more flexibility in proposed use; *'small areas of private and public open space will be retained where they are of recreational or amenity values'*.

No modification is proposed to the Plan.

Dunning H20

Mr & Mrs Kirkland (09744/1/001); Dunning Community Council (07079/1/001); S Howie (07693/5/001); Colin Young (00337/1/001); The Rennie Family Trust (09052/3/001); Mark McKinney (10294/1/001); Susette Walker (00688/1/001); Mr & Mrs A Garry

(00882/1/001): Transport Planning have been involved with the assessment of sites and are satisfied there is potential to create access onto the Auchterarder Road within 30 mph speed limit. The development of 50 houses during the life of the Plan will not lead to traffic congestion but will help maintain the vitality and services associated with the village. OP23 has been identified for a primary school. The purpose of the trees is to screen the development and detailed design to minimise the impact on the trees and mitigate as appropriate will have to take account of the requirement to protect the trees.

There are not considered to be drainage issues with the sloping topography of the site and it is not on a flood plain; the loss of agricultural land is not an issue as it is not prime agricultural land; the site is not contrary to Policy PM1B (S4_Doc_396) as described but this is considered a matter for the planning application and is not felt critical to the success of the development site. HRA (Core_Doc_096) does not identify any issues with European Protected Species; the Site Specific Developer Requirements do require an enhancement of biodiversity at the site. As noted in the Dunning New Sites responses the Council recognise there are not new suitable sites in Dunning to replace this site.

No modification is proposed to the Plan.

A & J Stephen (Builders) Ltd (03068/11/001): A path link from the site to the village centre through Rollo Park would enhance the connectivity of the development to the school and the village centre and therefore it is felt reference to this requirement should remain.

No modification is proposed to the Plan. However, should the Reporter be so minded as to amend the wording to investigate the opportunities for the path then the Council would have no objection.

A & J Stephen (Builders) Ltd (03068/12/001): The proposal to double the size of the site is not considered acceptable; the capacity of the site is for 50 units and for a small settlement with a population of circa 900 this is a significant level of development during the life of the Plan. The potential for further development will be for a future LDP to consider.

No modification is proposed to the Plan.

Dunning Op23

Dunning Community Council (07079/1/002); Colin Young (00337/1/002): HRA (Core_Doc_096) does not identify any issues with European Protected Species.

No modification is proposed to the Plan.

Dunning new sites

Colin Young (00337/1/003 & 00337/1/004): Regarding the proposal at Bridge of Earn Road the site is prominent rising ground sandwiched between two scheduled monuments and is not considered appropriate for housing. The areas of architectural interest are relatively wide and the site would affect these (S4_Doc_455).

No modification is proposed to the Plan.

S Howie (07693/5/003): The representation proposes a package of three sites, one to the east of Dunning (as referred to in the above response), a site to the north of Dunning and a site to the south (S4_Doc_020). These three sites propose an additional 300+

housing units between them. The site to the east has been dealt with in the Council's response above and is not repeated here.

The large expansion north and south of Dunning is considered to be too large in scale and is not appropriate for this village outside the core. The north site measures approximately 6.5ha and the south site measures 3.5ha giving a total of 10ha which at average densities could accommodate 250 houses during the life of the Plan. The development of the northern site would detract from Dunning's historic form and would mean that any development would detract from the amenity of the settlement. The northern site is identified on SEPA's flood risk maps (Dunning Burn) (S4_Doc_350) and it is also shown as prime agricultural land (3.1). Part of the southern site is within the settlement boundary and therefore Policy RD1 (S4_Doc_405) will apply to this area however the topography of the site with its steep slopes down to the burn (including area outside the boundary) present issues which indicate it is not suitable and would detract from the amenity of the settlement.

The site to the east as referred to by the representee is dealt with in the response above to Colin Young (00337/1/003, 00337/1/004).

No modification is proposed to the Plan.

DMH Baird Lumsden (09142/6/001): The site proposed south of Latch Burn Wynd is on rising ground and will therefore have an impact on the character of the settlement. The elevation and visual impact of this site will be far greater on the wider landscape than H20 as it is more exposed. Planning applications (reference 07/01040/FUL (S4_Doc_456) and 09/01330/FLM (S4_Doc_457)) have previously been refused due to the detrimental impact on the character of the settlement.

It is acknowledged that at 1.9ha 50 units for H20 is at the higher end of the medium density range but given the relatively compact nature and higher densities evident in Dunning it is not considered unreasonable.

No modification is proposed to the Plan.

Tibbermore settlement

Dave Prentice (00462/1/001): The site is not shown on the SEPA flood risk maps and SEPA has not raised any issues with the area; any development will be required to meet the terms of the flood Policy EP2 (S4_Doc_407) contained in the Plan. The policy gives the flexibility to request a Flood Risk Assessment at the planning application stage. The site is not therefore considered unsuitable for limited roadside development as proposed.

No modification is proposed to the Plan.

Methven & District Community Council (09221/1/028): The support for the land identified on the north side of Tibbermore is recognised, to clarify it is partly an unimplemented planning permission. No numbers are allocated and the form represents the extent of the settlement during the life of the Plan. The area to the south of the Madderty Road is to allow a ribbon of development to replicate the urban form found on the north side of the settlement and the Council consider the settlement boundary should remain as proposed.

No modification is proposed to the Plan.

Tibbermore new sites

Dupplin Estate (10231/1/002): The area to the south of the Madderty Road within the settlement boundary is to allow limited development commensurate to the scale of the settlement and to replicate the urban form of the original village around the crossroads. Extending the land as shown in the representation will not produce this effect and it would extend the settlement boundary out of its current form and onto the other side of the road.

No modification is proposed to the Plan.

Reporter's conclusions:Clathymore H19

1. There is significant concern over sewage effluent overflow from the existing development. There is also no clarity as to how this might be addressed in any expansion of this housing group and what implications there might be for Site H19's developable area. It is not acceptable simply to assume that any sewage treatment area, which the Scottish Environmental Protection Agency (SEPA) indicates would require considerable land take, could be accommodated outwith the site, as this would further enlarge the scale and impact of the development with, as yet, unassessed consequences. Clathymore, which occupies a relatively isolated location in the countryside, is not a principal settlement, to which TAYplan requires the majority of development to be directed. Indeed it has no services, employment opportunities or other characteristics that would characterise it as a settlement at all. There would be no public benefit or consistency with the expectations of TAYplan, in extending the housing group onto the adjacent farm land, and no reason therefore to commit to the development of this land despite the concerns raised by SEPA.

2. Taking all matters into account, it is recommended that site H19 is deleted and that the settlement boundary for Clathymore is modified to exclude the site.

Dunning settlement

3. The need to retain separation between Dunning and Newton of Pitcairns, and thereby protect the individual character of each, is acknowledged. Of primary importance to this are the fields to the east and west of the road. In the Proposed Plan not all of the field to the west of the road is proposed to be designated as Open Space and thereby protected under Policy CF1A. Although the area of land that is not proposed for designation, which lies to the south of the area that is proposed to be designated, is less prominent, it has undoubted value in amenity terms, which (in the modified form that is recommended under Issue 11) is a characteristic that is protected by Policy CF1A. The Plan should therefore be modified to include all of this field within the open space designation.

Dunning H20

4. Dunning is not identified as a principal settlement in TAYplan, which are the settlements where the majority of development will be focussed. Policy 1 of TAYplan requires the Proposed Plan to prioritise land release using a sequential approach which only permits the expansion of non principal settlements where there is insufficient land or where the nature or scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements and where, in accordance other provisions of TAYplan, the expansion of other settlements should be considered.

5. When considered in these terms, many non principal settlements must be regarded as unsuitable for development, as they lack the services, employment opportunities and public transport connections which characterise the principal settlements and which are important if development is to comply with TAYplan's and the Proposed Plan's settlement strategies. On occasion however, non principal settlements may be locations to which relatively modest levels of development should be directed. In accordance with Scottish Planning Policy (SPP), TAYplan recognises that allowing some development in non principal settlements may balance the importance of sustaining rural economies with the need to protect the countryside. Dunning has a wider range of services than many settlements, including a school and a reasonable bus service. In principle therefore, despite the conclusion that has been reached elsewhere in this examination, that the Proposed Plan identifies a generous supply of housing land, this is not a location that should be considered unsuitable for limited housing development.

6. There is no evidence to substantiate representors' fears that the site will cause traffic safety, habitat loss or other problems. In the absence of any objections from the agencies which have responsibility for such matters, it would not be reasonable to reject the proposed allocation on those grounds.

7. The proposed expansion of the village would detract to some extent from its landscape setting. As the prospective developer acknowledges, the proposed western edge to Site H20 does not follow any obvious landscape feature. It would not be an appropriate solution to enlarge the site to the group of trees to the west however, as this would not significantly strengthen the edge to the site and would incongruously extend the village into the countryside, creating a site that was disproportionately large in relation to the size of the village and its role as a non principal settlement. An appropriate measure to address the issue would be to specify in the Proposed Plan that a generous landscape buffer along the western as well as the northern boundary is provided.

Dunning Op23

8. The potential biodiversity impact of developing this site was considered in the Habitats Regulations Appraisal (HRA) of the Proposed Plan. This did not identify any issue, which would militate against its identification as an opportunity site for school expansion. The fact that the site is prime agricultural land is a material consideration. However, Scottish Planning Policy (SPP) does not entirely rule out the use of such land for development. The area of land in question is, in agricultural terms, relatively small and there is no reason to suspect that its value for such purposes outweighs the benefits to education provision in the village that could be secured by its identification as an opportunity site.

Dunning new sites

9. As set out above, Dunning is not identified as a principal settlement in TAYplan. In accordance with the spatial strategy in TAYplan, this is not therefore a location where significant settlement expansion should be contemplated. Site H20 is considered to represent the absolute maximum level of development that should be permitted here. The large development site, which is proposed to the north of the village, even allowing for an area of school expansion, would represent a disproportionately large expansion of the village, which would be harmful to its character and inconsistent with TAYplan.

10. The proposed expansion of Site H20 to the west would also represent an excessive expansion of the settlement with similar adverse consequences. The fact that the site might not be able to deliver the predicted 50 units is not a reason to expand it, because,

in accordance with TAYplan, Dunning is not a settlement to which significant development should be directed. And, as set out above, there would be no landscape or visual impact benefit in expanding the site so that it met the rather indistinct line of trees to the west.

11. The site that is proposed to the south of Bridge of Earn Road would be more visually intrusive than site H20 due to the rising land and would offer no benefit over developing the site that is identified in the Proposed Plan. For the reasons stated above, it would be inappropriate to allocate this site in addition to Site H20.

12. The proposed extension to the south of the village would result in the loss of an important area of open space on Muckhart Road (B934), which is proposed to be designated Open Space in the Proposed Plan. This would remove an important element of the settlement's distinctive rural character. It would also extend the village into a field that lies above the level of most of the village, which would be prominent when approached from the south. Providing a landscaped buffer area to the southern end of this site would not be a solution to such visual intrusion, as that itself would be inappropriate in the open landscape that is found to the south of the village.

13. Developing the land to the rear of Latch Burn Wynd would have greater landscape impact than site H20 so would not be a logical substitution for that site. And, for the reasons already stated, it would be inappropriate to allocate this site in addition to Site H20.

Tibbermore settlement

14. Tibbermore has none of the facilities that one would expect of a settlement and is simply a small collection of houses in the open countryside. No particular benefit to the Proposed Plan's spatial strategy from its identification as a settlement and the consequent development opportunities this potentially creates, has been identified. Furthermore, no visual or landscape benefits in permitting a ribbon of housing on the southern side of the road have been identified. The expansion of this building group would detract from the character of the surrounding landscape by permitting built development beyond the logical visual edge to the building group, which is the road. The fact that there is already planning permission to develop the land to the north of the road, which would be enclosed by the proposed settlement boundary, is not a reason also to expand the group to the south, because, in accordance with TAYplan Policy 1, there is no particular justification for expanding Tibbermore at all. The southern settlement boundary should be modified so that it runs along the northern side of the road and the green belt boundary should be modified to wash over the road and the land to the south as far as the crossroads.

Tibbermore new sites

15. The proposed further expansion of the building group to the south of the A85 would exacerbate the problems identified above and would be inconsistent with TAYplan, which expects the majority of development to be directed to principal settlements and only permits it to take place elsewhere in certain specified circumstances, which have not been demonstrated. The proposed expansion would not logically round-off the settlement and would appear as a harmful and disproportionately large addition to the existing building group. The provision of affordable housing within any development scheme, which would be a developer requirement of Policy RD4 in any event, would not compensate for such harm, and the fact that the site is considered to be effective is not a

benefit when there is no identified shortfall in effective sites and when the site is unacceptable in principle.

Reporter's recommendations:

Clathymore H19

1. Delete from page 101, paragraph 5.12.2 and the reference to residential site H19 (including the site-specific developer requirements) at the bottom of the page.
2. Modify the inset map for Clathymore to delete site H19 and to redraw the settlement boundary along the north east boundary of the existing building group so as to exclude the land identified as site H19 from the settlement.
3. Make consequential modifications to the table under paragraph 5.5.11.

Dunning settlement

4. Designate as Open Space all of the field to the west of the road between Dunning and Newton of Pitcairns.

Dunning H20

5. Modify the inset map for Dunning on page 109 to show an area of indicative landscaping along the western as well as the northern site boundaries.

Tibbermore settlement

6. Modify the settlement boundary and green belt boundary on the inset map on page 148 to follow the northern edge of the A85, omitting from the settlement any land to the south of that road.

Issue 27	Dundee Housing Market Area Settlements	
Development plan reference:	Longforgan, page 131-132 H25 - South Longforgan, page 131 H26 - South Longforgan, page 131	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs J McConville (00091) Pam Linton (00135) Dr & Mrs Andrew Reid (00304) N Rattray (00305) Kenneth & Laura Dorman (00320) Daphne Gibson (00324) Mr & Mrs I Day (00367) Iain & Kirsty Fisher (00371) Mr & Mrs James Sinclair (00400) Leigh & Doreen McGowan (00435) Neil Cuthbert (00445) Karen Slater (00450) Alistair & Fiona Simond (00453) HM Spence (00490) Ann Brown (00507) Angus Brown (00511) Alan Muir (00513) Ian Francis (00566)		Geoff Weir (00579) Mr & Mrs Alan Macdonald (00673) Marjorie Bryce (00674) Mr & Mrs J Stonier (00682) Stuart Smith (00739) The Co-operative Group (00809) Mr & Mrs M Stewart (00823) John Byers (00825) Wlodzimierz Szepielow (00851) Mr & Mrs G Johnstone (00856) Mr & Mrs I Wood (00867) Ian Murray (00926) A & J Stephen (Builders) Ltd (03068) The Rennie Family Trust (09052) George Martin Builders (09071) Longforgan Community Council (09338) G S Brown Construction Ltd (09817)
Provision of the development plan to which the issue relates:	Designated and new sites in Longforgan	
Planning authority's summary of the representation(s):		
H25 and H26: South Longforgan Karen Slater (00450/1/001, 00450/1/002 & 00450/1/003); Alan Muir (00513/2/001, 00513/2/002 & 00513/2/003); Mr & Mrs J McConville 00091/1/001 & 00091/2/001); Pam Linton (00135/1/001); George Martin Builders (09071/2/001 & 09071/2/002); Dr & Mrs Andrew Reid (00304/1/001 & 00304/1/002); N Rattray (00305/1/001 & 00305/1/002); Kenneth & Laura Dorman (00320/1/001 & 00320/1/002); Daphne Gibson (00324/2/001 & 00324/2/002); Mr & Mrs I Day (00367/1/001 & 00367/1/002); Iain & Kirsty Fisher (00371/1/001, 00371/1/002 & 00371/1/003); Angus Brown (00511/1/001 & 00511/1/002); Longforgan Community Council (09338/2/001 & 09338/2/002); HM Spence (00490/1/001 & 00490/1/002); Alistair & Fiona Simond (00453/1/001 & 00453/1/002); Leigh & Doreen McGowan (00435/1/001 & 00371/1/003); Geoff Weir (00579/1/001 & 00579/1/002); The Rennie Family Trust (09052/2/001 & 09052/2/002); Ian Francis (00566/1/001); Mr & Mrs J Stonier (00682/1/001 & 00682/1/002); Marjorie Bryce (00674/1/001 & 00674/1/002); Mr & Mrs Alan MacDonald (00673/1/001 & 00673/1/002); Stuart Smith (00739/1/001 & 00739/1/002); Mr & Mrs M Stewart (00823/1/001 & 00823/2/001); John Byers (00825/1/001 & 00825/1/002); The Co-operative Group (00809/1/001); Mr & Mrs I Wood (00867/1/001 & 00867/1/002); Ian Murray (00926/1/001 & 00926/1/002); Mr & Mrs G Johnstone (00856/1/001 & 00856/1/002); Wlodzimierz Szepielow (00851/1/001 & 00851/1/002); Ann Brown (00507/1/001 & 00507/1/002); James Sinclair (00400/1/001);		

Ian Francis (00566/1/002); Neil Cuthbert (00445/1/001): Local residents and Longforgan Community Council make a number of points in opposing the development of the above sites. These have common themes and are grouped together under the following headings.

The impact on the village

The development of the sites will detract from the amenity of the southern edge of the village and change its linear character. The central part of the village is a Conservation Area and the development of the sites will detract from its appearance. The existing development at Rosamunde Pilcher Drive was designed to be the edge of the settlement and new development to the south will detract from this. An appeal for residential development to the immediate west of H25 was refused on the grounds of the amenity and its impact on the village (S4_Doc_242). The development is contrary to the terms of PAN 71 (S4_Doc_707). There is not enough detail available on the proposal to properly comment. The development will introduce play areas into a quiet residential area. The development will result in the loss of agricultural land. There is substantial opposition to the development; Longforgan Community Council (09338/2/001) submitted a petition with 360 signatures against the development.

Alternative sites

There are other better sites on the west side of the village, or at Eastbank farm or at the Co-op premises at Woodend (west side of village) (S4_Doc_012) or in other villages such as Inchtute or Errol.

The junction on the A90 could accommodate more development. More development will support the existing and improved services in the village.

Traffic issues

The access to H25 and H26 are inadequate. The development of the sites will lead to more congestion in the village particularly in Main Street which is already congested. Station Road is not suitable for more traffic.

Development Strategy

The development is contrary to Policies 1 (S4_Doc_067), 5c (S4_Doc_062) and 3 (S4_Doc_064) of TAYplan and will have negative impact on the delivery of the Dundee Western Gateway. There is no demand for the houses.

Community Facilities

The community facilities offered as part of the development proposals are not wanted and are too large for the community. Any development should come from a community led masterplan. The consultation mentioned at paragraph 5.28 .1 did not take place. There was no consultation on H26 at MIR Stage due to community councillors being unfamiliar with planning procedures.

H26 flooding

The site lies in a flood plain.

TAYplan Policy 1 (S4_Doc_067); TAYplan Policy 5C (S4_Doc_062); planning application 08/01889/IPM (S4_Doc_246)

A & J Stephen (Builders) Ltd (03068/16/0010 & 03068/16/002): The requirement to contribute to the wider core path network is unreasonable and contrary to Circular 1/2010 (Core_Doc_097).

Longforgan: New sites

George Martin Builders (09071/2/003); Kenneth & Laura Dorman (00320/1/003): The A90 road junction could accommodate additional residential development in Longforgan. To minimise the impact of required new housing it should be constructed to the west of the new interchange (S4_Doc_012). This would also support the present services and facilities in the village. No reason has been provided for the deletion of MIR site I (the site being promoted by the respondent). The 5hectare site at MIR Site I is suitable and effective and could accommodate 40 homes with land to the south given over to a new primary school. The Council's education dept has concerns about school provision to support H25 and H26. There are no known infrastructure constraints for Site I.

G S Brown Construction Ltd (09817/15/001): Site 601 (S4_Doc_012) provides a logical extension to Longforgan in an area of known demand.

The Rennie Family Trust (09052/1/001): The allocation of land at Eastbank (S4_Doc_012) Farm, Longforgan for 100 homes and a village park would reflect the SPP (2010) paragraphs 46, 70, 79, 80, 84, 85 and 149 (S4_Doc_300 S4_Doc_320, S4_Doc_294, S4_Doc_099, S4_Doc_084, S4_Doc_293, S4_Doc_322). It does not run counter to TAYplan Policy 5C (S4_Doc_062) consistent with the Council's proposed allocation of H25 and H26.

The Co-operative Group (00809/1/002): Put forward a land release in favour of a more sustainable brownfield site within the existing settlement boundary at the Cooperative land at Woodend on the western side of Longforgan (S4_Doc_012). This reflects Proposed LDP paragraph 4.3.12 (S4_Doc_492) and Scottish Planning Policy aims to focus development on brownfield land. The site does not have the same development constraints as others and does not suffer from flooding, contamination or other issues that would affect its effectiveness. Delivering 12 to 16 homes including affordable housing on this site would not compromise the delivery of strategic development areas in TAYplan. The site also has existing access off Janet Forbes Avenue.

Modifications sought by those submitting representations:**H25: South Longforgan**

Alan Muir (00513/2/001 & 00513/2/003); Karen Slater (00450/1/001 & 00450/1/002); Mr & Mrs J McConville (00091/2/001); Pam Linton (00135/1/001); George Martin Builders (09071/2/001); Dr & Mrs Andrew Reid (00304/1/001); N Rattray (00305/1/001); Kenneth & Laura Dorman (00320/1/001); Daphne Gibson (00324/2/001); Mr & Mrs I Day (00367/1/001); Iain & Kirsty Fisher (00371/1/001); Angus Brown (00511/1/001); Longforgan Community Council (09338/2/001); H M Spence (00490/1/001); Neil Cuthbert (00445/1/001); Alistair & Fiona Simond (00453/1/001); Leigh & Doreen McGowan (00435/1/001); Geoff Weir (00579/1/001); The Rennie Family Trust (09052/2/001); Ian Francis (00566/1/001); Mr & Mrs J Stonier (00682/1/001); Marjorie Bryce (00674/1/001); Mr & Mrs Alan MacDonald (00673/1/001); Stuart Smith (00739/1/001); The Co-operative Group (00809/1/001); Mr & Mrs M Stewart (00823/1/001); John Byers (00825/1/001); Mr & Mrs I Wood (00867/1/001); Mr & Mrs G Johnstone (00856/1/001); Włodzimierz Szepielow (00851/1/001); Ann Brown (00507/1/001): Delete the site.

Ian Murray (00926/1/001): Improve Infrastructure prior to development of H25.

A & J Stephen (Builders) Ltd (03068/16/001): Change one developer requirement for H25 penultimate bullet point of 5.28 to reflect Circular 1/2010 (S4_Doc_097) as it is unreasonable to expect contributions to wider core path network.

H26: South Longforgan

Alan Muir (00513/2/002 & 00513/2/003); Karen Slater (00450/1/001 & 00450/1/003); Mr & Mrs J McConville (00091/1/001); George Martin Builders (09071/2/002); Dr & Mrs Andrew Reid (00304/1/002); N Rattray (00305/1/002); Kenneth & Laura Dorman (00320/1/002); Daphne Gibson (00324/2/002); James Sinclair (00400/1/001); Mr & Mrs I Day (00367/1/002); Iain & Kirsty Fisher (00371/1/002); Ann Brown (00507/1/002); Longforgan Community Council (09338/2/002); H M Spence (00490/1/002); Alistair & Fiona Simond (00453/1/002); Leigh & Doreen McGowan (00435/1/002); Iain and ;Geoff Weir (00579/1/002); The Rennie Family Trust (09052/2/002); Ian Francis (00566/1/002); Mr & Mrs J Stonier (00682/1/002); Marjorie Bryce (00674/1/002); Mr & Mrs Alan MacDonald (00673/1/002); Stuart Smith (00739/1/002); The Co-operative Group (00809/1/001); Mr & Mrs M Stewart (00823/2/001); John Byers (00825/1/002); Mr & Mrs I D Wood (00867/1/002); Mr & Mrs G Johnstone (00856/1/002); Włodzimierz Szepielow (00851/1/002); Angus Brown (00511/1/002): Delete H26.

A & J Stephen (Builders) Ltd (03068/16/002): Change one developer requirement for H26 in the penultimate bullet point of 5.28 to reflect Circular 1/2010 (S4_Doc_097) as it is unreasonable to expect contributions to wider core path network.

Kirsty Fisher (00371/1/003): Extend the school on to site H25 and reduce the capacity of H25 to 25 homes.

Ian Murray (00926/1/002): Improve Infrastructure prior to development of H26.

Longforgan: New sites

George Martin Builders (09071/2/003); Kenneth & Laura Dorman (00320/1/003): Allocate new land to the west of the village (S4_Doc_012) for residential use and the site for a new primary school as identified in MIR site I. The site would hold 40 homes with the primary school or 80 homes without it.

G S Brown Construction Ltd (09817/15/001): Add site 601 (S4_Doc_012).

The Rennie Family Trust (09052/1/001): Allocate land at Eastbank Farm (S4_Doc_012), Longforgan for 100 homes and village park.

The Co-operative Group (00809/1/002): Identify brownfield site at Woodend (S4_Doc_012) for 12 -14 houses

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

H25 and H26: South Longforgan

Karen Slater (00450/1/001, 00450/1/002 & 00450/1/003); Alan Muir (00513/2/001, 00513/2/002 & 00513/2/003); Mr & Mrs J McConville (00091/1/001 & 00091/2/001); Pam Linton (00135/1/001); George Martin Builders (09071/2/001 & 09071/2/002); Dr & Mrs Andrew Reid (00304/1/001 & 00304/1/002); N Rattray (00305/1/001 & 00305/1/002); Kenneth & Laura Dorman (00320/1/001 & 00320/1/002); Daphne Gibson (00324/2/001 & 00324/2/002); Mr & Mrs I Day (00367/1/001 & 00367/1/002); Iain & Kirsty Fisher (00371/1/001, 00371/002 & 00371/1/003); Angus Brown (00511/1/001 & 00511/1/002); Longforgan Community Council (09338/2/001 & 09338/2/002); H M Spence (00490/1/001

& 00490/1/002); Alistair & Fiona Simond (00453/1/001 & 00453/1/002); Leigh & Doreen McGowan (00435/1/001 & 00435/1/002); Geoff Weir (00579/1/001 & 00579/1/002); The Rennie Family Trust (09052/2/001 & 09052/2/002); Ian Francis (00566/1/001 & 00566/1/002); Mr & Mrs J Stonier (00682/1/001 & 00682/1/002); Marjorie Bryce (00674/1/001 & 00674/1/002); Mr & Mrs Alan & MacDonald (00673/1/001 & 00673/1/002); Stuart Smith (00739/1/001 & 00739/1/002); Mr & Mrs M Stewart (00823/1/001 & 00823/2/001); John Byers (00825/1/001 & 00825/1/002); The Co-operative Group (00809/1/001); Mr & Mrs I Wood (00867/1/001 & 00867/1/002); Ian Murray (00926/1/001 & 00926/1/002); Mr & Mrs G Johnstone (00856/1/001 & 00856/1/002); Włodzimierz Szepielow (00851/1/001 & 00851/1/002); Ann Brown (00507/1/001); James Sinclair (00400/1/001); Ann Brown (00507/1/002); Neil Cuthbert (00445/1/001):

Impact on the village

The old linear form of the village is the designated conservation area. More recent expansion has been to the east, west and south of the historic core. Site H25 is effectively an infill development between the most recent village expansion and the edge of the conservation area. Site H26 extends the village southwards towards farm steading buildings and will provide development on the southern side of Westbank Road. Though only one side of the road has been developed it creates a stark hard urban edge and a better southern boundary could be provided through the required masterplan. The application which was the subject of the appeal referred to was refused primarily for reasons based on the existing local plan policy rather than village amenity issues and is also a more prominent site than H26 particularly when viewed from Castle Road. (S4_Doc_242). The masterplan will be required to take account of the principles set out in PAN 71 (S4_Doc_707) in relation to the proximity of the conservation area. Further details will be available through the masterplanning process to allow comments. However the LDP cannot be expected to contain details that are more appropriate to be dealt with by the masterplan or planning application process. The development will lead to the loss of prime agriculture land but as this is part of a settlement strategy it complies with national policy SPP paragraph 97 (S4_Doc_108). The same issue applies to almost every potential site in the Carse and the alternatives sites and locations suggested are also prime land. The Council acknowledges the level of opposition to the development of the site but does not place a prohibition on its development particularly when the sites represents a reasonable areas for development and development through a masterplan will result in some community facilities being provided. Both sites are within the control of one developer and are presented in the Plan as a joint package including the provision of recreational land in H26 and land required for a school extension in H25. If these sites are not retained as housing proposals the land required for a school extension to facilitate the growth of the village, may not be forthcoming.

Alternative sites

Alternative sites suggested are considered below.

Traffic Issues

Station Road (approximately 5 metres) and Main Street (approximately 7 metres) are both narrow but carry relatively low volumes of traffic; parked cars can slow traffic down but the streets cannot be described as congested. The level of development proposed (75 houses by 2024) will not lead to unacceptable levels of additional traffic in the village.

Development Strategy

The strategy of TAYplan (Core_Doc_099) is to presume against housing land release in the area surrounding the Dundee Core where it would prejudice the delivery of the

Strategic Development Areas. Longforgan lies within the Dundee HMA but outside the core area and any *significant* land release would conflict with this policy and not be consistent with TAYplan. The LDP is consistent with TAYplan by allowing only a limited housing development at Longforgan (75 maximum by 2024) and allowing only 25 houses to be built in any 3 year period as a Specific Developer Requirement.

Community Facilities

There is some uncertainty relating to community aspirations over community facilities. There is some support for improved community facilities and there is ongoing dialogue with the Council over this. However it is fair to say that no consensus has emerged over what the new community facilities should be and where they should be located. Further discussions are required on this subject and this will be one of the roles for the masterplanning process. However as outlined in the participation statement there has been a significant programme of information dissemination and engagement particularly with community councils and this statement is not accepted.

No modification is proposed to the Plan; however if the Reporter is minded to recommend modifying the Plan the Council would suggest preference is given to retaining site H25 over the slightly more visually intrusive H26. If H25 is not felt suitable for housing development the settlement boundary should be retained to allow for the school extension. The feasibility of the relocation of the primary school has not been sufficiently investigated. The cost of doing so would be relatively large in comparison to the small scale development expected to support the relocation. The only viable option apparent is an extension to the existing school.

The suitability of the alternative sites is dealt with below.

H26: South Longforgan: Flooding

The site is not shown as lying in a flood risk area on Scottish Environment Protection Agency's 1:200 year indicative flood maps (S4_Doc_350) and there are no known watercourses on the site. The Scottish Environment Protection Agency has not indicated that flooding is an issue with the site.

No modification is proposed to the Plan.

A & J Stephen (Builders) Ltd (03068/16/001 & 03068/16/002): Additional development in the village will put further pressure on the core path network within the site and the wider village. Appropriate improvements should be defined through the masterplanning process.

No modification is proposed to the Plan.

Longforgan: New sites

George Martin Builders (09071/2/003); Kenneth & Laura Dorman (00320/1/003): The site on the west side of the village (S4_Doc_012) was shown in the MIR (site I) (S4_Doc_228) but the Council decided that as site H26 was in a better location. The reason for this was because it has the potential to create better linkages to the village than a peripheral site located on the western edge of the village. Power lines run across the northern part of the site and would constrain development. However the site has reasonably good landscape containment and the southern half of the site has some development potential.

If the Reporter is minded to include this site in the Plan as an alternative to H26 then the Council consider that H25 should also be retained as it is required to secure the necessary extension to the school.

G S Brown Construction Ltd (09817/15/001): The site on the southern edge of the village (S4_Doc_012) is the most visually intrusive particularly impacting on the setting of the conservation area and long distance views to the church steeple

No modification is proposed to the Plan.

The Rennie Family Trust (09052/1/001): The site at land at Eastbank Farm (S4_Doc_012), is very open and occupies land which rises up towards the village. There is no containment on the southern or eastern boundaries and the site is not felt to be a suitable location for further expansion.

No modification is proposed to the Plan.

The Co-operative Group (00809/1/002): The site put forward by the Co-operative Group at Woodend (S4_Doc_012) lies within the settlement boundary and 12 -14 houses could be considered an acceptable level of infill development.

No modification is proposed to the Plan.

Reporter's conclusions:

Longforgan

1. As preliminary matters, Longforgan is not listed within any of the three tiers of principal settlements identified in TAYplan Policy 1: Location Priorities. The housing land strategy has been dealt with elsewhere in this report. The council states that H25 and H26 are within the control of one developer and they are presented in the plan as a joint package on pages 131 and 132 including the provision of recreational land in H26 and with reference to community, educational and play facilities made in the site-specific development requirements.

2. Policy 4 of TAYplan identifies the Dundee Western Gateway as a Strategic Development Area. Policy 5: Housing C requires that local development plans shall: *"ensure that there is presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within core areas or conflict with other parts of this Plan."* Longforgan's location means it is potentially affected by that Policy 5 presumption.

3. Longforgan is located within the Dundee Housing Market Area. The Glossary to the Proposed Plan indicates that, for the purposes of this local development plan, a market area is relatively self-contained in terms of people's choice of location for a new home i.e. a large percentage of people settling in the area will have sought a house only in that area. The Housing Market Area Refresh Exercise 2012 carried out by the TAYplan Strategic Development Plan Authority concluded that the original housing market areas defined in 2001 and reinforced in 2008/09 remain robust (page 40).

4. Longforgan is located within the Carse of Gowrie some 5 kilometres from the Dundee Western Gateway. For practical purposes, the settlement functions as a suburb of

Dundee on which it is dependent for all regional, and most local, services. Table1: Strategic Development Areas identifies the Dundee Western Gateway as delivering 750+ homes by 2032. H25 and H26 are allocated in the local development plan to deliver 75 houses by 2024. That allocation would deliver 10% of the Western Gateway total and it would be built out 8 years earlier than the Western Gateway. It is inevitable that the total of completions, taken together with their timing, would prejudice the successful delivery of the Dundee Western Gateway. Moreover, encouraging new development in Longforgan which would prejudice development in the Dundee core area would not produce an efficient settlement pattern because it would increase rather than reduce the need to travel in order to access regional and many local services.

5. Scottish Planning Policy (SPP) at paragraph 97 states that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy. The council has acknowledged that development of the package of H25 and H26 will lead to the loss of prime agriculture land. As far as H26 is concerned, there is no reason to suppose that either increased traffic or flooding are insuperable hurdles to development of the site. However, the proposed settlement boundary required to accommodate the proposed allocation is much less satisfactory than the delineation shown in the local plan because it breaches irrevocably that southern limit, advances into prime agricultural land, and replaces a road with field boundaries which have no basis in the topography of the vicinity and, may in any event, be transitory. No such difficulty arises with H25.

6. For the reasons noted above, H25 and H26 cannot form an essential component of the settlement strategy of this local development plan. It follows that it would be contrary to the policy of Scottish Ministers to allocate these sites for residential development.

Longforgan: New sites

7. The policy considerations which run against the allocation of H26 apply also to the site on the west side of the village, to the site on the southern edge of the settlement; and to the site at Eastbank Farm.

8. The merits of a residential development on the brownfield site at Woodend, which lies within the settlement boundary, can be tested by way of the development management process.

Reporter's recommendations:

1. Delete sites H25 and H26 from the Plan.

Issue 28a	Highland Perthshire Area - Aberfeldy	
Development plan reference:	Aberfeldy, page 157-160 E10 - Borlick, Aberfeldy, page 158 H36 - Borlick, Aberfeldy, page 159 H37 - South of Kenmore Road, Aberfeldy, page 159	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Hillcrest Housing Association Ltd (00153) McKenzie Strickland Associates (00295) Denise McNiven (00744) A & J Stephen (Builders) Ltd (03068) Scottish Natural Heritage (05211)		Bolfracks Estate (08816) Forestry Commission Scotland (08988) M R Marshall (09163) Reverend Irene Miller (09625) G S Brown Construction Ltd (09817)
Provision of the development plan to which the issue relates:	Development sites in Aberfeldy.	
Planning authority's summary of the representation(s):		
<p><u>E10: Borlick</u> Denise McNiven (00744/1/002): The empty shops and industrial units should be filled first. Another industrial site will not provide enough employment for the amount of families planned (200 houses).</p> <p>Forestry Commission Scotland (08988/1/020): Encourage additional tree planting on the north eastern boundary to strengthen existing woodland. Consideration should be made for advance tree planting on South western edge and within the site.</p> <p>Scottish Natural Heritage (05211/23/003): This site contains an area of woodland in the Ancient Woodland Inventory classified as ancient of semi-natural origin (S4_Doc_639). Need to ensure protection of existing woodland complies with paragraph 146 of SPP (S4_Doc_080) '<i>Ancient and semi-natural woodland is an important and irreplaceable resource which should be protected and enhanced</i>'.</p> <p>M R Marshall (09163/3/002): Support for this site as it provides sufficient land to meet future employment needs, is free from flood risk and environmental designations, and the landowner is agreeable to releasing the land.</p> <p><u>H36: Borlick</u> Denise McNiven (00744/1/001): Object to development of this site on the grounds that it would double the population, there are no employment opportunities, there are already plenty of empty flats, buildings and homes that should be filled first, the site is too far from the community campus and children would have to walk along the main road to reach school. If housing is to serve those employed by the Taymouth development, site H37 should be developed first. If it's for retired people there are enough houses and the demand is not there.</p> <p>Reverend Irene Miller (09625/1/002): Concern with regards to communal space within the development and adequate space between houses. A mix of housing should be provided</p>		

including 2-storey 1-2 person flats. The development should include a shop, perhaps a small hall, covered play area and even a pub rather than a large development.

A & J Stephen (Builders) Ltd (03068/19/001): Support the Plan.

M R Marshall (09163/3/001): Support for this site as it would provide sufficient land to meet future housing needs, is free from flood risk, not covered by any environmental designations and the landowner is agreeable to releasing land.

H37: South of Kenmore Road

Hillcrest Housing Association (00153/1/001): Object to this site in relation to access off Duntaylor Avenue and concerns regarding connection into one of two existing hammerheads. The proposed access would result in the existing cul-de-sac becoming a through road as well as significantly increased traffic flow. The proposed access would include compulsory purchase of current garden ground which would be opposed. The road to the north of Duntaylor Avenue would be a more suitable option. Support the requirement for an access from Kenmore Road.

Forestry Commission Scotland (08988/1/021): Reservations regarding this allocation given that the site is split by watercourse which also forms a tree covered habitat network. The only acceptable option could be to allocate only the eastern part of the site for development and to ensure adequate protection measure for the watercourse and associated trees.

Scottish Natural Heritage (05211/23/008): This site contains areas of broadleaf trees/woodland and there is no reference to protection and enhancement in Developer Requirements.

Scottish Natural Heritage (05211/25/030): The Site Specific Developer Requirements should reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_139).

Reverend Irene Miller (09625/1/003): Concern with regards to communal space within the development and adequate space between houses. A mix of housing should be provided including 2-storey 1-2 person flats. The development should include a shop, perhaps a small hall, covered play area and even a pub rather than a large development.

Bolfracks Estate (08816/2/001); G S Brown Construction Ltd (09817/7/001): Support the Plan.

New Site

McKenzie Strickland Associates (00295/1/001): Change the proposed open space land use at land to the south of Moness Avenue. Planning permission for staff accommodation has been approved in application 09/01474/FLL (S4_Doc_640). The removal of the open space designation represents opportunity to provide affordable housing adjacent to existing housing estate.

Modifications sought by those submitting representations:

E10: Borlick

Denise McNiven (00744/1/002): Remove site from the Plan.

Forestry Commission Scotland (08988/1/020): Modify the Site Specific Developer Requirements to include: *'Tree planting should be considered in advance of construction*

and should seek to maximise the green and access networks of the area’.

‘Tree species should be a mixture of traditional varieties used in the area.’

Scottish Natural Heritage (05211/23/003): Modify the Site Specific Developer Requirements to include: *‘protect and enhance existing woodland’*

Or, modify the site boundary to exclude the woodland areas identified in the Ancient Woodland Inventory (S4_Doc_639).

H36: Borlick

Denise McNiven (00744/1/001): Remove site from the Plan.

Reverend Irene Miller (09625/1/002): Modify the Site Specific Developer Requirements to include: *‘mix of houses types and size, provision of sufficient public and private open space, provision of community facilities, provision of retail and ‘provision of a play area’.*

H37: South of Kenmore Road

Hillcrest Housing Association (00153/1/001): Modify the Site Specific Developer Requirements to remove the reference to access from Duntaylor Avenue.

Forestry Commission Scotland (08988/1/021): Modify the site boundary to include only land east of the watercourse (S4_Doc_641). Modify the Site Specific Developer Requirements to include the provision of protection measures for watercourse and associated trees.

Scottish Natural Heritage (05211/23/008): Modify the Site Specific Developer Requirements to include:

‘Protection and enhancement of broadleaf trees and woodland within the site.’

Scottish Natural Heritage (05211/25/030): Modify the Site Specific Developer Requirements to include:

‘Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.’

‘Where the development of the site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.’

Reverend Irene Miller (09625/1/003) Modify the Site Specific Developer Requirements to include: *‘mix of houses types and sizes, provision of sufficient public and private open space, provision of community facilities ‘provision of retail’ and ‘provision of a play area’.*

New Site

McKenzie Strickland Associates (00295/1/001): Remove open space designation.

Summary of responses (including reasons) by planning authority:

E10: Borlick

Denise McNiven (00744/1/002): Policy ED1: Employment and Mixed Use Areas (S4_Doc_483) indicates that areas identified for employment uses should be retained for

such use. Policy RC1: Town and Neighbourhood Centres (S4_Doc_511) indicates that within areas identified as Town and Neighbourhood Centres the Council will encourage Class 1,2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (Core_Doc_018). The designation of existing employment areas and the town centre seek to encourage the continuation and retention of these uses within Aberfeldy. The allocation of additional employment land seeks to ensure there are sufficient employment opportunities for the expansion of the settlement.

No modification is proposed to the Plan.

Forestry Commission Scotland (08988/1/020); Scottish Natural Heritage (05211/23/003): The Site Specific Developer Requirements indicate that a *'Landscaping framework'* should be provided. It is appropriate that these details should be considered with the submission of a planning application. Policy NE2: Forestry, Woodland and Trees (S4_Doc_500) would be applicable to development of this site. Of particular note the policy indicates that proposals should *'protect existing woodland'* and *'seek to expand woodland cover particularly in association with larger scale development and/or developments on the edge of settlements, near to existing woodland or identified green corridors'*, *'ensure protection and good management of amenity trees'* and *'secure new tree planting in association with development'*. In addition Tree Surveys are required to accompany all applications where there are existing trees on the site. It is considered that Policy NE2 adequately covers the issues raised.

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

H36: Borlick

Denise McNiven (00744/1/001): The designation of this site is considered to meet the Spatial Strategy of TAYplan Policy 1 (S4_Doc_067) which requires development to be concentrated within tiered settlements within the area. Aberfeldy is a tier 3 settlement and the site provides an opportunity to provide a significant contribution to housing provision within the overall Local Development Plan area. It would not be appropriate for the Council to restrict the delivery of this development site in advance of H37 as the delivery of sites will be dependent on a range of factors outwit the control of the Council.

No modification is proposed to the Plan.

Reverend Irene Miller (09625/1/002): Policy PM1: Placemaking (S4_Doc_396) provides a comprehensive approach to the design, development, management and maintenance of places. Policy CF1B Open Space within New Development (S4_Doc_414) seeks to ensure new development makes adequate provision for informal and formal open space integral to any new development.

No modification is proposed to the Plan.

H37: South of Kenmore Road

Hillcrest Housing Association (00153/1/001): The Site Specific Developer Requirements indicates that access to the site is to be from Duntaylor Avenue and the A827 Kenmore Road. G S Brown Construction Ltd (09817/7/001) has planning permission to develop the land to the south of Duntaylor Avenue (08/01518/FUL) (S4_Doc_642) and they have indicated support for this site designation through their Representation. This therefore may provide an opportunity to link these developments together with minimal impact on the residential area as cited. In line with Scottish Government Guidance Designing

Streets (Core_Doc_014) a range of access points should be proposed in a development to ensure a range of movement opportunities and the creation of a sense of place. The proposed access to Duntaylor Avenue would ensure suitable movement through the site and combined with an access through Kenmore Road a well designed development layout would provide alternative routes from the new development without it becoming a 'rat run' and dispersing the impact of additional traffic movements on existing routes.

Should the Reporter be so minded to modify the Site Specific Developer Requirements the Council would suggest the following wording be inserted: *'Access should primarily be taken from A827 Kenmore Road and a secondary access should be sought from Duntaylor Avenue.'*

Forestry Commission Scotland (08988/1/021): Given the site's topography it is likely that the density of the development would be higher to the south and east of the site, reducing as the topography steepens to the south and west towards Kenmore Road. The Site Specific Developer Requirements indicate a requirement for a *'Landscape framework'* and that the development should provide *'Enhancement of Biodiversity'*. In addition, Natural Environment Policies NE2: Forestry, Woodland and Trees (S4_Doc_500); NE3: Biodiversity (S4_Doc_406) and NE4: Green Infrastructure (S4_Doc_415) collectively address the issues raised.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/23/008): Policy NE2: Forestry, Woodland and Trees (S4_Doc_500) would be applicable to development of this site. Of particular note the policy indicates that proposals should *'protect existing woodland'* and *'seek to expand woodland cover particularly in association with larger scale development and/or developments on the edge of settlements, near to existing woodland or identified green corridors'*, *'ensure protection and good management of amenity trees'* and *'secure new tree planting in association with development'*. In addition Tree Surveys are required to accompany all applications where there are existing trees on the site. It is considered that Policy NE2 adequately covers the issues raised.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/030): 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_139) 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.

Reverend Irene Miller (09625/1/003): Policy PM1: Placemaking (S4_Doc_396) provides a comprehensive approach to the design, development, management and maintenance of places. Policy CF1B Open Space within New Development (S4_Doc_414) seeks to ensure new development makes adequate provision for informal and formal open space integral to the new development.

No modification is proposed to the Plan.

Aberfeldy: New Sites

McKenzie Strickland Associates (00295/1/001): The current planning permission 09/01474/FLL (S4_Doc_640) allows staff accommodation within the site and requires felling of some of the existing trees. A Tree Assessment and Woodland Management Plan (S4_Doc_643) were submitted with the application. As a condition of the planning permission the conclusion and recommendations of the Management Plan are required to be implemented. In light of this it is still proposed that the Open Space designation on the site should be retained to ensure that the management of this private open space is retained and further development would not be recommended under Policy CF1: Open Space Retention and Provision (S4_Doc_414). If the consent is implemented the boundary of the open space designation could be reviewed by a subsequent Local Development Plan.

No modification is proposed to the Plan.

Reporter's conclusions:Site E10 - Borlick

1. In relation to the principle of designating further land for employment uses in Aberfeldy, the designation of site E10, together with the adjoining housing site (H36), accords with the spatial strategy of TAYplan which requires development to be concentrated within principal settlements. The focus for employment land provision in Highland Perthshire is Aberfeldy, Pitlochry and Dunkeld/Birnam and additional employment land is required in Aberfeldy to ensure that it develops as a sustainable community. Policy ED1A protects existing business and employment sites and policy RC1 encourages various business classes within Aberfeldy town centre.
2. In relation to the impact of the proposal on the area of woodland to the north-east, which is included in the Ancient Woodland Inventory, the council would accept a modification to the site boundary to exclude all of the woodland area identified in the Ancient Woodland Inventory. In relation to the request that consideration be given to additional tree planting on the north-eastern boundary to strengthen the existing woodland and to tree planting along the south-western boundary and within the site, the site-specific developer requirements indicate that a "*Landscape Framework*" is required. The scale and type of tree planting required within the site and along its boundaries, and the timing of any tree planting would be matters to be considered in the production of the landscape framework which is required to accompany any planning application. Also, as pointed out by the council, policy NE2 applies to the development of the site. This policy seeks to protect existing woodland and expand woodland cover in association with large scale development and / or developments on the edge of settlements.

Site H36 - Borlick

3. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan concentrates the majority of the new housing development in Aberfeldy and Pitlochry, two of the three principal settlements in Highland Perthshire. No housing designations have been made in Dunkeld / Birnam because of potential flooding, topographical and natural heritage constraints (see Issue 28b).
4. The designation of site H36 for 200 housing units is, therefore, in accordance with the spatial strategy of TAYplan, which requires additional allocations for 550 housing units in Highland Perthshire. Two sites with a maximum capacity of 160 houses are identified in

Pitlochry and the scope for additional sites is limited (see Issue 28c). It is imperative, therefore, that land for housing is identified in Aberfeldy if the Proposed Plan is to meet the housing requirements of TAYplan. The availability of brownfield land is limited and Borlick is one of only two sites identified in Aberfeldy as being suitable for housing development. The designation of site H36 and the adjacent employment land (E10) is aimed at ensuring that Aberfeldy develops as a sustainable community.

5. In relation to the detailed layout and design of the proposed development, the mix of housing and the provision of communal spaces and facilities, the Proposed Plan lists a number of site-specific developer requirements designed to ensure that any housing development on this site respects the character of the surrounding area through an appropriate layout and built form, and makes provision for landscaping and open space. Policy PM1 emphasises the need for a comprehensive approach to the design and siting of new development. Policy CF1B seeks to ensure that new development makes adequate provision for informal and formal open space.

Site H37- South of Kenmore Road

6. The site-specific developer requirements indicate that access to site H37 is to be taken from Duntaylor Avenue and Kenmore Road. In relation to the concerns expressed regarding the connection with Duntaylor Avenue, the proposed access to Duntaylor Avenue, combined with an access to Kenmore Road, would provide alternative routes for both the proposed development and that proposed on land to the south of Duntaylor Avenue (planning permission ref. 08/01518/FUL), dispersing the impact of the additional traffic movements. The design of the layout of any development on site H37 would be a matter for detailed consideration at the planning application stage but the council agrees, in the light of the comments received, that the site-specific developer requirement relating to access should be modified to place emphasis on the access being primarily from the A827 Kenmore Road. It is agreed that this would be an appropriate signal to any developer that the layout should be designed in such a way as to dissuade excessive traffic movement from the proposed development along Duntaylor Avenue.

7. In relation to the concerns raised regarding the water course and associated tree planting and other areas of broadleaf trees / woodland in the western part of the site, the water course and associated tree planting is recognised as an important habitat linking the woodlands to the south with the River Tay riparian zone to the north. According to Forestry Commission Scotland, the only acceptable option is to allocate only the eastern part of the site for development and ensure adequate protection measures for the water course and associated trees. Scottish Natural Heritage (SNH) has also raised concerns in relation to the protection of broadleaf trees and woodland within the site and to the protection of the water course from the impact of pollution and sediment to ensure no adverse effects on the River Tay Special Area of Conservation (SAC).

8. To alleviate the above concerns, SNH has suggested the addition of site developer specific requirements relating to the protection and enhancement of trees and woodland within the site and to the requirement for a construction method statement to protect the watercourse. The list of site-specific developer requirements in the Proposed Plan includes the requirement for a landscaping framework and the enhancement of biodiversity, which partially address the issues raised. However, this site is particularly prominent when viewed from the B846, and the treed water course is a particular feature. It is considered, therefore, that it would be appropriate to emphasise the requirement for the protection and enhancement of the trees and woodland on the site and for the protection of the water course.

9. In relation to the detailed layout and design of the proposed development, the mix of housing and the provision of communal spaces and facilities, the landscape framework would deal with the provision of open space. However, in view of the prominence of the site, it is considered that mention should be made in the list of site-specific developer requirements of the need to ensure that any development respects the character of the surrounding area through an appropriate layout and built form. Policy PM1 emphasises the need for a comprehensive approach to the design and siting of new development. Policy CF1B seeks to ensure that new development makes adequate provision for informal and formal open space.

New site

10. In relation to the request to remove the open space designation from part of the grounds of Moness House Hotel and Country Club, a small part of the area designated as open space is occupied by a laundry and recycling yard. Planning permission has been granted for staff accommodation on the north-western part of the area. This requires some felling of existing trees and a woodland management plan forms part of the planning permission. The respondent considers that the removal of the open space designation would provide an opportunity to provide affordable housing adjacent to the existing housing estate to the north. The southern half of the area comprises a water feature and recreation area for the use of guests.

11. The council indicates that should the planning permission for staff accommodation be implemented, the boundary of the open space designation could be reviewed in a subsequent local development plan. However, it is noted that there are other landscaped open areas, including woodland, within the grounds of Moness House Hotel and Country Club that are not designated as open space in the Proposed Plan. Like these other areas, the value of the area as open space is incidental to the overall use of the site for leisure and recreation purposes. Accordingly, it is not considered that any meaningful purpose is served by singling this area out as open space. Policy NE2A protects existing woodland and amenity trees. Also, any proposal for development would require to be assessed against policy PM1, which seeks to ensure that development respects the character and amenity of its surroundings. Consequently, the value of this part of the grounds as an amenity area would be a consideration in the assessment of any future development in the area.

Reporter's recommendations:

Site E10 - Borlick

1. Modify the site boundary on the Aberfeldy Settlement Map to exclude all the woodland area identified in the Ancient Woodland Inventory (see Schedule 4 document 439).

Site H37- South of Kenmore Road

2. Delete the site-specific developer requirement: *"Access from Duntaylor Avenue and A827 Kenmore Road"* and replace with *"Access should primarily be taken from the A827 Kenmore Road and a secondary access should be sought from Duntaylor Avenue"*.

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

"Protection and enhancement of broadleaf trees and woodland within the site";

“Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special area of Conservation”;

“Where development is within 30 metres of the watercourse, an Otter survey should be undertaken and a special protection plan provided, if required, so as to ensure no adverse effects on the River Ty Special area of Conservation”;

“Built form and layout of the site should respond appropriately to the landscape and strengthen the character of Aberfeldy as a distinctive place.”

New site – Moness House Hotel

4. Remove open space designation on the Aberfeldy Settlement Map.

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

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

There is a strong possibility that a culverted watercourse runs through the development site. There is an opportunity to restore the water environment to its natural state by removing the culvert. Recommend a feasibility study to assess the potential for channel restoration as a site requirement in keeping with the Council's duties as a responsible authority under The Water Environment and Water Services (Scotland) Act 2003 (Core_Doc_102).

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

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

Birnam and Dunkeld New Sites

Gillespies (00860/1/001): Object to the exclusion of a site to the south east of Birnam in the Proposed Plan (S4_Doc_021). The site should be included in the Plan and the Strategy and Development Concept demonstrates the suitability of the site which is fully supported by the landowners. The site forms a logical extension to the settlement and is the only site which can accommodate meaningful development addressing local housing needs. It has ready access to the A9 and close to the railway station. Issues relating to infrastructure, flooding, existing gas pipeline can be addressed through appropriate design while improving open space provision and biodiversity. The supplied Landscape and Visual Appraisal (S4_Doc_645) demonstrates how the site can satisfactorily relate to its environment.

Atholl Estates (09166/12/001): Objection to the proposed settlement boundary and exclusion of the site at the A923/Blairgowrie Road junction (S4_Doc_021). The allocation of site would offer an effective development site in close proximity to the established infrastructure and services available in Birnam/Dunkeld. The site is not subject to the significant constraints referenced in the Proposed Plan. A Draft Development Framework (S4_Doc_646) has been submitted with the representation which seeks to demonstrate a residential development of 15-20 houses could be accommodated on the site without detriment to the immediate area and the wider heritage resource.

Andy Gillies (09610/1/001): Extend settlement boundary to allow additional infill housing adjacent to existing residential road and current development boundary (S4_Doc_021)

Modifications sought by those submitting representations:

Birnam and Dunkeld E12 (Tullymilly South)

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

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

E12 Tullymilly South and E13 Tullymilly North

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

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

'Habitat links for wildlife'

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

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

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

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

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

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

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

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

Birnam and Dunkeld New Sites

Gillespies (00860/1/001): Modify the Plan to include the land to the south east of Birnam for approximately 40 houses (S4_Doc_021).

Atholl Estates (09166/12/001): Modify the Plan to include the land at A923/Blairgowrie junction for 15 – 20 houses (S4_Doc_021).

Andy Gillies (09610/1/001): Extend Dunkeld settlement boundary at Spoutwells to accommodate a single dwelling (S4_Doc_021).

Summary of responses (including reasons) by planning authority:

Birnam and Dunkeld E12 (Tullymillly South)

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

No modification is proposed to the Plan.

E12 Tullymillly South and E13 Tullymillly North

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

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

No modification is proposed to the Plan.

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

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

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

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

Birnam and Dunkeld New Sites

Gillespies (00860/1/001): The SEA process for the Plan (SEA Environmental Report Addendum No.2, Appendix C, pages 68-69) (S4_Doc_647) and the statutory consultees responses on the MIR (S4_Doc_648) identified a number of potential constraints associated with the development of MIR Site B; these were in relation to:

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

In light of the identified flood risk constraint, health and safety issues relating to the gas pipeline and the potential impact the development of the site would have on the Garden and Designed Landscape and National Scenic Area it is considered unlikely that it could be supported by the Plan's Policies HE4: Gardens and Designed Landscapes (S4_Doc_512); NE1B: National Designations (S4_Doc_389), EP2: New Development and Flooding (S4_Doc_407), and EP3: Water Environment and Drainage (S4_Doc_428), and as such the Council does not consider the site suitable for inclusion in the Plan.

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

Assessment, would need to be undertaken for it.

No modification is proposed to the Plan.

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

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

Andy Gillies (09610/1/001): The proposed modification would create a development site which is divorced for the existing settlement. The settlement boundary provides scope for small scale infill development and any proposal for residential development in this location should be considered through a planning application in line with Policy RD3: Housing in the Countryside (S4_Doc_418).

No modification is proposed to the Plan.

Reporter's conclusions:

Site E12 – Tullymilly South

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

Sites E12 / E13 - Tullymilly

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

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

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

New site - South-east of Birnam

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

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

New site – A923/Blairgowrie Road junction

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

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

Settlement boundary - Budds Barn

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

Reporter's recommendations:Sites E12/E13 - Tullymilly

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

Issue 28c	Highland Perthshire Area - Tiered Settlements	
Development plan reference:	Pitlochry, page 165-167 H38 - Middleton of Fonab, Pitlochry, page 166 H39 - Robertson Crescent, Pitlochry, page 166	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Barry Simpson (00179) Mr & Mrs Ian Rawson (00222) Dr Margaret Crombie (00287) Alan Crombie (00288) A M Crombie (00289) Mr & Mrs W Bright (00502) Philip Forsyth (00524) Robert Williamson (00583) Jennifer Stark (00623) Charles Hodge (00752) Ross Gardiner (00757) Pitlochry & Moulin Community Council (00838)		Scottish Environment Protection Agency (00947) A & J Stephen (Builders) Ltd (03068) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Forestry Commission Scotland (08988) Helen & Xander McDade (09502) Mr & Mrs John Michie (09732) Lynda Gardiner (10280) Pitlochry Civic Trust (10318)
Provision of the development plan to which the issue relates:	Pitlochry settlement	
Planning authority's summary of the representation(s):		
<u>General</u> Dr Margaret Crombie (00287/1/002): Agree that development at Manse Road should also be left out of the Plan. Mr & Mrs Ian Rawson (00222/1/001): Object to the proposed expansion of the settlement boundary within Moulin Conservation Area to include open fields to the north of Manse Road. These fields were described by the Reporter at the Public Inquiry in 2000 as ' <i>relevant important open space</i> ' and development would be detrimental to the rural character and landscape setting of Moulin Village (Highland Area Local Plan Examination Report (S4_Doc_650)). The settlement boundary should reflect the adopted Plan (Highland Area Local Plan 2000 (S4_Doc_649)). A M Crombie (00289/1/002): Concur with proposal not to develop land around Moulin particularly open space between Manse Road and A924. Mr & Mrs W Bright (00502/1/001): Settlement boundary for Moulin has been changed to include open space/agricultural land between Manse Road and the road between Moulin and Kinnaird (S4_Doc_649). Was deemed unsuitable for development in preparation of previous Local Plan. Mr & Mrs John Michie (09732/1/001): Objection to the proposed expansion of the settlement boundary at Moulin to include the open fields to the north of Manse Road (S4_Doc_649). The area is within the Conservation Area therefore any development would be detrimental to the character of Moulin.		

Pitlochry & Moulin Community Council (00838/1/003): Settlement boundary at Moulin has been altered to follow the line of the Conservation Area bringing land to the north of Manse Road (S4_Doc_649) into the settlement boundary. The land could be subject to residential development in the future which may affect visual amenity and integrity unless strict development standards are applied.

A M Crombie (00289/1/001): Settlement boundary does not coincide with the southern boundaries of numbers 17 and 18 Duff Avenue. The open space between Moulin and Pitlochry needs to be maintained.

Pitlochry Civic Trust (10318/1/001): Open space designation to be included in the Plan for the primary school play area, Delta Park, The Cuilc and around the hospital on Ferry Road.

Pitlochry Civic Trust (10318/1/006): Supports proposed boundary with the inclusion of site to the north of Manse Road and exclusion of a site to the south of Duff Avenue (S4_Doc_649).

Dr Margaret Crombie (00287/1/001): Support for the Plan with the retention of green space between Pitlochry and Moulin as it acts as a positive element in retaining the character and separate identity of the village of Moulin.

Pitlochry H38

Philip Forsyth (00524/1/001): Adequate visual and sound reduction screening is required as the site is adjacent to the A9.

Jennifer Stark (00623/1/001): Support housing development at Middleton of Fonab. Concern over access to the site. To facilitate growth suggest changes on Bridge Road including the existing junction connecting to A924 to be widened and form a mini roundabout and traffic lights. The point of entry to H38 should be taken on the corner of Bridge Road/Foss Road at the entrances to Middleton of Fonab Caravan Park and road leading to Fonab Cemetery.

Charles Hodge (00752/1/001): Revise housing allocation within Pitlochry to protect iconic views towards the settlement and Atholl Palace from key vantage points. Does not consider the site to be capable of accommodating proposed 100 units. The development of the site would represent significant southward expansion and is likely to require careful consideration of implications in terms of traffic, transportation, access and connection to utility services.

Pitlochry & Moulin Community Council (00838/1/001): Concerns regarding access and duelling of A9 as required road widening could reduce the site and increase noise and pollution impacting on the site viability.

A & J Stephen (Builders) Ltd (03068/7/001): The Local Development Plan must comply with Circular 1/2010 (Core_Doc_097). Any requirements must be fairly and reasonably related to the development. It is acceptable to require links within the site. Thereafter the Council cannot require connections on land out with the control of the site landowner all the way to the town centre.

Scottish Natural Heritage (05211/24/014): To maintain the visual integrity and landscape setting of Pitlochry the Site Specific Developer Requirements should include '*Noise attenuation measures are required adjacent to the A9. These should be appropriate to*

the location and should not obscure views to Pitlochry or Ben Vrackie’.

Scottish Environment Protection Agency (03194/38/001): Site is located in or adjacent to the functional flood plain or an area of known flood risk, as a result part of the site may not be suitable for development. Site may be at risk from a small watercourse that flows along the eastern boundary. Site specific requirements should make it clear to developers that flood risk is an issue that needs to be taken into consideration and that a flood risk assessment will be required to inform the scale, layout and form of development. Ensures that developers are fully informed of flood risk and that flooding issues are taken into account prior to submitting an application and that the developable area of the site may be constrained.

Barry Simpson (00179/1/002): Support but concern regarding flood issues.

A & J Stephen (Builders) Ltd (03068/3/001): Support for the Plan. Site can be readily serviced and a Noise Attenuation Survey has been undertaken which can be made available.

Pitlochry Civic Trust (10318/1/003): Support for the Plan

Pitlochry H39

Dr Margaret Crombie (00287/1/003): Object to site H39 as it would be detrimental to the character of the area. The housing density is too high and out of character with the town. The requirements for road access and drainage would require terraced housing which would not fit with the other buildings in the area. Brownfield land should be used instead.

Alan Crombie (00288/2/001): Object to H39 as the development too dense and would detract from character of the area.

Mr & Mrs R Gardiner (10280/1/002): Development for 90 houses, intensive development of this site would reduce its important contribution to Pitlochry’s landscape and character greatly. Concern about adequacy to cope safely with extra traffic. Object to the identification of the site.

Charles Hodge (00752/1/002): Revised housing allocations within Pitlochry to protect iconic views towards this settlement and Atholl Palace from key vantage-points and to contribute logically towards housing land supply. The site does not represent a sustainable location in landscape terms as it is located on an elevated ridge, which would be highly prominent from surrounding urban and rural areas.

Would consider that only 1/3 of the total 5ha is within an acceptable location, which does not have significantly adverse landscape implications and 1/3 of this is very steep which would lead to land consumptive and costly infrastructure. Does not see how 70 units could be accommodated unless high density is proposed on the lower section of the site, which would be uncharacteristic of the fringe of an urban area. Suggests number of houses proposed on the site is revisited.

Ross Gardiner (00757/1/002): Does not accept need or desirability of the amount of houses to be built in Pitlochry. The site is an area of agricultural ground which rises above the road connecting Pitlochry and Moulin and is important to the landscape and character of Pitlochry. The development of the site for housing, particularly any sort of dense, unsympathetic development, covering most of the site, would impact unacceptably on Pitlochry’s landscape and character. Object to the number of units proposed. Concern regarding likely route access can cope safely with the additional

traffic that would result.

Pitlochry Civic Trust (10318/1/004): H39 is an acceptable site for housing development. The proposal for 90 houses is too high. 60 homes, as proposed in the Main Issues Report, should remain the maximum. The site is considered to be conspicuous as it is seen from a distance as visitors approach Pitlochry from the south east, along A9, is close to West Moulin Road (A924) and views from north west, the golf course and Craigower Walk. Care has to be taken regarding house styles, heights of buildings and roof lines especially on the crest of the hill. Modest terraced housing might provide the required density but not high density flatted dwellings.

A & J Stephen (Builders) Ltd (03068/6/001): The Local Development Plan must comply with the terms of Circular 1/2010 (Core_Doc_097). Any requirements must be fairly and reasonably related to the development. It is acceptable to require links within the site. Thereafter the Council cannot require connections out with the control of the landowner to the existing core path network and the High School.

Forestry Commission Scotland (08988/1/014): The area of woodland identified on the east side of the site has been felled under a conditional felling licence approved under the Forestry Act 1967 (Core_Doc_196). This places a burden on landowner to replant this site or an alternative area of land of at least the same size, suitable for trees within the estate boundary. It would be good to see an increase in woodland infrastructure and networks as part of the overall landscape plan for the site. Close liaison with the Forestry Commission should be maintained with regards to the conditional felling licence. Tree planting on site should not be seen as a condition of planning until confirmation from the Forestry Commission for Scotland that the condition of the Felling Licence has been met.

Philip Forsyth (00524/1/002): Range of house sizes (2, 3 and 4 bedrooms) and mixed tenure (social and private) should be provided. The steep gradient and narrow roads may cause difficulties. Adequate pedestrian and cycle routes to the school needed. Concerns regarding ability of water supply and sewage treatment plant to cope.

Pitlochry & Moulin Community Council (00838/1/002): The site requirements should include reference to screening within the site, particularly with adjacent neighbours and indicate that no development on the ridgeline will take place at the north west of the site. This is needed to minimise impact on wider views across the site.

Scottish Environment Protection Agency (00947/1/025): The mitigation measures in Appendix C of SEA Addendum No.2 (Core_Doc_089) refer to the need for a Flood Risk Assessment (FRA) to be undertaken to inform the development of this site but it has not been included in the developer requirements in the Proposed Plan for site H38: Middleton of Fonab.

Robert Williamson (00583/1/001): The area shown as green on the Plan only occupies half of the width of the recently-felled commercial woodland. Would provide a reasonably wide open green space connecting the present recreational park to the south and the open field to the north which remains outwith the settlement boundary which is supported. The number of houses should be less than the 90 houses currently proposed; it is felt this is too many.

A & J Stephen (Builders) Ltd (03068/14/001): Welcome identification of H39 however technical work undertaken makes it apparent that given the topography of the site it is necessary to extend the northern boundary to accommodate the Councils Road

Standards regarding maximum gradients. Physically impossible to meet standards within current boundary due to existing topography. Small extension would accommodate access road with no increase in housing numbers.

Barry Simpson (00179/1/001): Support for the Plan.

Pitlochry New Sites

Charles Hodge (00752/1/003): Land around Auchnahyle Farm (Site B in the Main Issues Report Map 23 (S4_Doc_022)) would accommodate a maximum of 50 units, would be well screened land in sustainable area, could resolve access constraints through land to the south east of Balnadrum Farm (693 MIR site assessments (S4_Doc_022)) and would still offer generous allowance for open space, conservation and infrastructure.

Pitlochry Civic Trust (10318/1/005): Land around Auchnahyle Farm (Site B in the Main Issues Report Map 23 (S4_Doc_022)) would accommodate the additional 30 units required if H39 was reduced from 90 to 30 units. The site is ideal as it is largely hidden from view.

Pitlochry Civic Trust (10318/1/002): To find more employment land in Highland Perthshire Pitlochry Civic Trust suggests business use at Auchnahyle steading which would provide mixed use development (houses with workshops). The site is secluded and would propose access to commercial/industrial development along southern boundary might be off Atholl Palace Drive. The allotments on the north end of site may not be suitable for building on (S4_Doc_022).

Charles Hodge (00752/1/004): Land to south west of Duff Avenue (694 MIR site assessments (S4_Doc_022)) with the originally proposed site boundary amended to address scale and coalescence concerns, is immediately deliverable with no significant infrastructure or engineering concerns, would deliver a housing requirement in the short term, access has been specifically reserved via Duff Avenue and there are service connections available.

Helen & Xander McDade (09502/1/001): Proposed Plan for Pitlochry only identifies existing employment land and provides no new areas. Further employment use close to the town centre should be identified and propose the re-allocation of some of the area currently proposed for housing to light business e.g. office use and the introduction of mixed use where appropriate. Residential sites should provide a range of housing types to encourage a more mixed population. Tourism is the major economic driver due to an attractive town centre which is considered one of the best preserved, coherent Victorian town centres in Scotland therefore Conservation Area status should be completely retained. The Plan makes no reference in paragraph 6.4 to non-tourism business. Increased resilience in local economy cannot be gained through over dependence on one particular sector. Whilst tourism is critical other business should be prioritised in the town. Current public transport is inadequate and expensive which increases reliance on cars; therefore better parking facilities are required. Improved public transport and local employment will help achieve a reduction in gas emissions. Without these improvements the number of new households envisaged will be excessive.

Modifications sought by those submitting representations:

General

Dr Margaret Crombie (00287/1/002); Mr & Mrs Ian Rawson (00222/1/001); A M Crombie (00289/1/002); Mr & Mrs W Bright (00502/1/001); Mr & Mrs John Michie (09732/1/001):

Modify the settlement boundary to exclude land to the north of Manse Road, Moulin (S4_Doc_649).

Pitlochry & Moulin Community Council (00838/1/003): Strict development standards to be applied to the site to the north of Manse Road to protect visual amenity and integrity of Moulin village.

A M Crombie (00289/1/001): Modify the settlement boundary to coincide with the southern boundaries of numbers 17 and 18 Duff Avenue (S4_Doc_022).

Pitlochry Civic Trust (10318/1/001): Proposals map should be amended to show open space at: primary school play area, Delta Park, The Cuilc and Bobbin Mill Wood/Hospital area (S4_Doc_022).

Pitlochry H38

Philip Forsyth (00524/1/001): Modify Site Specific Developer Requirements to include the provision of adequate visual and sound reduction screening.

Jennifer Stark (00623/1/001): Modify Site Specific Developer Requirements to identify the widening of the junction at Bridge Road/A924 with the provision of a mini roundabout and traffic lights. Identify the access to site be taken on the corner of Bridge Road/Foss Road.

Charles Hodge (00752/1/001): Reduce the identified number of dwellings.

Pitlochry & Moulin Community Council (00838/1/001): Modify the site boundary to make provision for the duelling of the A9. Identify a clear requirement for improved site access and junction improvements on the wider road network.

A & J Stephen (Builders) Ltd (03068/7/001): Modify the Site Specific Developer Requirements in the first bullet point delete 'to town centre'.

Scottish Natural Heritage (05211/24/014): Modify the Site Specific Developer Requirements to include: *'Noise attenuation measures are required adjacent to the A9. These should be appropriate to the location and should not obscure views to Pitlochry or Ben Vrackie.'*

Scottish Environment Protection Agency (03194/38/001): Modify the Site Specific Developer Requirements to include the need for a Flood Risk Assessment. Recommend that the requirement should specify that no built development should take place on the functional flood plain or within an area of known flood risk.

Barry Simpson (00179/1/002): Modify the Site Specific Developer Requirements to include the need for a Flood Risk Assessment.

Pitlochry H39

Dr Margaret Crombie (00287/1/003); Alan Crombie (00288/2/001); Mr & Mrs R Gardiner (10280/1/002): Remove site from plan.

Charles Hodge (00752/1/002): Remove the site from the Plan or reduce the identified number of dwellings.

Ross Gardiner (00757/1/002): Remove the site from the Plan or reduce the identified number of dwellings. Modify the Site Specific Developer Requirements to include the

need to address the problem of Japanese Knotweed near the Moulin Burn.

Pitlochry Civic Trust (10318/1/004): Reduce number of identified dwellings from 90 to 60. The depth of biodiversity shown to the east should be increased to cover the area of recently felled trees.

A & J Stephen (Builders) Ltd (03068/6/001): Modify the Site Specific Developer Requirements in the fifth bullet point delete *'Paths within the site linking to core path network and provide a largely off-road route to the High School.'*

Forestry Commission Scotland (08988/1/014): Modify the Site Specific Developer Requirements to identify that the developer of this site must confirm in writing that the burden of the Felling Licence has been removed. The proposed landscaping of the site and green networks must take into account and incorporate existing features on and off site and provide for habitat and access links. Advance planting of the site to establish the networks should be considered.

Philip Forsyth (00524/1/002): Modify the Site Specific Developer Requirements to require a range of houses size and tenure and pedestrian and cycle routes to connect to school.

Pitlochry & Moulin Community Council (00838/1/002): Modify the Site Specific Developer Requirements to include reference to screening within the site and particularly with adjacent neighbours and indicate that no development on ridgeline will take place at the north west of the site

Scottish Environment Protection Agency (00947/1/025): Modify the Site Specific Developer Requirements to include the need for a Flood Risk Assessment.

A & J Stephen (Builders) Ltd (03068/14/001): Modify the northern boundary of the site to reflect the submitted plan.

Robert Williamson (00583/1/001): Reduce the number of identified dwellings and increase the width of the landscaping adjacent to the Moulin Burn.

Pitlochry New Sites

Charles Hodge (00752/1/003); Pitlochry Civic Trust (10318/1/005): Designate site at Auchnahyle (S4_Doc_022) for residential development.

Pitlochry Civic Trust (10318/1/002): Designate Auchnahyle (S4_Doc_022) steading for employment use.

Charles Hodge (00752/1/004): Designate land south west of Duff Avenue, Moulin (S4_Doc_022) for residential development.

Helen & Xander McDade (09502/1/001): Identify adequate supply of employment land in Pitlochry through re-allocation of some the area of housing to light business to create mixed use areas. Conservation Area to be retained.

Identify varied housing needs for new housing sites. Encourage improved public transport. Improve parking facilities.

Summary of responses (including reasons) by planning authority:General Issues

Dr Margaret Crombie (00287/1/002); Mr & Mrs Ian Rawson (00222/1/001); A M Crombie (00289/1/002); Mr & Mrs W Bright (00502/1/001); Mr & Mrs John Michie (09732/1/001): The inclusion of this land within the settlement boundary provides an opportunity for development which would be subject to Conservation Area Policy HE3A (S4_Doc_508) to protect the area against undesirable development. This opportunity seeks to contribute to small scale development within Highland Perthshire in line with the TAYplan Spatial Strategy (Core_Doc_099).

No modification is proposed to the Plan.

Pitlochry & Moulin Community Council (00838/1/003): The standards requested are covered in Conservation Areas Policy HE3A (S4_Doc_508) which indicates that there is a presumption in favour of development if it preserves or enhances the character or appearance of the designation. The design, materials, scale and siting of new development within a conservation area and development out with an area that will impact upon its special qualities should be appropriate to its appearance, character or setting.

No modification is proposed to the Plan.

A M Crombie (00289/1/001): The settlement boundary as drawn to the south of Duff Avenue is the result of a drafting error.

If the Reporter is minded the Council would agree to a technical amendment to the settlement boundary to follow the southern boundaries of numbers 17 and 18 Duff Avenue.

Pitlochry Civic Trust (10318/1/001): Policy CF1A: Existing Areas (S4_Doc_414) seeks to retain existing areas of open space including sports pitches and parks. The proposals map shows some of those areas which are covered by this Policy. Policy RD1: Residential Areas (S4_Doc_405) identifies that residential amenity will be protected and, where possible, improved.

If the Reporter was so minded the Council would not oppose the identification of the various areas of open space as indicated within the representation and their inclusion in the Plan.

Pitlochry H38

Philip Forsyth (00524/1/001): The Site Specific Developer Requirements indicate that there should be '*Noise attenuation measures adjacent to the A9*' and that a '*Landscape Framework*' would be required for the development. It is considered that these existing requirements adequately respond to the suggested modification.

No modification is proposed to the Plan.

Jennifer Stark (00623/1/001): Policy TA1A Transport Standards and Accessibility Requirements (S4_Doc_387) makes provision for new development proposals. The access to the site and associated improvements would be detailed within a planning application. The Council would only require improvements to the wider road network if it was considered that the development would have a significant impact.

No modification is proposed to the Plan.

Charles Hodge (00752/1/001): The designation of this site is considered to meet the Spatial Strategy of the TAYplan (Core_Doc_099) which requires development to be concentrated within tiered settlements. Pitlochry is identified as a tier 3 settlement and provides an opportunity to provide a significant contribution to housing provision within the overall Local Development Plan area. The density indicated within the Plan should be considered as the maximum amount of units that could be accommodated within the site based on a medium density range of 20 units per hectare as set out in the Main Issues Report (Figure 14 page 39) (S4_Doc_224). Policy PM1 Placemaking (S4_Doc_396) seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment and sets out a number of criteria that proposals should meet including creating a sense of identity, site topography and surrounding landmarks, views or skylines, design of proposals and respect and consideration of existing development. It is recognised that there are iconic views towards Pitlochry from the south. The Developer Requirements have identified the need for a '*Landscape Framework*' to help inform how the views within and towards the site can be protected and enhanced as part of an application.

No modification is proposed to the Plan.

Pitlochry & Moulin Community Council (00838/1/001): Transport Scotland has been consulted on the Plan and raised no comments or objections indicating that the site would be affected by the works proposed for the A9. Policy TA1A Transport Standards and Accessibility Requirements (S4_Doc_387) provides provision for new development proposals. The access to the site and associated improvements would be detailed within a planning application.

No modification is proposed to the Plan.

A & J Stephen (Builders) Ltd (03068/7/001): The Site Specific Developer Requirements is not identifying the provision of a new path network but is identifying that enhanced links to the town centre should be made. These enhancements could be identified through Perth & Kinross Council Core Paths Plan (Core_Doc_023) or on other Council maintained networks and, where appropriate, new development may be required to support their provision to create improved connections with the town centre.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/24/014): The Council does not agree with the proposed modification although the provision of noise attenuation measures at this site may have an impact on the views from the A9. The site sits at a lower level than the road edge and any mitigation measures would only occupy a short length of the road edge having little impact to the overall views of Pitlochry or Ben Vrackie when travelling on the A9.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/38/001); Barry Simpson (00179/1/002): This site is not within the identified flood risk area but due to the topography and proximity to an identified area of flood risk the proposed modification is considered acceptable. This ensures no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter was so minded the Council would have no objection to the proposed modification to the Site Specific Developer Requirements requiring a Flood Risk Assessment.

Pitlochry H39

Dr Margaret Crombie (00287/1/003); Alan Crombie (00288/2/001); Mr & Mrs R Gardiner (10280/1/002); Charles Hodge (00752/1/002); Ross Gardiner (00757/1/002); Pitlochry Civic Trust (10318/1/004): The designation of this site is considered to meet the Spatial Strategy of the TAYplan Policy 1 (S4_Doc_067) which requires development to be concentrated within tiered settlements within the area. Pitlochry is identified as a tier 3 settlement and provides an opportunity to offer a significant contribution to housing provision within the overall Local Development Plan area. There is little brownfield land available within the settlement to support this further growth. The density indicated within the Plan should be considered as the maximum amount of units that could be accommodated within the site based on a medium density range of 20 units per hectare as set out in the Main Issues Report (Figure 14 page 39) (S4_Doc_224). The original figure in the Main Issues Report was 70 units. In order to allow flexibility on the number of units coming forward and subject to a suitable layout and consideration of topographic and nature conservation constraints this has been increased to 90 units. Policy PM1: Placemaking (S4_Doc_396) seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment. It sets out a number of criteria that proposals should meet including creating a sense of identity, site topography and surrounding landmarks, views or skylines, design of proposals and respect and consideration of existing development. Policy NE3: Biodiversity (S4_Doc_406) will be considered through any planning application and will allow for mitigation to be required in relation to Japanese Knotweed. The Developer Requirements indicate the developer must provide a '*Landscaping Framework*' as part of their proposal and enhance the biodiversity of the site. Both these provisions presume to cover issues such as existing habitats, green networks and advance planting to provide a framework as well as establishing new networks within the site.

No modification is proposed to the Plan.

A & J Stephen (Builders) Ltd (03068/6/001): The Council accepts the issues that have been raised. The Developer Requirement indicated has been mis-read indicating that the developer would be required to make a contribution to the core path network. The developer requirement seeks to link the path network within the site to the path network outwith the site to enable linkages to an off road route, in particular to the school. This requirement is not considered unreasonable to ensure that the pedestrian network makes linkages to the existing surrounding path network.

If the Reporter was so minded to provide further clarification the following change to the wording is proposed to provide clarity from '*Paths within the site linking to the core path network and provide a largely off-road route to the High School*' to '*Paths within the site should link to the existing core path network to further enable a largely off-road route to the High School*'.

Forestry Commission Scotland (08988/1/014): The Developer Requirements indicate the developer must provide a '*Landscaping Framework*' as part of their proposal and enhance the biodiversity of the site. Both these provisions presume to cover issues such as existing habitats, green networks and advance planting to provide a framework as well as establishing new networks within the site. The issue raised with regards to the Felling Licence would be more appropriate as a condition within a planning application rather

than a provision of the Local Development Plan.

No modification is proposed to the Plan

Philip Forsyth (00524/1/002): Policy PM1 Placemaking (S4_Doc_396) defines the criteria which should be followed through any proposed development. The provision of a range of house types, sizes and tenure as well as the provision of improved linkages is a core principle of place making.

No modification is proposed to the Plan.

Pitlochry & Moulin Community Council (00838/1/002): The Developer Requirements indicate that a '*Landscape Framework*' should be provided as part of the proposal which would consider screening within the site and adjacent properties. Policy PM1B Placemaking (S4_Doc_396) indicates in provision (b) that proposals should consider and respect site topography and any surrounding important landmarks, views or skylines which would address concerns regarding development on the ridgeline of the site.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (00947/1/025): This site is not within the identified flood risk area but due to the topography and proximity to an identified area of flood risk the proposed modification is considered acceptable. This ensures no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter was so minded the Council would have no objection to the proposed modification to the Site Specific Developer Requirements requiring a Flood Risk Assessment.

A &J Stephen (Builders) Ltd (03068/14/001): The Council wishes to retain the physical separation of Moulin and Pitlochry in order to respect their individual identities and characteristics and is therefore reluctant to see any further encroachment by development on the land between them. The proposed modification is not considered justified on the grounds of facilitating a new road and would hold no safeguards that it would not be promoted for further development. The planning application process will consider if additional land is required for the road if this is demonstrated as a necessary requirement.

No modification is proposed to the Plan.

Robert Williamson (00583/1/001): The green wedge identified indicates a requirement to retain an area of open space along the Moulin Burn. The Developer Requirements indicate the need for '*Landscape Framework*' and '*Enhancement of Biodiversity*' therefore the size of this green wedge would be as a result of the provision of a Landscape Framework and assessment to ensure the protection and enhancement of the local biodiversity within this site.

No modification is proposed to the Plan.

Pitlochry New Sites

Charles Hodge (00752/1/003); Pitlochry Civic Trust (10318/1/005 & 10318/1/002): The site has infrastructure constraints in terms of access into the site. Mr Charles Hodge (00752/1/003) has suggested that access could be provided from the north through land

at Balnadrum (S4_Doc_022). At the Main Issues Report stage SEPA had objected on the grounds that further investigation would be required to show how much of the site is available for development and that a Flood Risk Assessment would be required (MIR response (S4_Doc_656). The site is adjacent to an Ancient Woodland designation and therefore protection and enhancement measures would be needed such as a buffer strip and access management. The Council recognises that the site would have to overcome various constraints before being identified as effective land supply. The site however could be identified as appropriate for some development subject to overcoming the access constraints and any issues of viability in the long term but is unlikely to be delivered in the lifetime of this Local Development Plan.

The Council's preferred position is that no modification is made to the Plan but if the Reporter was minded to include the site the Council would suggest that further investigation would be required in terms of access constraints and the issues as mentioned by SEPA and Scottish Natural Heritage.

Charles Hodge (00752/1/004): The Council wishes to retain the physical separation of Moulin and Pitlochry in order to respect their individual identities and characteristics and is therefore reluctant to see any further encroachment by development on the land between them. Development on this site would further reduce this separation. In addition to the request by A&J Stephen (Builders) Ltd (03068/14/001) to extend site H39 within this area further raises these concerns.

No modification is proposed to the Plan.

Helen & Xander McDade (09502/1/001): The Spatial Strategy of the TAYplan (Core_Doc_099) requires development to be concentrated within tiered settlements within the area. Pitlochry is identified as a tier 3 settlement and whilst it would be desirable to be able to designate employment land the settlement is constrained in terms of topography, flooding, and national protective designations. The TAYplan (Core_Doc_099) sets requirements for a house build of 80 units per year therefore it was considered that the housing allocation should be concentrated within Pitlochry and Aberfeldy. In terms of employment land the tiered settlements of Aberfeldy and Birnam/Dunkeld provided sites that would meet employment land requirements. As set out on Page 151 of the Plan, the 5 year land supply for Highland Perthshire is a minimum of 5 hectares. Collectively the employment sites in Aberfeldy and Dunkeld provide 8.9 hectares which far exceeds this requirement (it also doesn't include employment opportunities which are identified in smaller settlements within the area). The Plan designates the existing employment areas within the town and therefore under Policy ED1: Employment and Mixed Use Areas, these areas are to be retained as such. The designation of the Pitlochry town centre as identified under Policy RC1: Town and Neighbourhood Centres encourages uses within Class 1 (retail) and Class 2&3 (building societies, estate agents, restaurants and cafes etc) of the Town and Country Planning (Use Classes)(Scotland) Order 1997 (Core_Doc_018) therefore helping to retain these uses within the town centre.

No modification is proposed to the Plan.

Reporter's conclusions:

Settlement boundary at Manse Road, Moulin

1. Land between Manse Road and the A924 at Moulin has been included within the

settlement boundary to provide an opportunity for housing development, which would contribute to small-scale development within Highland Perthshire in accordance with the TAYplan Spatial Strategy. The land comprises open fields within the Moulin Conservation Area boundary and any development would be subject to policy HE3A, which (in the modified form that is recommended under Issue 12) requires development to preserve or enhance the character or appearance of conservation areas.

2. In relation to the objections received to the inclusion of this area within the settlement boundary, the fields to the north of Manse Road form an important component of the setting of Moulin, particularly when viewed from the A924 approaching from the north-east. The inclusion of this area within the conservation area suggests it has a value as open space for the setting of the conservation area. Any development on this land would be unduly prominent and, notwithstanding the additional controls imposed by its location within the conservation area, it is considered that any development would be detrimental to the landscape setting and character of the conservation area. Inclusion of the land within the settlement boundary, which would provide a presumption in favour of development, would not, therefore, be desirable. Although a housing development on this land could make a small contribution to the housing requirement, any such contribution would not outweigh the adverse impact of the development on the Moulin Conservation Area.

Settlement boundary at Duff Avenue, Moulin

3. The settlement boundary shown on the Pitlochry Settlement Map does not properly reflect the southern boundary of 17 and 18 Duff Avenue. This is a drafting error and requires a technical amendment. In relation to the request that consideration be given to the allocation of land to the south-west of Duff Avenue for housing development, development on this site would reduce the physical and visual separation of Moulin and Pitlochry. This open area acts as a positive element in retaining the character and separate identity of Moulin and it is considered that any encroachment into this area should be resisted.

Open space designations

4. In relation to the request that open space at the primary school, Delta Park, The Cuilc and in the Bobbin Mill Wood/Hospital area be identified on the Pitlochry Settlement Map, the council confirms that policy CF1A seeks to retain existing areas of open space, including sports pitches and parks, identified in the Proposed Plan. A number of areas of open space are shown on the Pitlochry Settlement Map and the council does not oppose the addition of the areas of open space suggested by the respondent.

Housing sites - general

5. In relation to the principle of identifying sites H38 and H39 for housing, additional allocations for 550 housing units are required in Highland Perthshire. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan concentrates the majority of the housing development in Pitlochry and Aberfeldy, two of the three principal settlements in Highland Perthshire. No housing designations have been made in Dunkeld/Birnam because of potential flooding, topographical and natural heritage constraints (see Issue 28b). Two sites with a maximum capacity of 300 houses are identified in Aberfeldy (see Issue 28a). There is a need, therefore, to designate substantial housing land in Pitlochry in order for the Proposed Plan to comply with the TAYplan Spatial Strategy. As will be seen below, the owner of the only other site

considered in the Main Issues Report, at Auchnahyle Farm, does not wish to pursue its development for housing at this time. The scope for housing in Pitlochry is therefore limited to two sites with a maximum capacity of 160 houses.

Housing site H38

6. Respondents refer to a number of issues relating to the development of this site: the provision of adequate visual and noise reduction screening between the site and the A9; the access to the site; the effect of any dualling of the A9 on the site; the provision of footpath links to Pitlochry; and the potential flood risk from a watercourse along the eastern boundary of the site. In response, the council draws attention to the site-specific developer requirements, which include noise attenuation measures adjacent to the A9 and the requirement for a landscape framework. These requirements should ensure the implementation of appropriate noise attenuation measures and visual screening along the boundary with the A9. Although these measures may have an impact on views over the site from the A9, any mitigation measures would only occupy a short length of the road edge and would have little impact on the overall views of Pitlochry or Ben Vrackie from the A9.

7. In relation to the concerns about access to the site, policy TA1B requires development proposals to make provision for improvements to the wider road network should it be found to be necessary. Transport Scotland has raised no concerns regarding the effect of the works proposed for the A9 on the site. In relation to the provision of footpath links to Pitlochry, policy TA1B provides for on-site and/or off site works, through developer contributions where appropriate, towards improvements and enhancements to the walking/cycling network. In relation to flood risk, the site is not within a flood risk area but, in view of the representation from the Scottish Environment Protection Agency (SEPA), it would be prudent to require a flood risk assessment to be undertaken prior to the submission of any planning application.

Housing site H39

8. A number of respondents voice concern about the impact of the development of this site on the character of the surrounding area. Concerns are also expressed regarding the adequacy of the road access to the site and the number of dwellings proposed.

9. There is no doubt that any development on this sloping and elevated site would be highly prominent. The site is conspicuous in views from a number of locations. The layout, siting, design and materials used in any development is therefore of paramount importance and Policy PM1 places great stress on development contributing positively to the quality of the surrounding built and natural environment. Policy PM1B sets out a number of criteria which, if met, should ensure that the development of the site respects the character of the surrounding area.

10. The number of dwellings proposed for the site (90 units) has been increased from that set out in the Main Issues Report (70 units). The number of dwellings is based on a medium density range of 20 units per hectare, which should be considered as the maximum amount of units that can be accommodated. The actual figure will depend on the production of a suitable layout for the site that takes account of topographical and nature conservation constraints. In this respect, the developer requirements require the provision of a landscape framework and enhancement of the biodiversity of the site, which would include the conservation of existing habitats, the provision of green networks and advance planting. The landscape framework would consider the provision of open

space along the Moulin Burn and screening within the site and of adjacent properties. The site is not within an identified flood risk area.

11. In relation to the requirement for footpath links, the council has clarified that the site-specific developer requirement refers to the linking of paths within the site to the path network outwith the site to enable linkages to an off-road route, in particular to the High School. The council is not seeking a contribution to the core path network.

12. In relation to the request that the site be extended along the northern boundary in order to accommodate the access to the site, the planning authority is reluctant to see any further encroachment into the area between Pitlochry and Moulin. The respondent indicates that it is physically impossible to provide an access which meets the council's roads standards on maximum gradients within the boundary shown on the Pitlochry Settlement Map due to the topography of the site. A small extension is therefore requested, with no increase in house numbers. The council suggests that the need for any additional land outwith the site boundary for the provision of access would be considered at the planning application stage.

13. The respondent refers to the additional land required as a small extension but the area of additional land shown on the plan attached to representation 03068/14/1 appears more extensive and would constitute a significant encroachment into the open area between Pitlochry and Moulin. As indicated above, this open area acts as a positive element in retaining the character and separate identity of Moulin and any significant encroachment into this area should be resisted. It is considered, therefore, that it would not be appropriate to extend site H39 as shown on the plan attached to representation 03068/14/1. The detailed layout of the site, including the provision of the main access road, are matters for consideration at the planning application stage and it would be for the council at that stage to determine whether a minor alteration to the allocated site to accommodate the road access was justified.

Pitlochry - New Site at Auchnahyle Farm (Site B in the MIR)

14. In relation to the request that consideration be given to the designation of land at Auchnahyle Farm (MIR site B) for a maximum of 50 housing units, whilst there is support for this site as an alternative to site H39, there are severe access constraints which could only be overcome by the inclusion of additional land at Balnadrum to the north-west. In any event, the current landowner of the site does not wish to pursue its development for housing at this time. Consequently, it is unlikely that any housing could be delivered on this site during the lifetime of the Proposed Plan and, therefore, it would not be appropriate to consider its inclusion in the Proposed Plan as a housing site.

Pitlochry – overall strategy for development

15. The representation received on the spatial strategy as it relates to Pitlochry and the approach in the Proposed Plan to housing and economic development, sustainable development, infrastructure, travel and transport, comprises general comments to be considered. It provides support for mixed business uses, the retention of the conservation area, the improvement of car parking facilities and improved public transport.

16. In response, the council explains that Pitlochry, together with Aberfeldy and Dunkeld/Birnam, is a Tier 3 settlement in TAYplan. Tier 3 settlements have the potential to play an important but modest role in the regional economy and accommodate a small

share of the region's additional development. Housing allocations in Highland Perthshire are concentrated in Pitlochry and Aberfeldy. In terms of employment land, the employment sites in Aberfeldy and Dunkeld provide 8.9 hectares of land, which far exceeds the requirement. There are no additional areas of employment land in Pitlochry but Policy RC1 allows a mix of business uses in Pitlochry town centre. The conservation area based on the centre of Pitlochry is retained. A variety of policies in the Proposed Plan, such as Policies PM1 and TA1, are aimed at creating and maintaining sustainable communities and encouraging sustainable modes of transport. It is not considered that any specific changes are required to the Proposed Plan in response to the comments on the spatial strategy as it relates to Pitlochry.

Reporter's recommendations:

Settlement boundary at Manse Road, Moulin

1. Modify the settlement boundary on the Pitlochry Settlement Map to exclude the fields between Manse Road and the A924 and revert to the settlement boundary shown in adopted Highland Area Local Plan and Schedule 4 document 649.

Settlement boundary at Duff Avenue, Moulin

2. Modify the settlement boundary on the Pitlochry Settlement Map to properly reflect the southern boundary of 17 and 18 Duff Avenue.

Open space designations

3. On the Pitlochry Settlement Map, identify open spaces at the primary school, Delta Park, The Cuilc and in the Bobbin Mill Wood / Hospital area to which policy CF1 applies.

Housing site H38

4. Add "*Flood Risk Assessment*" to list of site-specific developer requirements.

Housing site H39

5. Replace site-specific developer requirement "*Paths within the site linking to core path network and provide a largely off-road route to the High School*" with "*Paths within the site should link to the existing core path network to further enable a largely off-road route to the High School*".

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.

Issue 29b		Highland Perthshire Area – West Settlements with Proposals	
Development plan reference:		6.13 – Fearnan, page 179-180 H41 - Fearnan North, page 179 6.17 – Kenmore, page 186-187 H42 - East of Kenmore Primary School, page 186 6.18 – Kinloch Rannoch, page 188-189 E15 - Kinloch Rannoch North, page 188 H43 - Innerhaddon Farm, Kinloch Rannoch, page 188	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):			
Kenmore & District Community Council (00035) George Wilson (00274) Fraser MacLean (00299) Patricia MacLean (00307) Alistair Halden (00308) Fearnan Village Association (00309) Alex Glynn (00310) Mairi Taylor (00311) Samantha Glynn (00312) D Glynn (00313) Ian Marshall (00314) J Wright (00347) Taymouth Estates Ltd (00369/6) FT Property Investments Ltd (00369/7) C McGregor (00380) Jeanette Hickman (00381) Mary Robb (00383) Patsy Penny (00384) Guy Hickman (00386) Peter McKenzie (00387) G M Carter (00388) Sheila Dunn (00412) Julia Lane (00492)		Graham Liney (00493) Jason Oliver (00494) Alan Paterson (00498) Alison Paterson (00499) Carole Sneddon (00500) Reigh Sneddon (00501) Mr & Mrs Brian Colclough (00518) John Baugh (00519) Elizabeth Baugh (00520) Scottish Natural Heritage (05211) Patricia Timto (00523) Christopher Rowley (00873) Culdess Ecovillage (00945) Fiona Ballantyne (00953) Neil Ballantyne (00954) Strutt and Parker (08651) Mains of Taymouth (09152) Glenlyon & Loch Tay Community Council (09450) A & J Stephen Ltd (09727) Peter Ely & Christine Sofflet (09958) Susan Gardener (09983) L Lane (10158) Dunalastair Estate (10315)	
Provision of the development plan to which the issue relates:		Landward settlements in the west of the Highland Housing Market Area with development proposals.	
Planning authority's summary of the representation(s):			
Fearnan Employment Site Alex Glynn (00310/1/002); Mairi Taylor (00311/1/002); Samantha Glynn (00312/1/002); D Glynn (00313/1/002); Glenlyon & Loch Tay Community Council (09450/1/002); Graham Liney (00493/1/003); Fraser MacLean (00299/1/002); Patricia MacLean (00307/1/002); Sheila Dunn (00412/1/003); Susan Gardener (09983/1/002); Alistair Halden (00308/1/002); Fearnan Village Association (00309/1/002); J Wright (00347/1/002); Jeanette Hickman (00381/1/002); Mary Robb (00383/1/003); Patsy Penny (00384/1/003);			

Guy Hickman (00386/1/003); Peter McKenzie (00387/1/003); Alan Paterson (00498/1/003); Alison Paterson (00499/1/003); Jason Oliver (00494/1/003); Elizabeth Baugh (00520/1/002); Fiona Ballantyne (00953/1/002); Neil Ballantyne (00954/1/002); L Lane (10158/1/002); Julia Lane (00492/1/003): Designation for employment raises concerns regarding noise and activities inappropriate to village. Should be identified for housing or agricultural use eliminating these concerns.

John Baugh (00519/1/002): Been out of use for some time for small business venture however would create traffic issues on Quarry Road if brought back in to use.

Christopher Rowley (00873/1/002): Any new development should be put on hold unless a way can be found to avoid putting further traffic on the Quarry Road.

Fearnan H41

Alex Glynn (00310/1/001); Mairi Taylor (00311/1/001); Glenlyon & Loch Tay Community Council (09450/1/001); Graham Liney (00493/1/001); Fraser MacLean (00299/1/001); Patricia MacLean (00307/1/001); Sheila Dunn (00412/1/001); Susan Gardener (09983/1/001); Alistair Halden (00308/1/001); Fearnan Village Association (00309/1/001); J Wright (00347/1/001); Jeanette Hickman (00381/1/001); Mary Robb (00383/1/001); Patsy Penny (00384/1/001); Guy Hickman (00386/1/001); Peter McKenzie (00387/1/001); Alan Paterson (00498/1/001); Alison Paterson (00499/1/001); Jason Oliver (00494/1/001); Fiona Ballantyne (00953/1/001); Neil Ballantyne (00954/1/001); L Lane (10158/1/001); Julia Lane (00492/1/001): Redraw the settlement boundary to exclude site H41 and retain current shape of the village. The site is inappropriate as it would use agricultural land expanding the village at the northern end and could open up the land for ribbon development in adjacent fields.

Samantha Glynn (00312/1/001); D Glynn (00313/1/001): Site H41 is inappropriate as it would use agricultural land expanding the village to the north and lead to ribbon development. No infrastructure support for the 20 units such as sewers and drainage. Flooding on site and road. Limited public transport reliance on private car to access doctors, dentists, shops, amenities etc. Would increase carbon dioxide emissions. Access on to single track road would be dangerous and often impassable in winter. A third of properties are already second homes.

Ian Marshall (00314/1/001): Replace H41 with Tomdarrach site (S4_Doc_023) which is currently unsightly vehicle scrap yard. Contentious issue in the village for some time.

C McGregor (00380/1/001): Object to site H41. Would alter settlement boundary and impact on the landscape.

G M Carter (00388/1/001): Considers Tomdarrach (S4_Doc_023) more appropriate site than H41 as would address current residential amenity issues at Tomdarrach.

A & J Stephen Limited (09727/2/001): Remove H41 from the plan as consider site to the west of Fearnan a logical expansion of the village.

Christopher Rowley (00873/1/003): This parcel of land should not be developed as it will increase the use of Quarry Road.

John Baugh (00519/1/001): Support for the Plan. Does not support Tomdarrach site as proposed by Fearnan Village Association on traffic grounds and possible contamination of site as currently used for storage of old vehicles.

Elizabeth Baugh (00520/1/001): Support for the Plan. H41 more suitable for shape of the village and easier to link into necessary services. Does not support use of Tomdarrach as proposed by Fearnan Village Association due to traffic issues.

Patricia Timto (00523/1/002): H41 is most suitable site for development. Opposed to Tomdarrach site as proposed by Fearnan Village Association due to Quarry Road is single lane with no passing places. No development off Quarry Road without costly road reconstruction.

Carole Sneddon (00500/1/001); Reigh Sneddon (00501/1/001): Support for the Plan. H41 is suitable site given location and access. Does not support use of Tomdarrach given traffic, noise and nuisance associated with housing or industry.

Fearnan New sites

Culdess Ecovillage (00945/1/003): Object to H41 which should be part of a larger eco-village scheme. Off grid eco-houses proposed to the west of H41. The representation has submitted further information setting out consultation that has taken place on the eco-village proposal and a masterplan.

Mairi Taylor (00311/1/003); Samantha Glynn (00312/1/003); D Glynn (00313/1/003); Glenlyon & Loch Tay Community Council (09450/1/003); Graham Liney (00493/1/002); Fraser MacLean (00299/1/003); Patricia MacLean (00307/1/003); Sheila Dunn (00412/1/002); Susan Gardener (09983/1/003); Alistair Halden (00308/1/003); Fearnan Village Association (00309/1/003); J Wright (00347/1/003); Jeanette Hickman (00381/1/003); Mary Robb (00383/1/002); Patsy Penny (00384/1/002); Alex Glynn (00310/1/003); Guy Hickman (00386/1/002); Peter McKenzie (00387/1/002); Jason Oliver (00494/1/002); Fiona Ballantyne (00953/1/003); Neil Ballantyne (00954/1/003); L Lane (10158/1/003); Julia Lane (00492/1/002); C McGregor (00380/1/002): Replace H41 with Tomdarrach site, Quarry Road (S4_Doc_023) for housing development. Currently unofficial vehicle scrap yard which is unsightly and not in keeping with the character of the village. Brownfield site. Would allow for housing development to meet requirements for future development whilst minimising visual impact.

G M Carter (00388/1/002): Considers Tomdarrach (S4_Doc_023) more appropriate site than H41 as would address current residential amenity issues at Tomdarrach. Issues regarding poor management of site at present would consider housing development more appropriate use.

Alan Paterson (00498/1/002); Alison Paterson (00499/1/002): Currently unofficial vehicle scrap yard (S4_Doc_023) which is unsightly and not in keeping with the character of the village. Brownfield site. Would allow for housing development to meet requirements for future development whilst minimising visual impact. Concern regarding whether the vehicle scrap yard would locate elsewhere and whether any powers to prevent this from happening. Increased traffic on Quarry Road would need to be considered.

A & J Stephen Limited (09727/2/002): Promoting a site on the west side of Fearnan (0.6hectares) (S4_Doc_023). Considers it to be the most logical residential opportunity for the extension of the village. Could provide mainstream (75% low density country homes) and affordable housing (25%) totalling approximately 35 units.

Kenmore

Mains of Taymouth (09152/1/001): Planning permission has been granted for a residential and leisure development 05/00878/FUL (S4_Doc_781) including an extension

of the existing golf course at Mains of Taymouth, which should be shown in the Plan. Particularly the site for housing at the western end of the site and the site for a quarry and landfill at the eastern end of the site.

Kenmore & District Community Council (00035/1/001): Important that land around the sports field (S4_Doc_024) is earmarked for recreation and amenities. To protect visual amenity the Conservation Area should be extended to Crannog on the south side and to Dalerb on north side.

Kenmore H42

Taymouth Estates Limited (00369/6/002): Agrees with general principle of H42 allocation within LDP. Seeks changes to wording of the Plan in terms of the expectation of site H42. Seeks an extension to H42 allocation such that a better urban form could be delivered and will ensure that there is sufficient flexibility in land supply and delivery.

Kenmore & District Community Council (00035/1/002): Concern about Kenmore surviving as a sustainable community. Current development within the village has reduced availability of housing for local people. The Community Council's view is that this site should be 100% affordable housing and in terms of structure and design be compatible with the school and the rest of Taymouth Drive.

Peter Ely (09958/1/001): Support if affordable housing to be suitable for families and targeted towards local needs. The structure and design be compatible with the school and Taymouth Drive. Would like to see a development like that recently built in Grandtully (S4_Doc_780) which is considered appropriate.

Kenmore New Sites

FT Property Investments LTD (00369/7/001): Taymouth Castle development creates an element of demand for residential development in the wider Breadalbane area that could be met within Kenmore if sufficient land is allocated.

Properties in and around Kenmore have been lost to the general housing market as individuals acquire properties as a second home/holiday home. Now a recognised lack of affordable housing within the area.

Additional housing opportunities are needed over and above those existing proposed allocations within the Proposed Plan. Development for a parcel of land to the west of the Primary School (S4_Doc_024) for staff accommodation under existing Planning Permission 03/02250/PPLB (S4_Doc_779).

FT Property Investments LTD (00369/7/002): Taymouth Castle development creates an element of demand for residential development in the wider Breadalbane area that could be met within Kenmore if sufficient land is allocated. Properties in and around Kenmore have been lost to the general housing market as individuals acquire properties as a second home/holiday home. Now a recognised lack of affordable housing within the area. Additional housing opportunities are needed over and above those existing proposed allocations within the Proposed Plan. Need to address the issue of imbalance within the settlement through allocation of new family housing including affordable housing (for sale or rent) as well as mainstream housing. Additional housing can make a significant positive impact on local communities through enabling existing families to stay in the area as well as new families and delivery of additional facilities and services. A further housing site at Kenmore South (S4_Doc_024) should be allocated within the Local Development Plan.

Kinloch Rannoch

Scottish Natural Heritage (05211/24/005): 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) SPP 2010 (Core_Doc_048). This should be reflected under paragraph 6.18.2.

Kinloch Rannoch E15

George Wilson (00274/1/001): A more appropriate site should be chosen such as the existing employment site. Concern about traffic issues and loss of good quality agricultural site. Kinloch Rannoch has restricted good quality agricultural land and the proposed location is on one of the prime sites with such quality land. Reducing it is considered a waste when other sites of poorer quality land exist.

Scottish Natural Heritage (05211/24/017): 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) SPP 2010 (Core_Doc_048). This should be reflected in the Site Specific Developer Requirements.

Kinloch Rannoch H43

Strutt & Parker (08651/1/001): Owners are no longer willing to make the site available during this Local Development Plan period.

Mr & Mrs Brian Colclough (00518/1/001): Would request that the site is moved further east as it affect residential amenity of adjacent property and reduce daylight.

Dunalastair Estate (10315/1/001): If this is to be an infill development its boundary should align with existing settlement boundary. Land develops slowly in the area so more than one allocation would not rely on one landowner or one development. Significant opposition to H43 at Main Issues Report stage.

Scottish Natural Heritage (05211/24/018): 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) SPP 2010 (Core_Doc_048). This should be reflected in the Site Specific Developer Requirements.

Kinloch Rannoch New Site

Dunalastair Estate (10315/1/002): The settlement boundary should be extended in the western part of the village. The principal reason for not selecting site in western part of the village is due to apparent 1:200 year flood risk (S4_Doc_773). The Scottish Environment Protection Agency indicative flood risk map does not take account of flood prevention measures such as the dam directly south of the area proposed. Would consider it to be more sensible to have more than one allocation to meet housing requirements within the village. The landowner has indicated willingness to undertake flood risk assessment.

Modifications sought by those submitting representations:Fearnan Employment Site

Alex Glynn (00310/1/002); Mairi Taylor (00311/1/002); Samantha Glynn (00312/1/002); D Glynn (00313/1/002); Glenlyon & Loch Tay Community Council (09450/1/002); Graham

Liney (00493/1/003); Fraser MacLean (00299/1/002); Patricia MacLean (00307/1/002); Sheila Dunn (00412/1/003); Susan Gardener (09983/1/002); Alistair Halden (00308/1/002); Fearnan Village Association (00309/1/002); J Wright (00347/1/002); Jeanette Hickman (00381/1/002); Mary Robb (00383/1/003); Patsy Penny (00384/1/003); Guy Hickman (00386/1/003); Peter McKenzie (00387/1/003); Alan Paterson (00498/1/003); Alison Paterson (00499/1/003); Jason Oliver (00494/1/003); Elizabeth Baugh (00520/1/002); Fiona Ballantyne (00953/1/002); Neil Ballantyne (00954/1/002); L Lane (10158/1/002); Julia Lane (00492/1/003): Remove employment designation on Quarry Road and re-classify site for housing or agricultural uses.

John Baugh (00519/1/002); Mr Christopher Rowley (00873/1/002): Require that new development should not increase traffic on Quarry Road.

H41: Fearnan North

Alex Glynn (00310/1/001); Mairi Taylor (00311/1/001); Glenlyon & Loch Tay Community Council (09450/1/001); Graham Liney (00493/1/001); Fraser MacLean (00299/1/001); Patricia MacLean (00307/1/001); Sheila Dunn (00412/1/001); Susan Gardener (09983/1/001); Alistair Halden (00308/1/001); Fearnan Village Association (00309/1/001); J Wright (00347/1/001); Jeanette Hickman (00381/1/001); Mary Robb (00383/1/001); Patsy Penny (00384/1/001); Guy Hickman (00386/1/001); Peter McKenzie (00387/1/001); Alan Paterson (00498/1/001); Alison Paterson (00499/1/001); Jason Oliver (00494/1/001); Fiona Ballantyne (00953/1/001); Neil Ballantyne (00954/1/001); L Lane (10158/1/001); Julia Lane (00492/1/001); Samantha Glynn (00312/1/001); D Glynn (00313/1/001); Ian Marshall (00314/1/001); C McGregor (00380/1/001); G M Carter (00380/1/001); A & J Stephen Limited (09727/2/001); Christopher Rowley (00873/1/003): Remove site from the Plan.

Fearnan New Sites

Culdees Ecovillage (00945/1/003); Designate new site for an eco-village to the north and west of Fearnan including land identified under H41.

Mairi Taylor (00311/1/003); Samantha Glynn (00312/1/003); D Glynn (00313/1/003); Glenlyon & Loch Tay Community Council (09450/1/003); Graham Liney (00493/1/002); Fraser MacLean (00299/1/003); Patricia MacLean (00307/1/003); Sheila Dunn (00412/1/002); Susan Gardener (09983/1/003); Alistair Halden (00308/1/003); Fearnan Village Association (00309/1/003); J Wright (00347/1/003); Jeanette Hickman (00381/1/003); Mary Robb (00383/1/002); Patsy Penny (00384/1/002); Alex Glynn (00310/1/003); Guy Hickman (00386/1/002); Peter McKenzie (00387/1/002); Jason Oliver (00494/1/002); Fiona Ballantyne (00953/1/003); Neil Ballantyne (00954/1/003); L Lane (10158/1/003); Julia Lane (00492/1/002); C McGregor (00380/1/002); G M Carter (00388/1/002); Alan Patterson (00498/1/002); Alison Paterson (00499/1/002): Designate Tomdarroch site on Quarry Road for housing development.

A & J Stephen Ltd (09727/2/002): Designate new site to the west of Fearnan for residential use.

Kenmore

Mains of Taymouth (09152/1/001): Amend the Plan to show a site for residential and leisure development at Mains of Taymouth.

Kenmore and District Community Council (00035/1/001): Identify a site for sports and amenities and extend the Conservation Area boundary.

Kenmore H42

Taymouth Estates Limited (00369/6/002): Modify the description of development for H42. Amend the site boundary. Modify reference H42 on Page 186 to read:

Ref	Location	Size	Number
H42	East of Primary School	1.6ha	30 houses, 25% affordable, remainder low cost and/or mid market housing

Site Specific Developer Requirements:

- Flood Risk Assessment
- Road access improvements to the satisfaction of the Council as Roads Authority
- Built form and layout should respond appropriately to the landscape and strengthen the character of Kenmore as a distinctive place.
- Enhancement of biodiversity and protection of habitats
- Design to incorporate existing trees

Kenmore 7 District Community Council (00035/1/002); Peter Ely (09958/1/001): Modify reference H42 on Page 186 to require 100% affordable housing.

Modify Site Specific Developer Requirements to include: '*Structure and design to be compatible with the school and the rest of Taymouth Drive.*'

Kenmore New Sites

FT Property Investments LTD (00369/7/001): Identify site for staff accommodation. Proposed entry within the LDP should read:

Ref	Location	Size	Number
	West of Primary School	0.6ha	10 houses

Site Specific Developer Requirements:

- Site to be developed in line with the approved layout/designs as set out in Planning permission 03/02250/PPLB unless otherwise agreed by PKC.

FT Property Investments LTD (00369/7/002): Identify site for residential and associated development at Kenmore South. Proposed entry within LDP should read:

Ref	Location	Size	Number
	Kenmore South	0.2ha	24 houses

Site Specific Developer Requirements:

- A minimum of 25% affordable housing is provided on the site
- At least 50% of the site is developed for lower/mid-market family housing for sale (and permanent residence)
- A masterplan will be required that confirms the range of enhanced local facilities that will be delivered (to include as a minimum visitor parking and relocated public toilets).
- Access to parking for the Sports Ground are included as part of the proposals.
- Additional visitor facilities (including picnic spaces, retail, public toilets) are included as part of the proposals.
- Options for enhancement of Kenmore Square are included in the overall scheme.

Kinloch Rannoch

Scottish Natural Heritage (05211/24/005): Insert under 6.18.2 spatial strategy considerations:

"Kinloch Rannoch is located at the east end of Loch Rannoch within the Loch Rannoch and Glen Lyon National Scenic Area"

Kinloch Rannoch E15

George Wilson (00274/1/001): Remove site from the Plan.

Scottish Natural Heritage (05211/24/017): Amend Developer Requirements to include: *'Built form and layout should respond appropriately to the landscape and strengthen the character of Kinloch Rannoch as a distinctive place'*.

Kinloch Rannoch H43

Strutt & Parker (08651/1/001): Remove site from the Plan.

Mr & Mrs Brian Colclough (00518/1/001): Move or enlarge site further east.

Dunalastair Estate (10315/1/001): Reduce area of H43.

Scottish Natural Heritage (05211/24/018): Amend Developer Requirements to include: *'Built form and layout should respond appropriately to the landscape and strengthen the character of Kinloch Rannoch as a distinctive place'*.

Kinloch Rannoch New Site

Dunalastair Estate (10315/1/002): Expand settlement boundary in the western part of the village, north of the river (see map submitted with representation).

Summary of responses (including reasons) by planning authority:Fearnan Employment Site

Alex Glynn (00310/1/002); Mairi Taylor (00311/1/002); Samantha Glynn (00312/1/002); D Glynn (00313/1/002); Glenlyon & Loch Tay Community Council (09450/1/002); Graham Liney (00493/1/003); Fraser MacLean (00299/1/002); Patricia MacLean (00307/1/002); Sheila Dunn (00412/1/003); Susan Gardener (09983/1/002); Alistair Halden (00308/1/002); Fearnan Village Association (00309/1/002); J Wright (00347/1/002); Jeanette Hickman (00381/1/002); Mary Robb (00383/1/003); Patsy Penny (00384/1/003); Guy Hickman (00386/1/003); Peter McKenzie (00387/1/003); Alan Paterson (00498/1/003); Alison Paterson (00499/1/003); Jason Oliver (00494/1/003); Elizabeth Baugh (00520/1/002); Fiona Ballantyne (00953/1/002); Neil Ballantyne (00954/1/002); L Lane (10158/1/002); Julia Lane (00492/1/003); John Baugh (00519/1/002); Christopher Rowley (00873/1/002): Whilst there have been no other uses on the site since the closure of the site it is the intention that this designation will encourage other employment uses on to the site. Policy ED1: Employment and Mixed Use areas (S4_Doc_483), part a) sets out criteria for future development which indicates that the use must be compatible with the surrounding land uses and therefore issues of noise and type of development would be considered for any future proposals. It is however acknowledged that with the narrow single track access to this part of the village and the extensive woodland coverage that this site is of limited value as employment land and the site may be considered as non effective.

Should the Reporter be so minded the Council would not object to removal the employment land designation but, would suggest that the site remains in the settlement boundary, thus allowing the consideration of any future planning application to be considered against Policy RD1: Residential Areas (S4_Doc_405).

Fearnan H41

Alex Glynn (00310/1/001); Mairi Taylor (00311/1/001); Glenlyon & Loch Tay Community Council (09450/1/001); Graham Liney (00493/1/001); Fraser MacLean (00299/1/001);

Patricia MacLean (00307/1/001); Sheila Dunn (00412/1/001); Susan Gardener (09983/1/001); Alistair Halden (00308/1/001); Fearnan Village Association (00309/1/001); J Wright (00347/1/001); Jeanette Hickman (00381/1/001); Mary Robb (00383/1/001); Patsy Penny (00384/1/001); Guy Hickman (00386/1/001); Peter McKenzie (00387/1/001); Alan Paterson (00498/1/001); Alison Paterson (00499/1/001); Jason Oliver (00494/1/001); Fiona Ballantyne (00953/1/001); Neil Ballantyne (00954/1/001); L Lane (10158/1/001); Julia Lane (00492/1/001); Samantha Glynn (00312/1/001); D Glynn (00313/1/001); Ian Marshall (00314/1/001); C McGregor (00380/1/001); G M Carter (00380/1/001); A & J Stephen Ltd (09727/2/001); Christopher Rowley (00873/1/003): The Council considers the site to be the most appropriate location for expansion of the village. The topography of the village is steep with the land rising to the north from Loch Tay, and plateauing at the top of the village to the north. Given the location of the site it cannot be seen from Loch Tay and therefore would not create a visual intrusion on the National Scenic Area. The site does have an open aspect from the north but this could be mitigated through creation of an appropriate landscape framework. This site is not constrained by flooding although it is acknowledged a flood risk assessment would be required as a small part of the site may be affected. The landowners have submitted a proposal for an eco village on a larger and alternative site which is dealt with below. It is, however, unclear whether this site would be released for development. Accordingly there is little evidence this site will be effective. The need for a new housing site in Fearnan has been reduced with the recent planning approval for 18 'residential' units at Tigh Na Loan (S4_Doc_774).

Should the Reporter be so minded the Council would not object to removal of this site from the Plan and the amendment to the settlement boundary to exclude this area, as this would have no implications for other aspects of the Plan.

Fearnan New sites

Culdess Ecovillage (00945/1/003): Further to the Representation made from the owner regarding the eco-village, more details on the masterplan and consultation carried out carried out by the representee have been received; and the Council would refer the Reporter to the appropriate supporting documents for consideration. There remains, however, insufficient information available to assess the impact of this proposal in such a sensitive area. Such types of development are unique and probably outwith the scope of the Local Development Plan to consider, and, as such, are best assessed as planning applications, supported by an Environmental Impact Assessment, against the wider development plan strategy.

No modification is proposed to the Plan.

Mairi Taylor (00311/1/003); Samantha Glynn (00312/1/003); D Glynn (00313/1/003); Glenlyon & Loch Tay Community Council (09450/1/003); Graham Liney (00493/1/002); Fraser MacLean (00299/1/003); Patricia MacLean (00307/1/003); Sheila Dunn (00412/1/002); Susan Gardener (09983/1/003); Alistair Halden (00308/1/003); Fearnan Village Association (00309/1/003); J Wright (00347/1/003); Jeanette Hickman (00381/1/003); Mary Robb (00383/1/002); Patsy Penny (00384/1/002); Alex Glynn (00310/1/003); Guy Hickman (00386/1/002); Peter McKenzie (00387/1/002); Jason Oliver (00494/1/002); Fiona Ballantyne (00953/1/003); Neil Ballantyne (00954/1/003); L Lane (10158/1/003); Julia Lane (00492/1/002); C McGregor (00380/1/002); G M Carter (00388/1/002); Alan Patterson (00498/1/002); Alison Paterson (00499/1/002): The site which has been proposed is within private ownership and whilst the community has raised issues with the untidy nature of the property the owner has not brought the site forward for development. In addition although this is a large area of land, the nature of

the single track access road is likely to severely curtail the development capacity of the site. For these reasons this site is not considered to be effective and it would be inappropriate to identify it as a housing proposal. Should the land be the subject of a planning application the relevant Local Development Plan policies will apply PM1: Placemaking (S4_Doc_396) and RD1: Residential Areas (S4_Doc_405) to ensure a suitable development which makes a positive contribution to the surrounding built and natural environment.

No modification is proposed to the Plan.

A & J Stephen Limited (09727/2/002): The site would be a significant extension to the western edge of the village. The visual impact of the site would raise concerns in terms of the River Tay National Scenic Area/Special Area of Conservation and the surrounding area which would be contrary to the relevant Local Development Plan policies including PM1: Placemaking (S4_Doc_396) and the Natural Environment Policy NE1: Environment and Conservation Policies (S4_Doc_389).

No modification is proposed to the Plan.

Should the Reporter be of a mind to recommend in favour of this Representation, given this sites proximity to Loch Tay (River Tay Special Area of Conservation) and the potential for likely significant effects on the qualifying interests of the Natura 2000 site as a result of development, a Habitats Regulation Appraisal, and possibly an Appropriate Assessment, would firstly require to be undertaken for it.

Kenmore

Mains of Taymouth (09152/1/001): It is unclear exactly what is sought by the objector but it is assumed they wish the entire landholding identified within the tourism designation. The Plan as it stands identifies the core area of the tourist business, predominantly caravan site, holiday accommodation and ancillary facilities, within the tourism designation. It is not considered necessary to identify the golf course and agricultural land within the same ownership in this designation. Perthshire has many golf courses in rural areas which are not identified specifically in the Plan.

No modification is proposed to the Plan.

Kenmore & District Community Council (00035/1/001): The sports field and adjacent recreational facilities are currently outwith the settlement boundary and the resultant policy framework would generally protect them from development. It is accepted that an alternative approach would be to encompass the recreation area with the settlement boundary and identify this area as open space covered by Policy CF1: Open Space Retention and Provision (S4_Doc_414).

If the Reporter is so minded the Council would not be opposed to the settlement boundary being amended and the recreational land being identified as open space under Policy CF1: Open Space Retention and Provision (S4_Doc_024), as this would not have implications for any other aspects of the Plan.

Kenmore H42

Taymouth Estates Limited 00369/6/002: The expectation referred to in the representation on the site at H42 as highlighted in the Spatial Strategy for Kenmore (6.17.2) is in response to the increased pressure for staff accommodation with the tourism development of Taymouth Castle and Mains of Taymouth. The 11-year waiting list

demonstrates the high demand in Kenmore for provision of local needs housing. It was considered that H42 provided an opportunity to develop not only affordable housing but help contribute to local housing needs as well as staff accommodation to benefit the Taymouth Castle development. The objectors sought an amendment to the type of housing from *'25% affordable, remainder low cost housing of staff accommodation'* into indicate *'25% affordable, remainder low cost and/or mid market rent'*.

If the Reporter is so minded, the Council would not be opposed to the addition of *'mid market rent'*, as this is a recognised tenure of affordable housing and would be acceptable within the site, but would suggest that *'staff accommodation'* is also appropriate.

The respondent has also sought an enlargement of the site and an increase in housing numbers from 20 to 30. The Council considers that the provision of a site for 20 houses in addition to the approved for staff accommodation site in planning application 03/02250/PPLB (S4_Doc_779) is sufficient development for a small settlement like Kenmore during the life of this Plan.

No modification is proposed to the Plan.

Kenmore & District Community Council (00035/1/002); Peter Ely (09958/1/001): The Council's Affordable Housing Supplementary Guidance sets out a requirement that 25% of a development should be for the provision of affordable housing, the preference being for on-site provision. In addition to the 25% affordable housing the requirement for site H42 is for the rest of the units to be for low cost housing or staff accommodation for the Taymouth Castle development. In practice the majority of affordable houses are let through the common housing register (Council and local housing associations) and go to local residents. The rules, however, prevent discrimination. This issue is related to housing policy rather than planning policy.

No modification is proposed to the Plan.

Kenmore New Sites

FT Property Investments LTD (00369/7/001): The site referred to in the representation has been approved for staff accommodation under planning application 03/02250/PPLB (S4_Doc_779). The principle of this development is established and it does not require to be reflected through the Plan. If the development is undertaken the settlement boundary can be looked at through the next review of the Plan.

Should the Reporter be so minded to accept the issue raised in this Representation the Council would suggest an amendment to the settlement boundary to include this development (S4_Doc_024).

FT Property Investments LTD (00369/7/002): The SEA process for the Plan (S4_Doc_775) and the statutory consultee responses on the MIR identified potential constraints associated with the development of MIR Site G at Kenmore (S4_Doc_776); these were in relation to:

- The sites location within the Taymouth Castle Garden and Designed Landscape, and
- Flood risk

It is accepted that with good design the potential for development of the site to change the character of the garden and designed landscape, and affect the setting of the Grade A listed castle, could be minimised.

Through the MIR stage the Scottish Environment Protection Agency objected to the site and through discussion provided photographic evidence of flooding on this site (S4_Doc_797). SPP paragraph 197 (S4_Doc_312) indicates '*Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted*'. Paragraph 203 (S4_Doc_326) indicates '*functional flood plains store and convey flood water during times of flood. These functions are important in the wider flood management system. For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year*'. In addition to the photographic evidence the Scottish Environment Protection Agency Indicative Flood Maps identify this site as being potential at risk of flooding. Whilst the respondent has submitted further information in support of the site (S4_Doc_777) this was not received until late November providing insufficient time to fully analyse it and remove the doubt with regard to the site's suitability for development. Through further discussions with the Scottish Environment Protection Agency they have confirmed that no specific discussions have been ongoing regarding this site and it is still considered at risk from flooding (S4_Doc_778).

No modification is proposed to the Plan.

Should the Reporter be of a mind to recommend in favour of this Representation, given the proximity of the site to Loch Tay (River Tay Special Area of Conservation) and the potential for likely significant effects on the qualifying interests of the Natura 2000 site as a result of development, a Habitats Regulation Appraisal, and possibly an Appropriate Assessment, would need to be undertaken for it.

Kinloch Rannoch

Scottish Natural Heritage (05211/24/005): Policy NE1B: National Designations (S4_Doc_389) is considered adequate to ensure that development does not adversely affect the National Scenic Area. In addition any development that comes forward within Kinloch Rannoch would be subject to Policy PM1: Placemaking (S4_Doc_396) and RD1: Residential Development (S4_Doc_405) which seeks to ensure that development responds appropriately to the surrounding built and natural environment. The additional wording is not therefore considered necessary.

No modification is proposed to the Plan.

Kinloch Rannoch E15

George Wilson (00274/1/001): In order to retain and encourage employment opportunities within Highland Perthshire sites that have an existing or previous use as employment have been retained for that purpose. The designation of this site seeks to encourage further employment opportunities and an expansion of an existing employment land within the area. Policy ED1: Employment and Mixed Use areas (S4_Doc_483), part a) sets out a criteria for future development which indicates that the use must be compatible with the surrounding landuses and therefore issues of noise and type of development would be considered for any future proposals.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/24/017): Policy NE1B: National Designations (S4_Doc_389) is considered adequate to ensure that development does not adversely affect the National Scenic Area. In addition any development that comes forward within Kinloch Rannoch would be subject to Policy PM1: Placemaking (S4_Doc_396) and RD1: Residential Development (S4_Doc_405) which seeks to ensure that development

responds appropriately to the surrounding built and natural environment. The additional wording is not therefore considered necessary.

No modification is proposed to the Plan.

Kinloch Rannoch H43

Strutt & Parker (08651/1/001); Mr & Mrs Brian Colclough (00518/1/001); Dunalastair Estate (10315/1/001); Scottish Natural Heritage (05211/24/018): The owner of site H43 has now indicated that they wish to withdraw the site for the development of housing. The Council acknowledges this position. However the site is still considered suitable for development but as this would create a constraint that would make the site ineffective the Council would have no issue if the site was removed from the Plan.

Should the Reporter be so minded the Council would not object to the deletion of site from the Plan but would suggest the retention of the settlement boundary without change. The Council would have no objection to this amendment which has no implications for other aspects of the Plan.

Kinloch Rannoch New Site

Dunalastair Estate (10315/1/002): The proposed site is within a 1:200 year flood plain. Paragraph 197 of the SPP (S4_Doc_312) indicates that *'development which would have a significant probability of being affected by flooding or increase the probability of flooding elsewhere should not be permitted'*. In addition TAYplan Policy 2a(i) (S4_Doc_066) indicates that there is a *'presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels'*. Policy EP2: New Development and Flooding (S4_Doc_407) reflects the policy approach of the SPP and TAYplan. The allocation of this site for development would be contrary to the relevant national, strategic and local flooding policies.

No modification is proposed to the Plan.

Reporter's conclusions:

Fearnan employment site

1. This site comprises a former quarry that has been out of use for some time and its designation as an employment site has aroused a considerable number of objections in relation to noise and disturbance, and to traffic generation on a narrow road. The council recognises these concerns and is content with the removal of the employment land designation. It is agreed that the site should be retained within the settlement boundary in order to control any potential future development of the site.

Fearnan site H41

2. The designation of this site for housing has also aroused a considerable number of objections. The site lies on a plateau at the northern end of the village with an open aspect to the north and west. A housing development on this site would bear little relation to the existing character and form of the settlement. Furthermore, according to the council, it is not clear whether this site is available for development.

3. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan concentrates the majority of the new housing development in the Principal Settlements of Highland Perthshire. Fearnan is a fairly remote rural settlement, located 10 miles south-

west of Aberfeldy, with few employment opportunities and the development of an additional 20 houses in this location would not be consistent with the Proposed Plan's vision for sustainable economic growth. It is considered that there is insufficient justification for the development of this housing site and for its designation for housing.

Fearnan - Culdross Ecovillage

4. This large proposal, located on an exposed site above Loch Tay, a Special Area of Conservation (SAC), and close to a National Scenic Area (NSA), would have a considerable visual impact on the character and appearance of the surrounding area. As stated by the council, there is insufficient information available, at this stage, to assess the impact of the proposal in such a sensitive area. It would be totally premature to consider including such a proposal in this Plan.

Fearnan - Tomdarroch site

5. A number of respondents have suggested that this site be designated for housing development as an alternative to site H41. It is currently a vehicle scrap yard. However, according to the council, the site is currently unavailable for housing development and there are also issues with regard to the generation of further traffic on Quarry Road, a single track access road. Accordingly, it would not be appropriate to designate this site for housing in the Proposed Plan. The site lies within the settlement boundary and there is potential for future housing development on the site subject to compliance with policies PM1 and RD1 to ensure any development makes a positive contribution to the surrounding built and natural environment.

Fearnan – new site

6. The site proposed on the western edge of Fearnan would have a considerable visual impact on the character and appearance of the surrounding area and the potential for significant effects on the River Tay Special Area of Conservation (SAC). In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan concentrates the majority of the new housing development in the Principal Settlements of Highland Perthshire. Fearnan is a fairly remote rural settlement, located 10 miles south-west of Aberfeldy, with few employment opportunities and the development of an additional 35 houses in this location would not be consistent with the Proposed Plan's vision for sustainable economic growth. It is considered that there is insufficient justification for the development of this housing site and for its designation for housing.

Kenmore – Settlement boundary at Mains of Taymouth

7. The settlement boundary at Mains of Taymouth includes the core area of the tourist enterprise at this location; the holiday accommodation, caravan site and ancillary facilities. It excludes the golf course and agricultural land to the east. It is considered that the boundary as drawn is appropriate in this case.

Kenmore – Sports field

8. The sports field and adjacent recreational facilities have been excluded from the settlement boundary. The sports field forms an integral part of the settlement and it is considered that these facilities would be better protected if identified as open space to which policy CF1 applies and included within the settlement boundary.

Kenmore Conservation Area

9. In relation to the request for an extension to the Kenmore Conservation Area on the south side of Loch Tay to the Crannog and on the north side to Dalerb, a re-appraisal of the conservation area was carried out in 2011 and an amended boundary approved. Whilst the areas to the south and north of Loch Tay are considered to be part of the setting of the village, the conservation area is restricted to the areas of traditional townscape and built heritage. It is considered that this is an appropriate approach to conservation area designation. The protection and management of trees, tree groups and woodlands of high visual amenity outwith conservation areas is an aim of policy NE2A.

Kenmore site H42

10. This site is identified as suitable for the provision of 20 houses; 25% affordable and the remainder low cost housing or staff accommodation. The landowner requests that the site be extended to provide 30 houses and enable a better urban form to be delivered. It is also requested that the description be modified to remove the requirement for staff accommodation and allow low cost and / or mid-market housing. Other respondents consider that all the houses provided should be affordable housing and, in terms of layout and design, should reflect Taymouth Drive.

11. As indicated in paragraph 6.17.2 of the Proposed Plan, there is considerable pressure both for staff accommodation in conjunction with the tourism developments at Mains of Taymouth and Taymouth Castle and for local needs housing, demonstrated by the 11 year waiting list for accommodation in Kenmore. The council would not be opposed to the addition of mid-market rented housing to the description of the site, since this is a recognised tenure of affordable housing, but considers that the possibility of staff accommodation should be retained. However, the council considers that there is no justification for an increase in the housing numbers from 20 to 30.

12. The provision of 25% affordable housing is consistent with the council's Affordable Housing Supplementary Guidance. In terms of the remaining 75% of housing provision, it is considered that allowing more flexibility in the housing provided, with a mix of house sizes targeted at the mid to lower owner-occupier market is more likely to deliver a viable development option. Nevertheless, retaining the possibility of providing further staff accommodation would benefit the Taymouth Castle development, although planning permission exists for staff accommodation on land to the west of the primary school under planning permission 03/02250/PPLB.

13. In relation to the size of the site, the Proposed Plan indicates that the designation of site H42 within the Taymouth Castle Garden and Designed Landscape is appropriate subject to a high quality design and layout. The council has not voiced any landscape concerns in relation to the suggested enlargement of the site. It is considered that enlarging the site would provide potential benefits in terms of delivering a quality development in accordance with Policy PM1 (the site would be doubled in size but the number of dwellings only increased by 50%). There is an increasing pressure for visitor accommodation in the area and a consequent need for accommodation for staff and local needs. An enlarged site H42 would contribute to meeting this need.

Kenmore – New site (West of Primary School)

14. This site was approved for staff accommodation under planning application

03/02250/PPLB (S4_Doc_779). According to the respondent, the site extends southwards beyond the settlement boundary shown on the Kenmore Settlement Map; the settlement boundary reflecting the extent of the land owned by Taymouth Castle Estate in 2011. This boundary runs between the 5 house units approved on the northern part and the 6 house units approved on the southern part, which is now within separate land ownership to Taymouth Castle Estate. The respondent requests that the whole site be designated for housing with a capacity for 10 houses to provide staff accommodation for middle and senior management within the Hotel Resort.

15. The council agrees that the settlement boundary should be amended to include the whole of the site and it is considered that this is an appropriate approach to take. Planning permission has been granted for a housing development on this site and its designation for housing is unnecessary. Should the developer wish to depart from the approved layout / designs in planning permission ref. no. 03/02250/PPLB, this would be a matter for further consideration by the council on the submission of a planning application.

Kenmore – New site (Kenmore South)

16. This site is also located within the Taymouth Castle Garden and Designed Landscape. The Strategic Environmental Assessment (SEA) process and the consultee responses on the Main Issues Report (MIR) site (site G) identified potential constraints associated with the designed landscape and with flood risk. The council considers that with good design, the potential for development on the site to change the character of the garden and designed landscape and to affect the setting of the Category A listed building could be minimised. However, the Scottish Environment Protection Agency (SEPA) Indicative Flood Maps identify the site as being potentially at risk of flooding and, although the respondent has submitted further information in relation to flooding to support development of the site, this issue remains unresolved.

17. Scottish Planning Policy (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 this site in the Proposed Plan. Furthermore, it is considered that the development of a further 24 houses in Kenmore, in addition to the 30 houses proposed for site H42 and the 10 or so houses that can be accommodated on the site west of the primary school, would not be consistent with the Proposed Plan’s vision for sustainable economic growth.

Kinloch Rannoch

18. Scottish Natural Heritage draws attention to the fact that Kinloch Rannoch is located within the Loch Rannoch and Glen Lyon NSA, in which development should only be permitted where it will not adversely affect the integrity of the area. It is considered that it would be appropriate to make reference to Kinloch Rannoch’s location in the NSA in the description of the settlement.

Kinloch Rannoch – E15

19. The existing site is occupied by a repair garage and caravan storage. It would appear to be under-used and no justification has been put forward for expanding the site into the adjoining field. As the respondent points out, employment land is available at the other site within the village where Rannoch Smokery is located and it is considered that this would be a better location for additional employment land, should it be required.

Kinloch Rannoch – H43

20. The owner of the land has indicated that this site is no longer available for housing development during the Plan period. The council considers that the site should be retained within the settlement boundary. Retention within the settlement boundary would suggest that the whole site is appropriate for small-scale housing development, subject to compliance with policy RD1. It is considered that a housing development stretching beyond the rear of Muirlodge Place would not be well-related to the form of the existing settlement. A more appropriate settlement boundary would be aligned with the rear of the properties in Muirlodge Place, which would include approximately half of the site.

Kinloch Rannoch – Expansion of settlement boundary in western part of village

21. In relation to the suggested expansion of the settlement boundary in the western part of the village, this area is within the 1:200 year flood plain (see Schedule 4 document 773). The inclusion of the two areas identified in the representation within the settlement boundary would suggest that small-scale housing development was appropriate in these areas. This would be contrary to the statutory and policy framework for flood risk management and climate change embodied in the Flood Risk Management (Scotland) Act 2006, Government policy in SPP and strategic policy in TAYplan.

Reporter's recommendations:Fearnan employment site

1. Delete reference to the quarry site from paragraph 6.13.2. Remove the employment land designation from Settlement Plan

Fearnan site H41

2. Delete reference to housing site H41 and make appropriate changes to paragraph 6.13.2. Remove designation H41 from the Settlement Plan and make appropriate changes to settlement boundary.

Kenmore – Sports field

3. Modify the settlement boundary on the Settlement Plan to include the sports field and adjacent recreational facilities (see Schedule 4 document 024). Designate as open space to which policy CF1 applies.

Kenmore site H42

4. Modify the description of site H42 to read: "*Size: 1.6ha; Number: 30 houses, 25% affordable, remainder low cost and/or mid-market housing or staff accommodation.*" Modify the boundary of the site as shown on the Settlement Map to include the whole area shown on page 13 of Representation No. 00369/6/002.

Kenmore – New site (West of Primary School)

5. Modify the settlement boundary on the Settlement Plan to include the whole of the housing site approved under planning permission ref. no. 03/02250/PPLB (see Schedule 4 document 024).

Kinloch Rannoch

6. Modify the first sentence of paragraph 6.18.1 to read: “*Kinloch Rannoch is located at the east end of Loch Rannoch within the Loch Rannoch and Glen Lyon National Scenic Area*”.

Kinloch Rannoch – E15

7. Delete reference to employment site E15 and remove the designation from the Settlement Plan. Make appropriate changes to the table in paragraph 6.1.6 on page 151.

Kinloch Rannoch – H43

8. Delete reference to housing site H43 and make appropriate changes to paragraph 6.18.2. Remove designation H43 from the Settlement Plan and make appropriate changes to the settlement boundary to align with the rear of the properties in Muirlodge Place.

Issue 30	Highland Perthshire Area - Small Settlements and Landward Sites	
Development plan reference:	6.1.13 Landward Housing Sites Table, page 152 6.5 – Acharn, page 169 6.7 – Balnaguard, page 173 6.8 – Butterstone, page 174 6.9 – Camserney, page 175 6.11 – Croftinloan/Donavoured/East Haugh/Ballyoukan, page 177 6.12 – Dull, page 178 6.14 – Fortingall, page 181 6.15 – Grandtully, Strathtay and Little Ballinluig, page 182-183 6.23 – Tummel Bridge, page 195 6.24 – Weem and Boltachan, page 196	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
James Stark (00017) Barry Simpson (00179) Kepranich Developments Ltd (00244) Ronald J W Wilson (00269) McKenzie Strickland Associates (00295) Grandtully & Strathtay Conservation Trust (00306) Caledonian Trust plc (00754) Linda McAdam (00756) Scottish Natural Heritage (05211) Niki Kinloch (07693/2)		F Naggiar (07693/9) Peter McRobbie (08816) Forestry Commission Scotland (08988) Mike Henderson (09085) Struan Robertson (09109) Donald Riddell (09148) The Linklater Family (09289) KPMG LLP (09462) Will Fraser (09594) Michael Jackson (09919)
Provision of the development plan to which the issue relates:	Landward sites and settlements without specific designations in the Highland Housing Market Area.	
Planning authority's summary of the representation(s):		
<u>Acharn</u> Scottish Natural Heritage (05211/25/037): The Plan should be amended to reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_751).		
<u>Balnaguard</u> Caledonian Trust plc (00754/6/001): Identified as housing site under reference H25 in current Highland Area Local Plan (S4_Doc_752) for up to 10 houses which is not carried through to the Proposed Plan. The site is located within Balnaguard settlement boundary in Proposed Plan which is supported. Would provide an effective short term opportunity site (S4_Doc_025). Planning application 06/02407/FUL (S4_Doc_753) was refused (contrary to officer recommendation) on design grounds and the subsequent appeal (S4_Doc_754) also dismissed on design grounds. Both refusals accepted the principle of housing development. Planning permission granted for 9 houses (S4_Doc_755) subject to Section 75 contribution to affordable housing which is still to be completed.		

Scottish Natural Heritage (05211/25/038): The Plan should be amended to reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_756).

Butterstone

The Linklater Family (09289/14/004): Extend the settlement boundary (S4_Doc_026) to include a site for housing development of up to 3 dwellings. It will provide a contribution to sustainable rural housing supply.

Scottish Natural Heritage (05211/25/024): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_757).

Camserney

Mike Henderson (09085/1/006): The settlement boundary to the south of Camserney should be extended (S4_Doc_046) to provide a suitable level of residential development appropriate to the rural area. This rural area of Perthshire requires increased investment to ensure the viability of rural settlements.

Scottish Natural Heritage (05211/25/039): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_758).

Croftinloan/Donavoured/East Haugh/Ballyoukan

Peter McRobbie (08816/13/001): Site at Donavoured (S4_Doc_027) would allow development of up to 6 dwellings and provide an opportunity to connect development to the wider network of paths in the area. Site can be released immediately and developed within the life of the Plan supporting the effective land supply. Land is well screened from A9 by existing tree cover.

Scottish Natural Heritage (05211/25/040): The Plan should be amended to reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_759).

James Stark (00017/1/001); KPMG LLP (09462/4/001); Barry Simpson (00179/1/003): Support for the Plan and agree that there should be no significant development outside the boundaries defined for Croftinloan/Donavoured/East Haugh/Ballyoukan.

Dull settlement

Donald Riddell (09148/1/001): Amend settlement boundary (S4_Doc_046) to include field to the south east of Dull settlement boundary between Dull access road and farm track. Site is adjacent to Highland Safaris and would economically strengthen business as there is a demand for staff housing. The site is low lying and careful screening and planting to screen the site from main road is proposed. There are water and power services close to the site and it is already accessible.

Niki Kinloch (07693/2/001 & 07693/2/002): Support identification of settlement boundary at Dull to contribute to the significant requirement for new windfall and small housing sites that are needed throughout the Highland Perthshire Housing Market Area.

Fortingall

Scottish Natural Heritage (05211/24/003): 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) SPP 2010 (Core_Doc_048).

Scottish Natural Heritage (05211/25/041): The Plan should be amended to reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_760).

Grandtully, Strathtay and Little Ballinluig

Grandtully & Strathtay Conservation Trust (00306/1/002): The Plan proposes the redrawing of the settlement boundary at the western end of Strathtay (S4_Doc_028) to include a small field and steep and heavily wooded hill. This hill is environmentally sensitive and an important area contributing to biodiversity and wildlife. The land provides a northern vista of the conservation area and key views from the Weem Road. There will be an impact on adjacent properties and wildlife if development is allowed on the site. The settlement boundary should be modified to remove this area of land or the conservation area boundary modified to include it.

Forestry Commission Scotland (08988/1/013): Supportive of indicative settlement boundary but it is not explicit in term of where any housing would be supported and includes an area of woodland. Cannot support any woodland removal and would request that the boundary is modified to remove the wooded area at the western part of the village.

Caledonian Trust plc (00754/5/001): The site owned by Caledonian Trust plc should be included within the village boundary (S4_Doc_028) which would represent a continuation of the existing settlement. The site lies within a gap in the settlement boundary with land to the north, west and east included within the boundary. The conservation area boundary extends southwards beyond the current settlement boundary thus recognising that the settlement is not as constrained as the current settlement boundary suggests.

Scottish Natural Heritage (05211/23/007): Where other proposed allocations contain existing woodland or trees, these should be retained and enhanced through Developer Requirements in accordance with Policy NE2: Forestry, Woodland and Trees (S4_Doc_500). For example the settlement of Grandtully contains areas of broadleaf trees/woodland within the proposed expanded settlement map, but there is no reference to protection and enhancement in the Developer Requirements. This should be added to ensure protection of existing woodland complies with paragraph 146 of SPP (S4_Doc_080) *'Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced'* and the control of woodland removal policy (S4_Doc_187).

Struan Robertson (09109/1/001): Proposed site (S4_Doc_028) is a suitable and effective residential development opportunity. It is bounded on 3 sides by established housing and represents a logical extension for the settlement boundary. Previous representation promoted a site of 3.9 hectares. Due to topographical reasons the area sought has been reduced to 1.17 hectares.

Struan Robertson (09109/1/002): Land at Little Ballinluig (S4_Doc_028) offers a suitable and effective development opportunity. The site extends to approx 1.5 hectares. The western section of the site in particular represents a prime development opportunity of 0.34 hectares. The Local Development Plan should make provision for a small number of low density houses at this location. The land does not fall within wider conservation area boundary. If the entire site is not allocated, respondent suggests the western section of the site be identified for housing development or the settlement boundary extended to include the site to provide a "windfall" development opportunity.

Struan Robertson (09109/1/003): Land South of River Tay (S4_Doc_028) originally sought to be identified for residential or tourist development. Residential development no longer deemed suitable primarily due to flood risk but still considered suitable for tourism development.

Scottish Natural Heritage (05211/25/042): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_762).

Michael Jackson (09919/1/001): Supports settlement boundary and the statement that the historic character and setting of the conservation area is to be protected from any undesirable and detrimental development.

Kepranich Developments Ltd (00244/1/001): Support for the Plan.

Logierait

Scottish Natural Heritage (05211/25/043): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_761).

Tummel Bridge

Scottish Natural Heritage (05211/24/006): 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) SPP 2010 (Core_Doc_048).

Linda McAdam (00756/1/001): Land adjacent to No 4 Dalcroy Cottages (S4_Doc_385) to be included within the settlement boundary for residential development.

Scottish Natural Heritage (05211/25/044): The Plan should be amended to reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_763).

Weem and Boltachan

McKenzie Strickland Associates (00295/2/001 & 00295/2/002): Change land use (S4_Doc_029) to provide recreational ground for cricket pitch along with cricket pavilion, changing facilities and public access toilets. Land represents an opportunity to improve amenity and recreational facilities and provision of public toilets adjacent to woodland walk. Land for a single dwellinghouse should also be identified adjacent to existing houses at Weem utilising the existing driveway and set within existing scrub ground.

Ronald J W Wilson (00269/1/001): Land to the west of Weem Rock Cottage (S4_Doc_029) currently lays outwith current boundary of the settlement. The north and west boundaries comprise of ancient drystone walls and marks a clear definition of the settlement of Boltachan and should be included within the settlement boundary.

F Naggjar (07693/9/001 & 07693/9/002): Object to the proposed settlement boundary for Boltachan. Should consider the inclusion of the site on the northern edge of Boltachan (S4_Doc_029) as a small scale housing site to allow further development of the settlement. It is a sensible and realistic opportunity for further development at Boltachan and had planning consent in the 1990's. This small scale site would help meet a proportion of the overall requirement for 280 houses that are needed from windfall sites and small housing sites as set out for the Highland Housing Market Area.

Will Fraser (09594/1/001): Support for the Plan.

New Sites

Mike Henderson (09085/1/001): Site at land east of Tegarmuchd, Camserney (S4_Doc_046) could provide a suitable level of residential development appropriate to the rural area. This rural area of Perthshire requires increased investment to ensure the viability of rural settlements.

Mike Henderson (09085/1/002): Site east of Tegarmuchd (S4_Doc_046) could provide a suitable level of residential development appropriate to the rural area. This rural area of Perthshire requires increased investment to ensure the viability of rural settlements.

Mike Henderson (09085/1/003): Site at land west of Carse Farm, Camserney (S4_Doc_046) could provide a suitable level of residential development appropriate to the rural area. This rural area of Perthshire requires increased investment to ensure the viability of rural settlements.

Mike Henderson (09085/1/004): Site at Keltneyburn, Camserney (S4_Doc_047) could provide a suitable level of residential development appropriate to the rural area. This rural area of Perthshire requires increased investment to ensure the viability of rural settlements.

Mike Henderson (09085/1/005): Site south of Camserney (S4_Doc_046) could provide a suitable level of residential development appropriate to the rural area. This rural area of Perthshire requires increased investment to ensure the viability of rural settlements.

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

Scottish Natural Heritage (05211/25/037): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.5.2:

- '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.'*

Option B: incorporate the following new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60):

'The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area.

In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/ Ballyoukan, Fortingall, Grandtully/Strathray/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.

- (d) *Drainage from all development should ensure no reduction in water quality.*
- (e) *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.

- (f) *Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.*

Note: Supplementary Guidance 'River Tay Special Area of Conservation' provides detailed advice to developers on the types of appropriate information and safeguards to be provided in support of planning applications for new projects which may affect the River Tay Special Area of Conservation.'

and, insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.5.2

'Acharn lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Balnaguard

Caledonian Trust Plc (00754/6/001): Allocate land south of B898 Aberfeldy Road, Balnaguard as a housing site or opportunity site for 9 houses.

Scottish Natural Heritage (05211/25/038): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.7.2:

'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.'*

Option B: Incorporate new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60) (refer to representation (05211/25/037) above for full text), and also insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.7.2:

'Balnaguard lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Butterstone

The Linklater Family (09289/14/004): Amend settlement boundary and include site for housing development of up to 3 dwellings.

Scottish Natural Heritage (05211/25/024): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.8.2:

'Butterstone is not identified for growth and has a tightly drawn settlement boundary because it lies in the Lunan Lochs Catchment area where there is a presumption against development that would raise phosphorous levels into the Lochs. Policy EP6 sets out the relevant criteria.'

In order to ensure no adverse effects on the Dunkeld-Blairgowrie Lochs Special Area of Conservation, the following criteria applies to development proposals at Butterstone:

- *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.*

The chalets provide ... Catchment Area.'

Option B: Update Policy EP6: Lunan Valley Catchment Area to include a new paragraph after '*...to the satisfaction of the Planning Authority in conjunction with the Scottish Environment Protection Agency*', which begins '*The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Special Area of Conservation:*' and insert the same criteria as listed above under Option A, but reference them (d) to (f).

And, also update and retain the following text in the Spatial Strategy Considerations section (para 6.8.2, page 174):

'Policy EP6 sets out the relevant criteria for development within this area.'

Camserney

Mike Henderson (09085/1/006): Modify the settlement boundary to include the identified area of land for residential development.

Scottish Natural Heritage (05211/25/039): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.9.2:

'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.'*

Option B: Incorporate new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60) (refer to representation (05211/25/037) above for full text), and also insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.9.2

'Camserney lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Croftinloan/Donavoured/East Haugh/Ballyoukan

Peter McRobbie (08816/13/001): Allocate land for residential development at Donavoured.

Scottish Natural Heritage (05211/25/040): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations

section in paragraph 6.11.2:

'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.'*

Option B: Incorporate new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60) (refer to Representation (05211/25/037) above for full text) and, also insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.11.2:

'These settlements lie within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Dull

Donald Riddell (09148/1/001): Modify the settlement boundary to include land for residential development.

Fortingall

Scottish Natural Heritage (05211/24/003): Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.14.1:

'Most of the village is within the Loch Rannoch and Glen Lyon National Scenic Area. Built form and layout should respond appropriately to the landscape and strengthen the character of Fortingall as a distinctive place.'

Scottish Natural Heritage (05211/25/041): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.14.2:

'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.'*

Option B: Incorporate new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60) (refer to Representation (05211/25/037) above for full text) and, also insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.14.2:

'Fortingall lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Grandtully, Strathtay and Little Ballinluig

Grandtully & Strathtay Conservation Trust (00306/1/002): Modify the settlement boundary to the north west of the settlement to reflect the boundary in the adopted Highland Area Local Plan.

Or modify the conservation area boundary to include this area of land.

Forestry Commission Scotland (08988/1/013): Modify the settlement boundary to exclude the woodland on the western part of the village.

Caledonian Trust plc (00754/5/001): Extend Strathtay settlement boundary to the west to include land between Strathtay Parish Church and Dunellan.

Scottish Natural Heritage (05211/23/007): Paragraph 6.15.2 should make reference to the protection and enhancement of existing woodland or trees within proposed settlement map.

Struan Robertson (09109/1/001): Identify land west of Strathtay Parish Church for residential development and include it within the settlement boundary.

Modify the wording of paragraph 6.15.2 appropriately.

Struan Robertson (09109/1/002): Include the entire area of identified land at Little Ballinluig for residential development and include it within the settlement boundary.

Or, identify the western section of the site (0.34ha) for residential development and include it within the settlement boundary.

Modify the wording of paragraph 6.15.2 appropriately.

Struan Robertson (09109/1/003): Identify site as an opportunity site for tourist development.

Modify the wording of paragraph 6.15.2 appropriately.

Scottish Natural Heritage (05211/25/042): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.15.2:

'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.'*

Option B: Incorporate new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60) (refer to Representation (05211/25/037) above for full text) and, also insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.15.2:

'Grandtully lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Logierait

Scottish Natural Heritage (05211/25/043): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.20.2:

'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.'*

Option B: Incorporate new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60) (refer to Representation (05211/25/037) above for full text) and, also insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.20.2:

'Logierait lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Tummel Bridge

Scottish Natural Heritage (05211/24/006): Insert at paragraph 6.23.2: *'The eastern edge of the village is just within the Loch Tummel National Scenic Area. Built form and layout should be in keeping with local landscape character.'*

Linda McAdam (00756/1/001): Modify the settlement boundary to include land to the east of Dalcroy Cottages.

Scottish Natural Heritage (05211/25/044): Include either suggested mitigation measure Option A or Option B below:

Option A: Insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.23.2:

'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.'*

Option B: Incorporate new policy 'EP15: Development within the River Tay Catchment Area' into the Plan (page 60) (refer to Representation (05211/25/037) above for full text) and, also insert the following text at the end of the Spatial Strategy Considerations section in paragraph 6.23.2:

'Tummel Bridge lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.'

Weem and Boltachan

McKenzie Strickland Associates (00295/2/001 & 00295/2/002): Identify site for recreation use and a single dwellinghouse.

F Naggjar (07693/9/001 & 07693/9/002): Modify the settlement boundary to include land to the north east.

Paragraph 6.24.2 '*settlement boundaries have been drawn to offer the potential to accommodate limited further development*' should be modified to read '*the settlement boundaries have been drawn to offer the potential to accommodate some further development.*'

Ronald J W Wilson (00269/1/001): Modify site boundary to include land to the west of Weem Rock Cottage.

New Landward Sites

Mike Henderson (09085/1/001): Site on submitted plan at land east of Tegarmuchd, Camserney should be allocated for housing.

Mike Henderson (09085/1/002): Site on submitted plan at land east of Tegarmuchd, Camserney should be allocated for housing.

Mike Henderson (09085/1/003): Site on submitted plan at land west of Carse Farm, Camserney should be allocated for housing.

Mike Henderson (09085/1/004): Site on submitted plan at Keltneyburn should be allocated for housing.

Mike Henderson (09085/1/005): Site on submitted plan south of Camserney should be allocated for housing.

Summary of responses (including reasons) by planning authority:HRA combined response

Scottish Natural Heritage (05211/25/037, 05211/25/038, 05211/25/039, 05211/25/040, 05211/25/041, 05211/25/042, 05211/25/043 & 05211/25/044): It is considered that by amending the Plan for the settlements of Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait and Tummel Bridge to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) of the Proposed Plan, and detailed in the 'Modifications Sought' section, would provide greater clarity and transparency for applicants as to at which settlements and in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_415) will apply; it would also set out what will be expected of them in making their planning application.

If the Reporter is so minded to amend the Plan in line with the suggested additional text by the respondent, in the interests of keeping the Plan as short and succinct as possible, the Council's preference would be to incorporate suggested mitigation Option B (proposed Policy EP15 with some text in the relevant Spatial Strategy Considerations sections) as it would result in the least amount of additional text and repetition in the Plan.

Scottish Natural Heritage (05211/25/024): It is considered that amending paragraph 6.8.2 to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) would provide greater clarity and transparency for applicants as to in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_415) will apply for proposals at Butterstone, and it will also set out what will be expected of them in making their planning application.. For cross referencing purposes representation (05211/15/001) in Schedule 4 no.17C (Lunan Valley and Loch Leven Catchment Areas) responds to the proposed changes to Policy EP6.

If the Reporter is so minded to amend the Plan in line with the suggested additional text by the respondent, in the interests of keeping the Plan as short and succinct as possible, the Council's preference would be to incorporate suggested mitigation Option B (proposed changes to Policy EP6) as it would result in the least amount of additional text and repetition in the Plan.

Balnaguard

Caledonian Trust plc (00754/6/001): The site referred to within the representation is not designated but is within the settlement boundary and is therefore covered under the relevant Local Development Plan policies including PM1: Placemaking (S4_Doc_396) and RD1: Residential Areas (S4_Doc_405) which would enable development on the site and elsewhere within the settlement. It is not clear that the site is effective due to the delay in completion of the Section 75 Legal Agreement. If the section 75 Legal Agreement is finalised and subsequent planning permission is implemented the site could be reviewed by a future Local Development Plan.

No modification is proposed to the Plan.

Butterstone

The Linklater Family (09289/14/004): As indicated within paragraph 6.8.2 Butterstone is within the Lunan Valley Catchment Area and has not been identified for growth with a tightly drawn settlement boundary. In line with Policy EP6: Lunan Valley Catchment Area (S4_Doc_764) in order to protect and enhance the nature conservation and landscape interests of the area there is a presumption against development except within settlements. In order to retain the integrity of the Lunan Valley Catchment Area the Council does not consider it appropriate to amend the settlement boundary of Butterstone.

No modification is proposed to the Plan.

Camserney

Mike Henderson (09085/1/006): Camserney has not been identified for significant growth but the settlement boundary has been drawn to allow potential infill development. The proposed site is immediately adjacent to the south east boundary of the settlement and would provide an opportunity for further windfall/small scale development within this area. While the Council considers the existing settlement boundary to be sufficient the proposed extension would not raise any significant issues.

If the Reporter was so minded to include the proposed modification it would raise no issues with the Council.

Croftinloan/Donavoured/East Haugh/Ballyoukan

Peter McRobbie (08816/13/001): This group of settlements has grown in a linear pattern

and the proposed site may not reflect this established building pattern. It is noted that the site is adequately screened and would subsequently not be visually intrusive to its surroundings however there are concerns that a suitable and safe access route can be achieved due to the narrow steep nature of the road and the potential impact on road safety. The eastern side of the settlement boundary has been drawn to allow for some small scale infill development as this area is subject to more suitable access.

No modification is proposed to the Plan.

Dull

Donald Riddell (09148/1/001): No map has been supplied defining the extent of this proposed site. The land identified in the description is a field which helps form the setting of the settlement and there is concern over the visual impact of development on the surrounding environment. No plans or satisfactory justification has been submitted for its inclusion as a residential site and although raised through the Representation no evidence is presented that development on the site would be occupied by employees of local businesses. Any development proposal should be considered through a planning application in line with Policy RD3: Housing in the Countryside (S4_Doc_418).

No modification is proposed to the Plan.

Fortingall

Scottish Natural Heritage (05211/24/003): Policy NE1B: National Designations (S4_Doc_389) is considered adequate to ensure that development does not adversely affect the National Scenic Area. In addition any development that comes forward within Fortingall would be subject to Policy PM1: Placemaking (S4_Doc_396) and RD1: Residential Development (S4_Doc_405) which seeks to ensure that development responds appropriately to the surrounding built and natural environment. The additional wording is not therefore considered necessary.

No modification is proposed to the Plan.

Grandtully, Strathtay and Little Ballinluig

Grandtully & Strathtay Conservation Trust (00306/1/002); Forestry Commission Scotland (08988/1/013): The settlement boundary has been redrawn in the most part to include features such as obvious field boundaries and enclosure of sites and land. The development of sites within the settlement boundary would be subject to the relevant Local Development Plan policies such as PM1: Placemaking (S4_Doc_396) and RD1: Residential areas (S4_Doc_405) to ensure development considers the existing built and natural environment and to ensure development is within appropriate locations. Those sites that are within the conservation area would be considered against Historic Environment Policy HE3: Conservation Areas (S4_Doc_508), which states that development would only be appropriate where it would preserve or enhance the historic character of the area. Therefore development design, layout, scale etc should be in keeping with the surrounding area and protect its integrity. In terms of concerns raised with respect to the woodland, Policy NE2: Forestry, Woodland and Trees (S4_Doc_500) seeks to ensure that existing trees and woodland be protected and enhanced within any new development. In addition where there are existing trees or woodland on the site a tree survey would be required. It is considered that there is sufficient provision within the Plan policies to address these issues.

No modification is proposed to the Plan.

Caledonian Trust plc (00754/5/001): The proposed modification extends the settlement boundary west of Strathtay to create a site which would be a significant extension to the existing settlement. It is noted that the site and land adjacent are within the same ownership. Strathtay has remained largely unchanged since Victorian times and is a fine example of Victorian architecture, planning and landscaping with a loose informal layout and street pattern dictated by the undulating and terraced nature of the land. The majority of the settlement is a conservation area which seeks to protect the historic character and setting of the village. The site is located within the conservation area boundary and would therefore be subject to the relevant Historic Environment Policy HE3: Conservation Areas (S4_Doc_508) to ensure that the development would enhance and protect the integrity of the historic environment. The Council agrees that the inclusion of the site would provide an opportunity for windfall or small scale development within the settlement but has concerns whether a satisfactory site layout can be achieved. As it stands the settlement boundary provides sufficient scope for small scale infill and the proposed modification is not required.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/23/007): No specific development sites have been identified within this group of settlements or proposals made which would impact on trees or woodland. Policy NE2: Forestry, Woodland and Trees (S4_Doc_500), seeks to ensure that existing trees and woodland be protected and enhanced within new development. In addition where there are existing trees or woodland on a development site a tree survey would be required at the time of a planning application. It is considered that there is sufficient provision within the Plan policies to address these issues.

No modification is proposed to the Plan.

Struan Robertson (09109/1/001): The proposed modification extends the settlement boundary west of Strathtay to create a site which would be a significant extension to the existing settlement. It is noted that the site and land adjacent are within the same ownership. Strathtay has remained largely unchanged since Victorian times and is a fine example of Victorian architecture, planning and landscaping with a loose informal layout and street pattern dictated by the undulating and terraced nature of the land. While the general layout of buildings in Strathtay is low density with informal spacing, there is a more linear arrangement of houses across the road for the proposed site.

The majority of the settlement, including the proposed site, is within a designated conservation area, and as such any development proposals would be assessed under the provisions of Policy HE3: Conservation Areas (S4_Doc_508), in order to ensure that it would enhance and protect the integrity of the historic environment.

The Council agrees that the inclusion of the site would provide an opportunity for windfall or small scale development within the settlement; however, there are concerns regarding the potential impact on the setting of the existing dwellings. As it stands the settlement boundary provides sufficient scope for small scale infill and the proposed modification is not required.

No modification is proposed to the Plan.

Struan Robertson (09109/1/002): This site sits to the north of the A827 and opposite the existing residential properties to the south which form Little Ballinluig. The site is flat and is enclosed with trees to the north, east and west of the site. The expansion of Little

Ballinluig has taken place to the South of the A827 and the settlement boundary has been expanded westwards to encourage further growth. The larger development site suggested extends into an identified flood area and the Council would not support its inclusion in the Plan. The smaller scale area of land to the west, whilst separated from the existing settlement, is well enclosed and provides a natural infill site and may provide some scope for a small scale development. It is considered that the settlement boundary provides sufficient land within the settlement but the proposed extension would not raise any issues.

If the Reporter was minded the Council would not be opposed to the inclusion of the smaller 0.34ha of land to north of Little Ballinluig within the settlement boundary.

Struan Robertson (09109/1/003): Policy ED3: Rural Business and Diversification (S4_Doc_395) is generally supportive of new businesses which are located within or adjacent to a settlement. New tourism related development would be supported where it can be demonstrated that it improves the quality of new or existing visitor facilities, allows a new market to be exploited, or extends the tourist season. It is considered that there is adequate provision within the Plan policies to consider this proposal without the need to designate the site for tourism use.

No modification is proposed to the Plan.

Tummel Bridge

Scottish Natural Heritage (05211/24/006): Policy NE1B: National Designations (S4_Doc_389) is considered adequate to ensure that development does not adversely affect the National Scenic Area. In addition any development that comes forward within Fortingall would be subject to Policies PM1: Placemaking (S4_Doc_396), and RD1: Residential Development (S4_Doc_405), which seek to ensure that development responds appropriately to the surrounding built and natural environment. The additional wording is not therefore considered necessary.

No modification is proposed to the Plan.

Linda McAdam (00756/1/001): This proposal seeks to extend the settlement boundary to the east creating a small infill plot for a single dwelling. The land appears to form part of the garden ground for 4 Dalcroy Cottages and it is not considered that a well designed dwelling would have a detrimental impact on the landscape or amenity of the settlement. Tummel Bridge has developed in a linear fashion and the proposed extension would be a continuation of the settlement pattern.

If the Reporter is minded the Council would raise no objection to the proposed modification.

Weem and Boltachan

McKenzie Strickland Associates (00295/2/001 & 00295/2/002): The proposed site lies to the west of the settlements in open countryside. It is in agricultural use and the provision of a cricket Pitch and associated infrastructure as proposed would generally be compatible with the existing land use under Policy CF1: Open Space Provision and Protection (S4_Doc_414). The land is within the Garden and Designed Landscape which under Policy HE4: Gardens and Designed Landscapes (S4_Doc_512) seeks to protect and enhance the integrity of these areas. It is not considered that justification has been presented to warrant the modification of the settlement boundary to include a plot for a single dwellinghouse. Residential development in this area should be considered through

a planning application in line with Policy RD3: Housing in the Countryside (S4_Doc_418) detailing how it would integrate with the protected landscape.

No modification is proposed to the Plan.

F Naggiar (07693/9/001 & 07693/9/002): The proposed modification seeks to extend the settlement boundary to the north of Boltachan creating four building plots and associated landscaping. The site is an open field with a tree belt on the southern edge with no defensible barrier to the north and the Council does not consider that it is a natural infill site or suitably rounds off the settlement. As it stands the settlement boundary provides sufficient scope for infill development and this site is not required. The wording of paragraph 6.24.2 whilst referring to limited further development still provides the opportunity for development which is appropriate to the size, scale and density of the settlement.

No modification is proposed to the Plan.

Ronald J W Wilson (00269/1/001): The identified area of scrub land is well defined with trees on the northern edge. Development on the site would not impact on the landscape or setting of the settlement and would correspond with the existing settlement pattern. While the Council considers the settlement boundary to provide sufficient scope for appropriate infill development the proposed modification would not raise any issues.

If the Reporter is minded the Council would have no objection to the proposed modification.

Landward

Mike Henderson (09085/1/001, 09085/1/002, 09085/1/003, 09085/1/004 & 09085/1/005): The sites are being promoted for development in the landward area (being out with a settlement boundary) so would not be allocated in the Local Development Plan. Any proposals for development will be assessed against Policy RD3: Housing in the Countryside (S4_Doc_418) through the planning application process.

No modification is proposed to the Plan.

Reporter's conclusions:

HRA combined response

1. In response to the request by Scottish Natural Heritage (SNH) that reference be made, in relation to development proposals at a number of settlements, to the need for mitigation measures as set out in the Habitats Regulations Appraisal (including Appropriate Assessment) (the HRA) to ensure no adverse effects on the River Tay Special Area of Conservation, it is considered that the incorporation of a new policy "EP15: Development within the River Tay Catchment Area" with additional text in the "Spatial Strategy Considerations" section of each relevant settlement would be the most appropriate course of action in the interests of brevity and clarity. The relevant settlements are: Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait and Tummel Bridge.

Balnaguard

2. This site is identified in the existing adopted Highland Area Local Plan for up to 10 houses. Planning permission was granted in July 2009 for 9 houses on the site subject to a Section 75 Agreement relating to a contribution to affordable housing (Schedule 4 document 755) but this remains to be completed. The site is located within the settlement boundary where housing development is encouraged, subject to compliance with Policies PM1 and RD1 of the Proposed Plan. In the light of the delay, it is considered that it is neither necessary nor appropriate to designate this site for housing in the Proposed Plan.

Butterstone

3. In response to the request by SNH that reference be made, in relation to development proposals at Butterstone, to the need for mitigation measures as set out in the HRA to ensure no adverse effects on the Dunkeld-Blairgowrie Lochs Special Area of Conservation, it is considered that the incorporation of a new paragraph in Policy EP6: Lunan Valley Catchment Area (see Issue 17c) with additional text in the “Spatial Strategy Considerations” section of Butterstone would be the most appropriate course of action in the interests of brevity and clarity.

4. In relation to the request to include an area of ground to the west of the village hall, the driveway to Butterstone House forms a defensible boundary to the built area and the proposed site projects into open countryside. In this case, the settlement boundary has been tightly drawn in order to protect and enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. It is agreed that this is an appropriate approach to take.

Camserney

5. At Camserney the settlement boundary has been drawn to allow potential infill development. The proposed site comprises two small enclosures that would provide an opportunity for small-scale housing development. It is considered that it would not be inappropriate to include this site within the settlement boundary. Any development would be required to comply with policies PM1 and RD1 of the Proposed Plan.

Croftinloan/Donavoured/East Haugh/Ballyoukan

6. Any development on the proposed site would not reflect the form and character of the existing pattern of development in Donavoured, which is essentially linear. Although it is adequately screened, access is by way of a steep and narrow single-track road. Inclusion of the site within the settlement boundary would suggest that it is suitable for housing development. However, for the above reasons, it is considered that the site is totally unsuitable for housing development.

Dull

7. The field to the south-east of Dull settlement boundary between Dull access road and the farm track helps form the setting of the village. It comprises a sloping site and is prominent in views from the B846. Housing development on this site would be likely to have an adverse visual impact on the surrounding area, notwithstanding the possibilities for screening the site from the main road. It is considered, therefore, that it would not be appropriate to include this area within the settlement boundary, which would suggest that

housing was acceptable on this site. The respondent suggests that there is a demand for housing from employees of local businesses but there is no evidence to support this assertion.

Fortingall

8. SNH draws attention to the fact that most of Fortingall is located within the Loch Rannoch and Glen Lyon National Scenic Area (NSA), in which development should only be permitted where it will not adversely affect the integrity of the area. It is considered that it would be appropriate to make reference to the village's location in the NSA in the description of the settlement (paragraph 6.14.1 on page 181). It is not considered necessary to repeat the requirements of Policy NE1B, which applies to proposed development in NSAs or to Policies PM1 and RD1 that seek to ensure that development respects the character of its surroundings.

Grandtully, Strathtay and Little Ballinluig

9. In relation to the concerns of SNH that existing broadleaf trees and woodlands within the settlement boundary are adequately protected, Policy NE2 applies throughout the area and seeks to ensure that existing trees and woodlands are protected and enhanced where new development takes place. It is not considered that any specific mention of this policy is required in respect of Grandtully / Strathtay and Little Ballinluig.

10. In relation to the settlement boundary to the north of the public road at the western end of Strathtay, the council provides little justification for including the small field and wooded bank pertaining to the property "Beechwood" within the redrawn settlement boundary (see Schedule 4 document 028). The additional area lacks independent vehicular access and includes a wooded area that is locally important for its biodiversity; the potential for small-scale development would seem limited. The settlement boundary in the adopted Highland Area Local Plan follows distinct features on the ground at this location and there would seem little purpose in redrawing the boundary.

11. In relation to the request to include within the settlement boundary an area of land in Strathtay on the south side of the public road (Rep. No. 00754/5/001), the council agrees that the inclusion of this site would provide an opportunity for small-scale housing development but has concerns as to whether a satisfactory layout could be achieved. The council considers that the settlement boundary, as it stands, provides sufficient scope for small-scale infill housing development within Strathtay.

12. The settlement boundary in the Proposed Plan is inherited from the adopted local plan. At this point, it traverses an open field and is undefined on the ground but follows the boundary of a site granted planning permission for two houses. The additional area comprises the rest of the field and a tree belt that provides some screening. The rationale for not including this additional area within the settlement boundary is unclear and it is considered that the proposed boundary would provide a more defensible settlement boundary. Any potential housing development would be required to comply with Policies PM1 and RD1 of the Proposed Plan as well as Policy HE3: Conservation Areas. Policy NE2 would provide protection for the existing trees on the site.

13. In relation to the request to include within the settlement boundary an area of land at the extreme western end of Strathtay on the south side of the public road and identify it as a housing development opportunity (Rep. No. 09109/1/001), the council agrees that the inclusion of this site would provide an opportunity for small-scale housing

development but has concerns regarding the potential impact of any development on the setting of the existing buildings on the north side of the road. The council considers that the settlement boundary, as it stands, provides sufficient scope for small-scale infill housing development within the settlement.

14. This site comprises an open field and a housing development on this site would substantially alter the character of this part of Strathtay, which is designated as a conservation area. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan concentrates the majority of new housing development in the Principal Settlements of Highland Perthshire. Strathtay is a small rural settlement, with limited employment opportunities, and the designation of housing land in this location would not be consistent with the Proposed Plan's vision for sustainable economic growth. It is considered that there is insufficient justification for the designation of this site for housing. Inclusion within the settlement boundary would suggest that the site is suitable for housing development and, therefore, a modification to the settlement boundary would not be appropriate.

15. In relation to the request to include within the settlement boundary a site on the north side of the A827 in Little Ballinluig and identify it as a housing development opportunity (Rep. No. 09109/1/002), the council considers that this small site to the west of an existing house provides a natural infill site and it is not opposed to the inclusion of this small site within the settlement boundary. As regards the much larger site to the north of the railway line (Rep. No. 09109/1/003), the respondent requests that this area be identified for tourism related development such as the development of "fisherman's lodges". This site extends into a flood risk area and it is considered that due to the flood risk associated with this land, it would not be appropriate to identify the site as a development opportunity in the Proposed Plan. Policy ED3 supports new rural businesses outwith settlements subject to certain criteria being met and assessment of any proposal against the requirements of this policy would be the appropriate method for determining the acceptability of a tourism related development on the site.

Tummel Bridge

16. In relation to the request to include the garden ground of No. 4 Dalcroy Cottages within the settlement boundary, the council would have no objections to this request.

17. SNH draws attention to the fact that the eastern edge of Tummel Bridge is just within the Loch Tummel NSA, in which development should only be permitted where it will not adversely affect the integrity of the area. It is considered that it would be appropriate to make reference to the village's location in the NSA in the description of the settlement (paragraph 6.23.1 on page 195). It is not considered necessary to repeat the requirements of Policy NE1B, which applies to proposed development in NSAs or to Policies PM1 and RD1 that seek to ensure that development respects the character of its surroundings.

Weem and Boltachan

17. In relation to the request that land be identified for recreational use and a single dwellinghouse at Weem (Rep. Nos. 00295/2/001 & 00295/2/002), this site is in the countryside outwith the settlement boundary for Weem. There is insufficient information accompanying the representation to justify designation in the Proposed Plan. Any proposal for countryside recreational development should more appropriately be dealt with through assessment against the requirements of the relevant countryside policies.

The proposed single dwellinghouse would require to be assessed against Policy RD3: Housing in the Countryside.

18. In relation to the request that land west of Weem Rock Cottage be included in the settlement boundary, this site is adjacent to an established building group and is well screened. A well-designed house on the site would have little impact on the landscape or the setting of Boltachan and the council has no objection to the inclusion of this site within the settlement boundary.

19. In relation to the request that the large site on the northern edge of Boltachan be included in the settlement boundary, the site projects into open countryside and lacks any defensible boundary on its northern edge. It could not be described as an infill site or a rounding-off of the settlement. Access is by way of a narrow, steep single-track road. It is considered that the site is totally unsuitable for housing development and there is no justification for modifying the settlement boundary to include the site.

New sites in landward area

20. All the five sites suggested for allocation for housing (Rep. Nos. 09085/001 to 09085/1/005) lie outwith any settlement boundary and no meaningful arguments have been put forward to justify an extension of either the Camserney or the Dull settlement boundaries, or the identification of a Tegarmuchd settlement boundary, to incorporate any one of these sites within a settlement. The designation of any of these sites for housing would be inconsistent with the main thrust of the Proposed Plan, which is to encourage sustainable economic growth in settlements. Proposals for individual houses in the countryside require to be assessed against the terms of Policy RD3, and this would be the appropriate method for determining the acceptability of any of the suggested sites.

Reporter's recommendations:

HRA combined response

1. Add the following new Policy "*EP15: Development within the River Tay Catchment Area*" to the Proposed Plan (page 60):

"The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area.

In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathray/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.

- (a) Drainage from all development should ensure no reduction in water quality.*
- (b) 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.*
- (c) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.*

Note: Supplementary Guidance 'River Tay Special Area of Conservation' provides detailed advice to developers on the types of appropriate information and safeguards to be provided in support of planning applications for new projects which may affect the

*River Tay Special Area of Conservation.”*Acharn

2. At the end of paragraph 6.5.2, insert the words: “*Acharn lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this settlement*”.

Balnaguard

3. At the end of paragraph 6.7.2, insert the words: “*Balnaguard lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this settlement.*”

Butterstone

4. At the end of paragraph 6.8.2, insert the words: “*To ensure no adverse effects on the Dunkeld-Blairgowrie Lochs SAC, policy EP6 sets out the relevant criteria for development in this settlement*”.

Camserney

5. At the end of paragraph 6.9.2, insert the words: “*Camserney lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this settlement*”.

6. Modify the settlement boundary on the Settlement Plan to include the area of land referred to in Representation No. 09085/1/006 (see Schedule 4 document 046).

Croftinloan/Donavoured/East Haugh/Ballyoukan

7. At the end of paragraph 6.11.2, insert the words: “*Croftinloan/Donavoured/East Haugh/Ballyoukan lie within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this area*”.

Fortingall

8. At the end of paragraph 6.14.1, insert the words: “*Most of the village is within the Loch Rannoch and Glen Lyon National Scenic Area.*”

9. At the end of paragraph 6.14.2, insert the words: “*Fortingall lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this settlement*”.

Grandtully/Strathtay and Little Ballinluig

10. At the end of paragraph 6.15.2, insert the words: “*Grandtully/Strathtay and Little Ballinluig lie within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this area*”.

11. Modify the settlement boundary on the Settlement Plan to exclude the area of land referred to in Representations Nos. 00306/1/002 & 08988/1/013 (see Schedule 4 document 028).

12. Modify the settlement boundary on the Settlement Plan to include the area of land referred to in Representation No. 09109/1/002 (see Schedule 4 document 028).

Logierait

13. Following the first sentence in paragraph 6.20.2, insert the words: “*Logierait lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this area*”

Tummel Bridge

14. Modify the settlement boundary on the Settlement Plan to include the area of land referred to in Representation No. 00756/1.

15. At the end of paragraph 6.23.1, insert the words: “*The eastern edge of the village is just within the Loch Tummel National Scenic Area.*”

16. Following the first sentence in paragraph 6.23.2, insert the words: “*Tummel Bridge lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development in this settlement.*”

Weem and Boltachan

17. Modify the settlement boundary on the Settlement Plan to include the area of land referred to in Representation No. 00269/1 (Schedule 4 document 029).

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 Giacomazzi (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.

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.

Issue 33a	Kinross-shire Area - Kinross/Milnathort Large Housing Sites	
Development plan reference:	Kinross/Milnathort, page 202-209 H46 - West Kinross, page 205 H47 - Lathro Farm, Kinross, page 205 OP12 - Former High School, Kinross, page 206 OP15 - Lethangie, Kinross, page 207	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><p>Graham Paterson (00086) Robert Ballard (00109) David Cureton (00136) Barry Colford (00178) Sheila Flounders (00182) Glen Douglas (00220) Fiona Kennie (00243) Mark Francey (00254) Aileen Eadie (00258) Patrick Smyth (00276) Ryszard Muller (00278) Kevin Marshall (00280) Joseph Burns (00285) M Campbell (00290) Andrew Muir (00291) W P McLeod (00292) I McDonald (00293) David Tinch (00294) Diana Corrieri (00296) Janet Mackay (00326) Anne Farmer (00328) David Menzies (00330) Maria Victoria Bartlett (00331) David Gibson (00344) Linda Gibson (00345) Fiona Erskine (00346) Ann Penman (00349) Helen Powers (00357) Mr & Mrs Murray (00360) Mr & Mrs J Hogg (00363) Pauline Smith (00368) Veda Scott (00374) A McBain (00375) Carolyn Ross (00376) C Smit (00377) Moirra Brady (00392) Mr & Mrs R Burnett (00394) Tom Traynor (00402) Alison Jane Cuthbert (00403) Charles Cuthbert (00404) George Aitken (00405)</p></div><div><p>Leslie Tolson (00543) Shirley Morgan (00544) Linda McNab (00547) James Pearse (00548) Mr & Mrs Jane Sneddon (00549) Mr & Mrs J Ballingall (00550) David Alston (00552) Irene Alston (00553) James Brown (00556) Peter Caw (00557) S Ross (00558) Mr & Mrs A Munro (00559) F Munro & L Ross (00560) Mr & Mrs Adrian Simpson (00567) Robert Livingstone (00569) Peter Richardson (00574) Mr & Mrs Adrian Francis (00578) Richard Pool (00582) Allison Pool (00584) Anne Gow (00586) Robert Corrieri (00591) George Lindsay (00603) Mr & Mrs Brian (00612) Fran Proctor (00622) Gary Mair (00627) Pauline Pearse (00639) Sidney Grant (00641) Tiziana Hetherington (00642) Cavellini Jones (00643) Mr & Mrs K Graham (00644) Betty Shier (00645) Michael Meaden (00647) Kinross Action Group (00653) Murray Mentiplay (00668) Janice Mentiplay (00669) Jane Smallwood (00702) Scott Paterson (00710) Mr & Mrs Alastair Marshall (00718) Mr & Mrs Andrew Burnett (00725) Ian Jones (00726) Dr Jennifer Best (00735)</p></div></div>		

<p>H Macpherson (00406) Grace Armit (00413) Dr Marie Weir (00414) Peter Brouwer (00421) Joan Cornwall (00423) Stuart Cornwall (00424) John Graham (00430) Wendy MacLennan (00431) Nicola Allan (00446) John C Hilton (00447) Robert Boath (00448) Lisa Halliday (00449) Fiona Wilkie (00452) John Wyllie (00464) I S Brydon (00465) J M Macdonald (00466) Ms Deborah Smedley (00468) GP Hawksford (00469) Jane Smith (00470) Peter Cornwall (00479) David Addison (00481) Shenna Howe (00482) Cathie Cochrane (00496) William Sutherland (00531) Janet Rankine (00532) L Main (00533) Margaret Hutt (00534) Agnes Widley (00535) Elizabeth Smith (00536) Colin Millar (00537) Regina Irune (00538) Agnes Gibb (00539) Ronald Stewart (00540) Ruth MacCalman (00541)</p>	<p>Margaret Best (00736) Jim Smith (00750) Susan Smith (00751) Sainsbury's Supermarkets Ltd (00754) Jamie Barftlett (00777) Dr Gary Law (00814) W McCloskey (00822) Anne Douglas (00824) Johnathan MacLennan (00828) Kinross Community Council (00841) Mr & Mrs Stuart Neave (00862) William Walls (00902) Councillor William B Robertson (00923) Scottish Environment Protection Agency (00947) Councillor Kathleen Baird (02632) Councillor Michael Barnacle (02633) Mr & Mrs Sheila Wills (02852) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Persimmon Homes East Scotland (09004) Motor Auction (Properties) Ltd (09029) Wallace Land Investment Management (09285) Kinross Estate Company (09313) Steve Sayers (09520) Ian Carscadden (09576) Alastair Duncan (09699) Linda Miller (09700) Jill Boyd (09707) George Pease (10115) Eileen Thomas (10223) David Wilson Homes (10227) Ken Miles (10236)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>Sets out the identified sites for residential development to meet the housing strategy for the Kinross Housing Market Area.</p>
<p>Planning authority's summary of the representation(s):</p>	
<p><u>H46</u> Moirá Brady (00392/1/001); Joan Cornwall (00423/1/001); Stuart Cornwall (00424/1/001); Maria Victoria Bartlett (00331/1/001); Tom Traynor (00402/1/001); Wendy MacLennan (00431/1/001); Jane Smith (00470/1/001); Peter Cornwall (00479/1/001); J M MacDonald (00466/1/001); Margaret Hutt (00534/1/001); Peter Richardson (00574/1/001); Pauline Pearse (00639/1/001); Sidney Grant (00641/1/001); Tiziana Hetherington (00642/1/001); Cavellini Jones (00643/1/001); Michael Meaden (00647/1/001); Ronald Stewart (00540/1/001); Ruth MacCalman (00541/1/001); Linda McNab (00547/1/001); David Alston (00552/1/001); Irene Alston (00553/1/001); S Ross (00558/1/001); Mr & Mrs A Munro (00559/1/001); F Munro & L Ross (00560/1/001); Councillor William B Robertson (00923/1/003); Margaret Best (00736/1/001); Dr Jennifer Best (00735/1/001); Anne Douglas (00824/1/001); Jamie Barftlett (00777/1/001); Kinross Community Council</p>	

(00841/1/013); Mr & Mrs Stuart Neave (00862/1/001); George Aitken (00405/1/001); David Cureton (00136/1/001); Richard Muller (00278/1/001); Patrick Smyth (00276/1/001); Aileen Eadie (00258/1/001); M Campbell (00290/1/001); Andrew Muir (00291/1/001); W P McLeod (00292/1/001); I McDonald (00293/1/001); Peter Brouwer (00421/1/001); Mr & Mrs R Burnett (00394/1/001); David Menzies (00330/1/001); Alison Jane Cuthbert (00403/1/001); Charles Cuthbert (00404/1/001); Grace Armit (00413/1/001); Dr Marie Weir (00414/1/001); John Graham (00430/1/001); Jill Boyd (09707/1/001); Fiona Erskine (00346/1/001); Mr & Mrs J Hogg (00363/1/001); Helen Powers (00357/1/001); Mr & Mrs Murray (00360/1/001); H Macpherson (00406/1/001); Janet Mackay (00326/1/001); Anne Farmer (00328/1/001); Ann Penman (00349/1/001); Veda Scott (00374/1/001); C Smit (00377/2/001); Deborah Smedley (00468/1/001); G P Hawksford (00469/1/001); John Wyllie (00464/1/001); I S Brydon (00465/1/001); David Addison (00481/1/001); Shenna Howe (00482/1/001); Nicola Allan (00446/1/001); John C Hilton (00447/1/001); Robert Boath (00448/1/001); Lisa Halliday (00449/1/001); Cathie Cochrane (00496/1/001); Fiona Wilkie (00452/1/001); Janet Rankine (00532/1/001); L Main (00533/1/001); Ian Carscadden (09576/1/001); Richard Pool (00582/1/001); Councillor Kathleen Baird (02632/1/001); George Lindsay (00603/1/001); Mr & Mrs Brian (00612/1/001); Allison Pool (00584/1/001); Mr & Mrs K Graham (00644/1/001); Betty Shier (00645/1/001); Kinross Action Group (00653/1/001); Agnes Widley (00535/1/001); Elizabeth Smith (00536/1/001); Colin Millar (00537/1/001); Regina Irune (00538/1/001); Agnes Gibb (00539/1/001); Leslie Tolson (00543/1/001); Shirley Morgan (00544/1/001); James Pearse (00548/1/001); Mr & Mrs Sneddon (00549/1/001); Mr & Mrs J Ballingall (00550/1/001); James Brown (00556/1/001); Peter Caw (00557/1/001); Mr & Mrs Adrian Simpson (00567/1/001); Robert Livingstone (00569/1/001); Janice Mentiplay (00669/1/001); Scott Paterson (00710/1/001); Ian Jones (00726/1/001); W McCloskey (00822/1/001); Alastair Duncan (09699/1/001); Linda Miller (09700/1/001); David Wilson Homes (10227/1/007); Johnathan MacLennan (00828/1/001); Eileen Thomas (10223/1/004); Sheila Flounders (00182/1/001); Joseph Burns (00285/1/001); Kevin Marshall (00280/1/001); William Sutherland (00531/1/001); Mr & Mrs Adrian Francis (00578/1/001); Fran Proctor (00622/1/001); Councillor Michael Barnacle (02633/1/035); George Pease (10115/1/008); Kinross Estate Company (09313/10/001); A McBain (00375/1/001); Diana Corrieri (00296/2/001 & 00296/3/001); William Walls (00902/1/001); Mr & Mrs Andrew Burnett (00725/3/001); Mark Francey (00254/1/001); Glen Douglas (00220/1/001); Fiona Kennie (00243/1/001); Linda Gibson (00345/1/001); Pauline Smith (00368/1/001); Anne Gow (00586/1/001); Susan Smith (00751/1/001); Jim Smith (00750/1/001); Murray Mentiplay (00668/1/001); Carolyn Ross (00376/1/001); Robert Corrieri (00591/1/001): Opposition to developing this site on some or all of the following grounds: impact on the visual appeal of Kinross, use of greenfield land, road safety, increased traffic, no suitable site access, impact on railway line footpath, impact on Davis Park, lack of suitable drainage, health and education infrastructure, more development should be directed to Perth, flooding, noise, proximity to motorway, would restrict extension of motorway hard shoulder, the site forms a buffer between Kinross and the motorway/oil and gas pipeline, not deliverable as the site capacity will be reduced by noise attenuation measures and no house builder is involved, impact on biodiversity.

David Gibson (00344/1/001): Do not object in principle to H46. Seek assurance on a number of issues: road safety, Davis Park, core path, creating a traffic shortcut.

Mr & Mrs Alastair Marshall (00718/1/001): Identified number of dwellings should be reduced and additional land requirement directed to brownfield sites. Increased traffic and road safety are an issue. Proposed access unsuitable, new round-about should be put in place from Station road and new access brought adjacent to the M90 and south of Davis Park.

Scottish Natural Heritage (05211/24/011): Amend the site specific developer requirements to include screen planting along the west boundary of the site to protect sensitive views to Loch Leven, castle and more distant Lomond Hills.

Persimmon Homes East Scotland (09004/10/001): Do not object to H46 for residential use. Question the ability of the site to deliver 125 dwellings in the lifetime of the Plan as it is not in control of a house builder, this should be reduced. Developer requirements should reflect that identified for H47.

Ken Miles (10236/1/009): Object to being identified for residential use. Should be used for 8ha employment as it is close to the Motorway, within the settlement boundary, has good cycle and pedestrian links. Could provide environmental benefits through screen planting along the Motorway.

Mr & Mrs Wills (02852/1/001): Completely support the development sites for Kinross. H46 should be a priority site for development, linking with H47 will provide an alternative link to the motorway from north to south. Site already has access road in place. Will protect development of greenfield land around Kinross and Milnathort.

Jane Smallwood (00702/1/002): Support. Would make good use of land and provide additional screening from the motorway. Agree safe network of paths would be important.

Wallace Land Investment Management (09285/1/001): Support. Masterplanning process will resolve issues raised by neighbours. Will establish a strong edge to Kinross and create new recreational space with no visual impact. Will not affect Davis Park and will retain and improve the railway line footpath. Motorway noise can be mitigated. The site capacity identified is suitable and the site represents the best option for development in Kinross in the shorter term.

Dr Gary Law (00814/1/001): Support. The proposed noise screening would benefit existing residents. The new link road would provide an alternative route between Kinross and Milnathort which is needed. The loss of Davis Park should be replaced by other suitable sites.

H47

Steve Sayers (09520/1/001); Barry Colford (00178/1/001); Graham Paterson (00086/1/001); Robert Ballard (00109/1/001); David Tinch (00294/1/001); Cathie Cochrane (00496/1/002); Councillor Michael Barnacle (02633/1/036); W McCloskey (00822/1/002); Eileen Thomas (10223/1/005); Diana Corrieri (00296/3/002); William Walls (00902/1/002): Opposition to developing this site on some or all of the following grounds: coalescence of Kinross and Milnathort, increased traffic, road safety, impact on the amenity of existing housing at Lathro Park, lack of suitable drainage, noise, loss of amenity, level of proposed development, flooding, impact on biodiversity, loss of greenfield land, lack of local employment, impact on health and education infrastructure.

Kinross Estate Company (09313/10/002): Object on grounds of: coalescence of Kinross and Milnathort, access, noise, landscape mitigation, site is unsuitable for residential development. Proposal should be deleted. If it remains identified it should be reduced to 100 units to reflect the Main Issues Report allocation (S4_Doc_217).

Linda Gibson (00345/2/001); Mr & Mrs Andrew Burnett (00725/1/001): Gallowhill road is unsuitable to support additional traffic. It would be a lost opportunity not to link the existing core path from the Old Railway line between Gallowhill Road and Auld Mart

Road and eventually the Loch Leven Heritage Trail.

Persimmon Homes East Scotland (09004/16/001): Support allocation but propose changes. Increase site capacity based on examination of flood risk, noise attenuation, access, scale, the site can accommodate 320-350 dwellings at medium density (220 in the lifetime of the Plan) ensuring best use of greenfield land and scale proposed is required to ensure long-term delivery of necessary infrastructure. Site is in control of a single house builder. Remove requirement for access to Gallowhill Road as it is unviable and could potentially impact road safety. A single access to the site in terms of the Roads Authority guidelines is acceptable and Lathro Lane is identified as a secondary 'emergency access'. Table 7.1.14 (S4_Doc_495) should reflect the proposed increased numbers.

Gary Mair (00627/1/001): If Lathro Lane used as a vehicular access there would be a reasonable chance that traffic movements would increase. Establishing a pedestrian route via Lathro Lane is taking people away from the main road. Access should be taken towards the north and east of the swimming pool thus generating a thoroughfare without interruption to an established housing area.

Jane Smallwood (00702/1/003): 120 dwellings seems reasonable, 220 seems excessive. Will impact on the current small community and tourism.

David Wilson Homes (10227/1/008): Object to 220 units on grounds of scale, landscape impact, distance of site from services and infrastructure. It will increase coalescence between Kinross and Milnathort and not integrate into the existing town. Site should be identified for 100 units.

Scottish Natural Heritage (05211/25/014): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

David Cureton (00136/1/002): Support, it is an appropriate location for development due to its walking distance proximity to transport links, community campus, leisure and health centre.

Mr & Mrs Wills (02852/1/002): Completely support the development sites for Kinross. Linking H46 with H47 will provide an alternative link to the motorway from north to south. Will protect development of greenfield land around Kinross and Milnathort.

Dr Gary Law (00814/1/002): Support, it is a suitable location for development. The new link road would provide an alternative route between Kinross and Milnathort which is needed.

Kinross Community Council (00841/1/007): Offer conditional support, but consideration must be taken of the impact on infrastructure and traffic issues.

Op12

Councillor Michael Barnacle (02633/1/037), Councillor William B Robertson (00923/1/004): Suitable for residential use but some land should be retained to alleviate the parking problems which exist in Kinross.

Kinross Community Council (00841/1/010): Support use for residential as part replacement for H46 and any proposal to include an area of public parking.

Ken Miles (10236/1/010): Site could offer employment land with units of employment suited to this centre town location. Object to the sites inclusion for housing.

Motor Auction (Properties) Limited (09029/1/002): Op13 offers a better and more deliverable opportunity for a mixed-use development, including retail than Op12 as it can deliver a large format supermarket close to the town centre.

Sainsbury's Supermarkets Ltd (00754/2/001): Site within a Conservation Area. It presents a constrained site for a retail operator and only suitable for a small format, notwithstanding concerns over impact on the town centre or other established retail locations. Request the Local Development Plan provides a limit on the scale of development to 500m² and that any development takes into account SPP 2010 (Core_Doc_048).

Eileen Thomas (10223/1/007): Support. The former high school wrongly identified as a listed building. Site should be used for residential or primary school.

Op15

Ken Miles (10236/1/006): Considers site a poor choice for a Primary school as it will encourage car use and its location next to the secondary school is questionable in terms of suitability.

David Wilson Homes (10227/1/012): Support the allocation of part of the site for a primary school under policy Op15 but object to the entire site being included. The Council have accepted the principal of this greenfield site being developed. The land owner/developer has approximately 3.6 acres set aside for a new twin campus primary school. The remainder of the site should be identified for housing development incorporating access, roads and open space.

George Pease (10115/1/006): Site will increase the loss of space between Kinross and Milnathort. The current separation should be maintained.

Eileen Thomas (10223/1/008): It seems a pity to use out-of-town prime agricultural land for this. The site is not within easy walking distance of anyone. Suggest Op12 (former High School site) for a new primary school or part of E18 (Station Road South).

Scottish Environment Protection Agency (03194/48/001): Site is located in or adjacent to the functional flood plain or an area of known flood risk. As such, part of the site may not be suitable for development. Historical records indicate that the development site may be at risk from the North Queich. Proposed mitigation and enhancement measures identified through the SEA (S4_Doc_567) process refer to the need for a Flood Risk Assessment to be undertaken to define the area at risk and appropriate detailed design layout and levels.

Scottish Environment Protection Agency (00947/1/020): The mitigation measures in Appendix C of SEA Addendum No.2 (S4_Doc_567) refer to the need for a Flood Risk Assessment to be undertaken to inform the development of this site but it has not been included in the developer requirements in the Proposed Plan for site Op15 (Lethangie).

Scottish Natural Heritage (05211/25/016): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

Kinross Community Council (00841/1/012): Support.

New Site

Kinross Estate Company (09313/13/001): Site at Perth Road Milnathort (S4_Doc_032) should be allocated for residential development with capacity for 120 units. Site identified as a preferred option in the Main Issues Report as Site A (S4_Doc_217) and has significant advantages and benefits over the currently allocated sites. It is not constrained by access, noise, topography, drainage, visual impact, flooding, coalescence or pipeline issues. The site is effective in terms of the criteria set out in PAN 2/2010 (Core_Doc_019). This site would address identified shortfalls in the Housing Allocations for the Kinross Housing Market Area.

Councillor Michael Barnacle (02633/1/040): Supports the non-identification of a housing site at Old Perth Road (S4_Doc_032).

Modifications sought by those submitting representations:**H46**

Moir Brady (00392/1/001); Joan Cornwall (00423/1/001); Stuart Cornwall (00424/1/001); Maria Victoria Bartlett (00331/1/001); Tom Traynor (00402/1/001); Wendy MacLennan (00431/1/001); Jane Smith (00470/1/001); Peter Cornwall (00479/1/001); J M MacDonald (00466/1/001); Margaret Hutt (00534/1/001); Peter Richardson (00574/1/001); Pauline Pearse (00639/1/001); Sidney Grant (00641/1/001); Tiziana Hetherington (00642/1/001); Cavellini Jones (00643/1/001); Michael Meaden (00647/1/001); Ronald Stewart (00540/1/001); Ruth MacCalman (00541/1/001); Linda McNab (00547/1/001); David Alston (00552/1/001); Irene Alston (00553/1/001); S Ross (00558/1/001); Mr & Mrs A Munro (00559/1/001); F Munro & L Ross (00560/1/001); Councillor William B Robertson (00923/1/003); Margaret Best (00736/1/001); Dr Jennifer Best (00735/1/001); Anne Douglas (00824/1/001); Jamie Barftlett (00777/1/001); Kinross Community Council (00841/1/013); Mr & Mrs Stuart Neave (00862/1/001); George Aitken (00405/1/001): Remove H46 from the Local Development Plan and reallocate the housing requirement to Brownfield land such as the Old High School (Op12), Scottish Motor Auction Site (Op13), or Old Medical Centre (Op14). Site should remain in agricultural use or identified for community use, woodland or allotments.

David Cureton (00136/1/001), Richard Muller (00278/1/001), Patrick Smyth (00276/1/001) Aileen Eadie (00258/1/001), M Campbell (00290/1/001), Andrew Muir (00291/1/001), W P McLeod (00292/1/001), I McDonald (00293/1/001), Peter Brouwer (00421/1/001), Mr & Mrs R Burnett (00394/1/001), David Menzies (00330/1/001), Alison Jane Cuthbert (00403/1/001), Charles Cuthbert (00404/1/001), Grace Armit (00413/1/001), Dr Marie Weir (00414/1/001), John Graham (00430/1/001), Jill Boyd (09707/1/001), Fiona Erskine (00346/1/001), Mr & Mrs J Hogg (00363/1/001), Helen Powers (00357/1/001), Mr & Mrs Murray (00360/1/001), H Macpherson (00406/1/001), Janet Mackay (00326/1/001), Anne Farmer (00328/1/001), Ann Penman (00349/1/001), Veda Scott (00374/1/001), C Smit (00377/2/001), Deborah Smedley (00468/1/001), G P Hawksford (00469/1/001), John Wyllie (00464/1/001), I S Brydon (00465/1/001), David Addison (00481/1/001), Shenna Howe (00482/1/001), Nicola Allan (00446/1/001), John C Hilton (00447/1/001), Robert Boath (00448/1/001), Lisa Halliday (00449/1/001), Cathie Cochrane (00496/1/001), Fiona Wilkie (00452/1/001), Janet Rankine (00532/1/001), L Main (00533/1/001), Ian Carscadden (09576/1/001), Richard Pool (00582/1/001), Councillor Kathleen Baird (02632/1/001), George Lindsay (00603/1/001), Mr & Mrs Brian (00612/1/001), Allison Pool (00584/1/001), Mr & Mrs K Graham (00644/1/001), Betty Shier (00645/1/001), Kinross Action Group (00653/1/001), Agnes Widley (00535/1/001), Elizabeth Smith (00536/1/001), Colin Millar (00537/1/001), Regina Irune (00538/1/001), Agnes Gibb (00539/1/001), Leslie Tolson (00543/1/001), Shirley Morgan (00544/1/001),

James Pearse (00548/1/001), Mr & Mrs Sneddon (00549/1/001), Mr & Mrs J Ballingall (00550/1/001), James Brown (00556/1/001), Peter Caw (00557/1/001), Mr & Mrs Adrian Simpson (00567/1/001), Robert Livingstone (00569/1/001), Janice Mentiplay (00669/1/001), Scott Paterson (00710/1/001), Ian Jones (00726/1/001), W McCloskey (00822/1/001), Alastair Duncan (09699/1/001), Linda Miller (09700/1/001), David Wilson Homes (10227/1/007), Johnathan MacLennan (00828/1/001), Eileen Thomas (10223/1/004): Remove H46 from the Local Development Plan.

Sheila Flounders (00182/1/001), Joseph Burns (00285/1/001), Kevin Marshall (00280/1/001), William Sutherland (00531/1/001), Mr & Mrs Adrian Francis (00578/1/001), Fran Proctor (00622/1/001), Councillor Michael Barnacle (02633/1/035), George Pease (10115/1/008): Remove H46 from the Local Development Plan and identify for woodland or allotments.

Kinross Estate Company (09313/10/001): Remove H46 from the Local Development Plan. If it remains in the Plan identify for 75 Units.

A McBain (00375/1/001): Remove site H46 from the Local Development Plan and reallocate the housing numbers to site H47.

Diana Corrieri (00296/2/001): Remove H46 from the Local Development Plan and identify for one of these alternatives - non-residential, industrial use, woodland or agricultural.

Diana Corrieri (00296/3/001); William Walls (00902/1/001); Mr & Mrs Andrew Burnett (00725/3/001): Modify Site Specific Developer Requirements to remove requirement for secondary access to Gallowhill Road.

Mark Francey (00254/1/001): Modify Site Specific Developer Requirements to remove requirement for roads connection to Springfield Road and make Gallowhill Road the main access.

Glen Douglas (00220/1/001): Modify Site Specific Developer Requirements to remove requirement for road connection from A922 Springfield Road and require access from new south bound access to M90 at Milnathort.

Fiona Kennie (00243/1/001): Modify Site Specific Developer Requirements to remove road connection to A922 Springfield Road.

Linda Gibson (00345/1/001): Modify Site Specific Developer Requirements to remove requirement for secondary access to Gallowhill Road and specify access to site is not taken from bend in Springfield Road.

Pauline Smith (00368/1/001), Anne Gow (00586/1/001), Susan Smith (00751/1/001), Jim Smith (00750/1/001), Murray Mentiplay (00668/1/001): Add requirement to Site Specific Developer Requirements to require that any access does not impact on Davis Park.

Carolyn Ross (00376/1/001): Modify Site Specific Developer Requirements to require only taking access from Gallowhill Road and the retention of Davis Park.

Robert Corrieri (00591/1/001): Modify Site Specific Developer Requirements to ensure that new access should not be taken from Springfield Road or impact on Davis Park.

David Gibson (00344/1/001): Add requirement to Site Specific Developer Requirements to replace with a similar facility of equal quality close to present location if Davis Park is removed.

Mr & Mrs Alastair Marshall (00718/1/001): Modify Local Development Plan to reduce number of dwellings.

Modify Site Specific Developer Requirements to require that the proposed access from Springfield Road should be provided by a round-about at Station Road.

Scottish Natural Heritage (05211/24/011): Modify Site Specific Developer Requirements to include *'Provision of woodland screen planting along the west boundary of site should be appropriate to the site. Dense coniferous planting would not be appropriate.'*

Persimmon Homes East Scotland (09004/10/001): Modify site H46 housing number from '125' to '100'.

Modify Site Specific Developer Requirements to include *'Development of a masterplan through consultation with the Community and Council submitted at the time of a planning application'*.

Ken Miles (10236/1/009): Site H46 should be identified for Employment Use.

H47

Steve Sayers (09520/1/001), Barry Colford (00178/1/001), Graham Paterson (00086/1/001), Robert Ballard (00109/1/001), David Tinch (00294/1/001), Cathie Cochrane (00496/1/002), Councillor Michael Barnacle (02633/1/036), W McCloskey (00822/1/002), Eileen Thomas (10223/1/005): Remove site from Local Development Plan.

Diana Corrieri (00296/3/002); William Walls (00902/1/002): Modify Site Specific Developer Requirements to remove requirement for access to Gallowhill Road.

Kinross Estate Company (09313/10/002): Remove H47 from the Local Development Plan. If it remains in the Plan identify for 100 Units. (Note: The Main Issues Report identified this site for 200 units.)

Linda Gibson (00345/2/001); Mr & Mrs Andrew Burnett (00725/1/001): Modify Site Specific Developer Requirements to remove requirement for access to Gallowhill Road and add a requirement to extend the core path from Gallowhill Road through to Auld Mart Road.

Persimmon Homes East Scotland (09004/16/001):

1. Change the site capacity to '320-350 (220 up to 2024)';
2. Change the second sentence to *'Development of this site will be in phases with 220 in the lifetime of the plan'*;
3. Amend Site Specific Developer Requirements to remove Gallowhill Road from the required road connections;
4. Amend Site Specific Developer Requirements to change *'Lathro Land'* to *'Lathro Lane (emergency access)'*;
5. Change number of units on table under 7.1.14 (S4_Doc_495) for H47 from '220' to '320-350';

6. Change boundary of H47 to reflect development boundary as shown in Appendix 1 Indicative Landscape Masterplan.

Gary Mair (00627/1/001): Site Specific Developer Requirements should identify that no pedestrian or vehicular access should be taken through Lathro Lane.

Jane Smallwood (00702/1/003): Reduce site capacity to 120.

David Wilson Homes (10227/1/008): Reduce site capacity to 100.

Scottish Natural Heritage (05211/25/014): Modify the Site Specific Developer Contributions 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.'*

Op12

Councillor Michael Barnacle (02633/1/037), Councillor William B Robertson (00923/1/004), Kinross Community Council (00841/1/010): Modify Site Specific Developer Requirements to require part of the site to be used for a car park.

Ken Miles (10236/1/010): Modify site uses to remove *'Residential'*.

Motor Auction (Properties) Limited (09029/1/002): Modify site uses to exclude retail and employment.

Sainsbury's Supermarkets Ltd (00754/2/001): Modify Site Specific Developer Requirements to include *'Retail development should be limited to less than 500sqm gross'* or *'All retail development must satisfy policy RC4 of the Local Development Plan'*.

Replace *'New designs should consider the retention of listed buildings'* with *'There is a presumption in favour of retention of listed buildings and applications to demolish listed buildings must be justified taking into account national planning policy.'*

Eileen Thomas (10223/1/007): Modify Site Specific Developer Requirement to remove reference to the Listed Building.

Modify uses to include *'Primary School'*.

Op15

Ken Miles (10236/1/006): Modify site uses to include *'employment'*.

David Wilson Homes (10227/1/012): Allocate most of site for residential use with 3.6 acres set aside for primary school provision.

George Pease (10115/1/006); Eileen Thomas (10223/1/008): Delete Site from Local Development Plan.

Scottish Environment Protection Agency (03194/48/001 & 00947/1/020): Modify Site Specific Developer Requirements to require a 'Flood Risk Assessment'.

Scottish Natural Heritage (05211/25/016): Modify the Site Specific Developer Contributions 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 SUDS 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

Kinross Estate Company (09313/13/001): Local Development Plan to identify site at Perth Road, Milnathort for residential development of 120 dwellings.

Summary of responses (including reasons) by planning authority:

Overview

The land allocations in Kinross and Milnathort are appropriate and of more than a sufficient scale allowing the Local Development Plan strategy in the Kinross Housing Market Area meet the requirement of the TAYplan spatial strategy. Reference to the Schedule 4 no 20c Housing Land Strategy is highlighted for further information on this issue.

Infrastructure

A review of the local primary schools in Kinross and Milnathort has identified that the current capacity is unlikely to be able to sustain the projected growth during the Plan period. A site has been identified for a new primary school adjacent to the Loch Leven Community Campus (Op15) which will allow for the sharing of facilities and transport as well as the provision of sufficient education capacity to support future needs. The former high school (Op12) does not provide sufficient scope to share facilities or adequately serve both Kinross and Milnathort. Site Op15 is beneficial as the focus of the majority of new development is to the north of Kinross and this central location for an additional primary school provides flexibility when reviewing school catchments. In line with Policy PM3: Infrastructure Contributions (S4_Doc_496) and the Developer Contributions Supplementary Guidance (Core_Doc_069) new residential development will be required to contribute towards this primary school provision.

A new health centre was open in Kinross adjacent to the Loch Leven Community Campus in 2009 which will support the current and future needs of the local community. The Health Board have been consulted on the Proposed Plan and have raised no issues or objections.

Extensive consultation has taken place with Scottish Water and SEPA with regards to water and drainage provision in Kinross and Milnathort. Both agencies have raised no objections to the development sites identified in the Plan.

H46

Moir Brady (00392/1/001), Joan Cornwall (00423/1/001), Stuart Cornwall (00424/1/001), Maria Victoria Bartlett (00331/1/001), Tom Traynor (00402/1/001), Wendy MacLennan (00431/1/001), Jane Smith (00470/1/001), Peter Cornwall (00479/1/001), J M MacDonald

(00466/1/001), Margaret Hutt (00534/1/001), Peter Richardson (00574/1/001), Pauline Pearse (00639/1/001), Sidney Grant (00641/1/001), Tiziana Hetherington (00642/1/001), Cavellini Jones (00643/1/001), Michael Meaden (00647/1/001), Ronald Stewart (00540/1/001), Ruth MacCalman (00541/1/001), Linda McNab (00547/1/001), David Alston (00552/1/001), Irene Alston (00553/1/001), S Ross (00558/1/001), Mr & Mrs A Munro (00559/1/001), F Munro & L Ross (00560/1/001), Councillor William B Robertson (00923/1/003), Margaret Best (00736/1/001), Dr Jennifer Best (00735/1/001), Anne Douglas (00824/1/001), Jamie Barftlett (00777/1/001), Kinross Community Council (00841/1/013), Mr & Mrs Stuart Neave (00862/1/001), George Aitken (00405/1/001), David Cureton (00136/1/001), Richard Muller (00278/1/001), Patrick Smyth (00276/1/001), Aileen Eadie (00258/1/001), M Campbell (00290/1/001), Andrew Muir (00291/1/001), W P McLeod (00292/1/001), I McDonald (00293/1/001), Peter Brouwer (00421/1/001), Mr & Mrs R Burnett (00394/1/001), David Menzies (00330/1/001), Alison J Cuthbert (00403/1/001), Charles Cuthbert (00404/1/001), Grace Armit (00413/1/001), Dr Marie Weir (00414/1/001), John Graham (00430/1/001), Jill Boyd (09707/1/001), Fiona Erskine (00346/1/001), Mr & Mrs J Hogg (00363/1/001), Helen Powers (00357/1/001), Mr & Mrs Murray (00360/1/001), H Macpherson (00406/1/001), Janet Mackay (00326/1/001), Anne Farmer (00328/1/001), Ann Penman (00349/1/001), Veda Scott (00374/1/001), C Smit (00377/2/001), Deborah Smedley (00468/1/001), G P Hawksford (00469/1/001), John Wyllie (00464/1/001), I S Brydon (00465/1/001), David Addison (00481/1/001), Shenna Howe (00482/1/001), Nicola Allan (00446/1/001), John C Hilton (00447/1/001), Robert Boath (00448/1/001), Lisa Halliday (00449/1/001), Cathie Cochrane (00496/1/001), Fiona Wilkie (00452/1/001), Janet Rankine (00532/1/001), L Main (00533/1/001), Ian Carscadden (09576/1/001), Richard Pool (00582/1/001), Councillor Kathleen Baird (02632/1/001), George Lindsay (00603/1/001), Mr & Mrs Brian (00612/1/001), Allison Pool (00584/1/001), Mr & Mrs K Graham (00644/1/001), Betty Shier (00645/1/001), Kinross Action Group (00653/1/001), Agnes Widley (00535/1/001), Elizabeth Smith (00536/1/001), Colin Millar (00537/1/001), Regina Irune (00538/1/001), Agnes Gibb (00539/1/001), Leslie Tolson (00543/1/001), Shirley Morgan (00544/1/001), James Pearse (00548/1/001), Mr & Mrs Sneddon (00549/1/001), Mr & Mrs J Ballingall (00550/1/001), James Brown (00556/1/001), Peter Caw (00557/1/001), Mr & Mrs Adrian Simpson (00567/1/001), Robert Livingstone (00569/1/001), Janice Mentiplay (00669/1/001), Scott Paterson (00710/1/001), Ian Jones (00726/1/001), W McCloskey (00822/1/001), Alastair Duncan (09699/1/001), Linda Miller (09700/1/001), David Wilson Homes (10227/1/007), Johnathan MacLennan (00828/1/001), Eileen Thomas (10223/1/004), Sheila Flounders (00182/1/001), Joseph Burns (00285/1/001), Kevin Marshall (00280/1/001), William Sutherland (00531/1/001), Mr & Mrs Adrian Francis (00578/1/001), Fran Proctor (00622/1/001), Councillor Michael Barnacle (02633/1/035), George Pease (10115/1/008), Kinross Estate Company (09313/10/001), A McBain (00375/1/001), Diana Corrieri (00296/2/001 & (00296/3/001), William Walls (00902/1/001), Mr & Mrs Andrew Burnett (00725/3/001), Mark Francey (00254/1/001), Glen Douglas (00220/1/001), Fiona Kennie (00243/1/001), Linda Gibson (00345/1/001), Pauline Smith (00368/1/001), Anne Gow (00586/1/001), Susan Smith (00751/1/001), Jim Smith (00750/1/001), Murray Mentiplay (00668/1/001), Carolyn Ross (00376/1/001), Robert Corrieri (00591/1/001), David Gibson (00344/1/001), Mr & Mrs Alastair Marshall (00718/1/001), Ken Miles (10236/1/009): The Main Issues Report identified this site as a preferred development option under reference E (S4_Doc_217) as one of five development sites within Kinross and Milnathort. The site is allocated for 125 units which is within the medium density range and reflects the neighbouring residential development. The site is bounded to the east by the 'old railway line' core path which does not form part of the development site but as part of the developer requirements its role as a core path and landscape buffer is to be enhanced and safeguarded. The land is currently in agricultural use (S4_Doc_644) with only a small area to the north being

defined as prime agricultural land.

Access to the site is proposed from Springfield Road and could be achieved in road engineering terms, although the route of the access is not defined and will be determined through a detailed planning application. However it is acknowledged that the community have made it clear that a road through or isolating Davis Park would be unacceptable. At Property Sub Committee on 7 March 2012 (S4_Doc_587) the Council refused an option agreement on land owned by the Council to facilitate an access to this site due to insufficient information being available regarding the engineering viability of the access and the intention with regard to Davis Park

It is also acknowledged that Springfield Road can experience congestion at peak times and the Council has agreed funding to construct a roundabout and pedestrian facilities at the junction of the A922 Station Road and Springfield Road which may help facilitate the site access.

This allocation does not include Davis Park within the site boundary. If planning permission would result in a deficit to the facilities at Davis Park in line with SPP Paragraph 153 (S4_Doc_309) replacement open space of appropriate type, quantity, accessibility and quality should be provided.

It is agreed that in terms of noise the sites position adjacent to the M90 could sterilise part of the site from development. A noise impact assessment has been submitted proposing noise mitigation measures which show the site could be effectively developed. The impact of these mitigation measures may impact on the visual edge of Kinross and will require to be considered through a planning application.

Alternative site uses have been proposed for this site and the Council would not be adverse to part of this site being designated for employment or non-residential use where it would be compatible with existing neighbouring uses. It is considered that many of the points which have been raised through representations in relation to impact on Davis park, loss of greenfield land and noise would still be a relevant consideration and access for heavy goods vehicles from Springfield Road may not be appropriate.

The Council acknowledges the volume of support for the removal of this site from the Plan and agrees that some unresolved issues in relation to noise and access exist. The Community are clear they want H46 deleted and while a Masterplan may be able to address all of the issues raised it is unclear that these could be resolved to the satisfaction to the Council.

Since the publication of the Proposed Plan it is apparent that the former Kinross High School (Op12) will be used for residential development as all of the shortlisted bids for its purchase are based upon residential use. The land adjacent to the New Primary School (Op15) may also be considered acceptable for residential development and subject to the Masterplan process H47 may support an increased level of development. This wide range of additional sites as well as the existing designations provides a more than sufficient effective housing land supply.

In comparison with paragraph 7.1.14 the following table shows how the proposed modifications would increase the overall land supply.

Site Ref	Location	No of Units
H47	Lathro Farm	260 (140 up to 2024)
H48	Pitdownie	40
H49	Pace Hill	50
H50	Old Perth Road	7
Op12	Former High School	70
Op15	Lethangie	40
Total		467

(This table will be included as a reference document in the final response to Ministers)

If the Reporter considers that H46 is not an appropriate site for residential development the Council considers that its removal would not leave a shortfall in the effective land supply. If the designation is removed the land should remain in the settlement boundary and identified as Open Space Policy CF1 (S4_Doc_414).

Scottish Natural Heritage (05211/24/011): It is considered that amending the Site Specific Developer Contributions to include the suggested wording would provide greater clarity and transparency for applicants.

If the Reporter is so minded the suggested additional text by the respondent should be added to the Site Specific Developer Requirements.

Persimmon Homes East Scotland (09004/10/001): Amending the Site Specific Developer Requirements to reflect that of H47 through the inclusion of *'Development of a Masterplan through consultation with the Community and Council submitted at the time of a planning application.'* Would not raise any issues.

If the Reporter is so minded the suggested additional text by the respondent should be added to the Site Specific Developer Requirements.

H47

Steve Sayers (09520/1/001), Barry Colford (00178/1/001), Graham Paterson (00086/1/001), Robert Ballard (00109/1/001), David Tinch (00294/1/001), Cathie Cochrane (00496/1/002), Councillor Michael Barnacle (02633/1/036), W McCloskey (00822/1/002), Eileen Thomas (10223/1/005), Diana Corrieri (00296/3/002), William Walls (00902/1/002), Kinross Estate Company (09313/10/002), Linda Gibson (00345/2/001), Mr & Mrs Andrew Burnett (00725/1/001), Persimmon Homes East Scotland (09004/16/001), Gary Mair (00627/1/001), Jane Smallwood (00702/1/003), David Wilson Homes (10227/1/008): The development of H47 is a natural extension to the north of Kinross. It forms the backbone of the Kinross Housing Land Strategy and will provide development land for the period of the Local Development Plan and beyond. The Main Issues Report identified this site as a preferred development option under reference D as one of five development sites within Kinross and Milnathort (S4_Doc_217). Of the five sites this was the second preferred option behind option E with a higher proportion of comments in favour of it being identified although issues raised included traffic, density, loss of agricultural land and the coalescence between Kinross and Milnathort (S4_Doc_568). The site is well located between Kinross and Milnathort town centres and adjacent to local community facilities such as the Loch Leven Community Campus.

The site is not prime agricultural land and the area which separates the two settlements out with the identified site is a natural flood plain for the North Queich and its close proximity to Loch Leven means it supports a wide range of biodiversity which should be protected. The Loch Leven Catchment Management Plan (Core_Doc_052) recommends a reduction in erosion of river banks and the management of natural flood plains as an effective method of reducing the level of phosphorus entering the water system. In order to support these recommendations development will only be acceptable where improvements to the landscape, green networks and riparian habitat have been implemented. These improvements will strengthen the visual separation between Milnathort and Kinross, prevent coalescence of the town settlements and have wider benefits through the management of flooding downstream and reducing impact on Loch Leven.

Road access to the site is proposed from the A922, Gallowhill Road and the cul-de-sac at Lathro Lane, identified in error in the Plan as Lathro Land. While in terms of the Perth and Kinross Council Roads Development Guide Chapter 5 Roads Design Standards (Core_Doc_188) a single access and emergency access is a minimum requirement, the Guide also provides an option for more than a single access to be required. This guidance is considered out of date and in line with Scottish Government Guidance Designing Streets (Core_Doc_014) a range of access points should be proposed in a development to ensure a range of movement opportunities and the creation of a sense of place. The proposed access to Gallowhill Road would ensure suitable movement through the site and combined with an access through H46 a well designed development layout would provide alternative routes from the new development without it becoming a 'rat run' and dispersing the impact of additional traffic movements on existing routes.

The identified area of development lies out with the SEPA 1:200 indicative flood map (S4_Doc_569) area. Provision of a Flood Risk Assessment is identified through the developer requirements which will determine the effective development boundary and may influence the final capacity of the site beyond the Plan period.

The Representation from Persimmon Homes seeks to have the area of development extended westwards towards the M90 and supports this request with a noise impact assessment. The Council considers that the site as proposed is sufficient to meet current needs and there is no requirement for additional housing land at this point in time however if the Reporter is minded to support this it should be amended through the Masterplan following a detailed analysis of a range of issues including noise, flood risk, landscape and biodiversity.

The proposed density of the site is at the lower level of the medium density range due to uncertainty over the final developable area (S4_Doc_498). The density ranges are indicative and are considered flexible giving scope for higher density to be introduced within the defined range as long as this does not compromise good design. The proposal to increase the identified number of units to '320 – 350/ 220 *within the lifetime of the Plan*' is considered excessive. The housing strategy does not require this level of development and the proposed density increases into the high density range which does not reflect the neighbouring land uses. It is acknowledged that increasing the density would be logical economically however the increased level of development within the Plan period could be reconsidered in the first Local Development Plan review. The Council has no objection to the application of the indicative number of 20 units per ha for the medium range which will increase flexibility to 2024 but considers that due to further analysis of the developable area being required the final number of dwellings should be determined through the Masterplan process.

Scottish Natural Heritage (05211/25/014): It is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (S4_Doc_156) (Including Appropriate Assessment) 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.

Op12

Councillor Michael Barnacle (02633/1/037), Councillor William B Robertson (00923/1/004), Kinross Community Council (00841/1/010): No justification has been presented which identifies that this site is the only solution to identified parking issues. The Council is investigating the provision of a car park at Mill Street which is closer to the town centre. There is no requirement to include reference to the provision of a car park in the Site Specific Developer Requirements.

No modification is proposed to the Plan.

Ken Miles (10236/1/010), Motor Auction (Properties) Limited (09029/1/002): The former Kinross High School is the most significant brownfield site in the Kinross Housing Market Area and is well located for a variety of uses. Although it is identified for employment use the costs associated with site preparation may not make this viable. Due to its position in Kinross adjacent to existing residential development and the pressures on greenfield land it is not accepted that residential use should not be identified as a possible future use. Since the publication of the Proposed Plan it is apparent that this site is likely to be used for residential development as all of the shortlist bids for its purchase are based upon residential use.

No modification is proposed to the Plan.

Sainsbury's Supermarkets Ltd (00754/2/001): The site would be suitable for retail development and no evidence has been provided to support the proposal to restrict the size of any retail use to 500m². Policy RC4: Retail and Commercial Leisure Proposals (S4_Doc_497) provides guidance on the siting of retail proposals and the size determined by an up to date Retail Capacity Study. It is not accepted that the Site Specific Developer Requirements should replicate national planning policies or identify specific policies within the Plan. The Plan should be read as a whole document and at the time of a planning application all relevant local and national planning policies will be considered where appropriate.

No modification is proposed to the Plan.

Eileen Thomas (10223/1/007): A site has been identified for an additional primary school adjacent to the Loch Leven Community Campus (Op15) allowing for the sharing of facilities. This site has been discounted for use as a primary school by the Council as it has no merit being too close to the existing Kinross primary school and would not provide easy access from new development in both Kinross and Milnathort.

No modification is proposed to the Plan.

Eileen Thomas (10223/1/007): It is a technical error that the former school building has been identified as being listed. Although unlisted, the main school buildings facing the High Street make a positive contribution to the character and appearance of the Kinross Conservation Area (Core_Doc_082).

If the Reporter was so minded the Council would have no objection to the modification of the Site Specific Developer Requirements to include *'New designs should consider the retention of the main school buildings.'*

Op15

Ken Miles (10236/1/006), David Wilson Homes (10227/1/012), George Pease (10115/1/006), Eileen Thomas (10223/1/008): A review of the local primary schools in Kinross and Milnathort has identified a capacity shortfall which may not be able to sustain the projected growth during the Plan period. This site has been identified for a new primary school to meet this future need. Its position adjacent to the Loch Leven Community Campus will allow for the sharing of facilities and transport as well as the provision of sufficient education capacity to support future needs. This site is beneficial as the focus of the majority of new development is to the north of Kinross and this central location for an additional primary school provides flexibility when reviewing school catchments. The site as identified, at 3.5ha, is larger than that required for a new primary school and has been identified at this size to provide flexibility as the final school land requirement is not finalised. The Plan states that if the land is not required it will remain in agricultural use.

A proposal has been brought forward for residential use on the remainder of the site not in educational use. The Council understands that the identification of this land for residential would receive support from the landowner and ensure the provision of the land for the primary school. This position would be supported by the Council but due to the final land requirement of the school not yet being determined it would not be appropriate to designate this area as two separate sites and any development should be considered in tandem through a Masterplan.

The Council does not agree that it would be suitable for employment use due to its position adjacent to the new primary school raising potential noise issues and conflict with possible heavy goods vehicles entering the site. The Site Specific Developer Requirements identifies the need for a landscape framework to be developed with any proposal. This framework will require to be approved by the Council and will provide an opportunity to reinforce the separation of Kinross and Milnathort.

If the Reporter was so minded the Council would raise no objection to the site uses to including *'Primary School with Residential on the remainder of the site developed through a Masterplan'*.

Scottish Environment Protection Agency (03194/48/001), Scottish Environment Protection Agency (00947/1/020): While the site is out with the SEPA 1:200 year indicative flood area (S4_Doc_570) due to the topography of the site it is acknowledged surface water flooding may impact on the developable area. It is considered that the proposed modification would provide greater clarity and transparency for applicants.

If the Reporter is so minded the suggested additional text by the respondent should be added to the Site Specific Developer Requirements.

Scottish Natural Heritage (05211/25/016): 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

Kinross Estate Company (09313/13/001): The Main Issues Report identified this site as a preferred development option under reference A (S4_Doc_217) as one of three development sites within Milnathort. The consultation showed that of the three sites this was the preferred option although the balance of comments on the site were negative raising issues such as increased traffic through the village, impact on the village setting and Burleigh Castle which is a Scheduled Ancient Monument, loss of agricultural land and the impact of flooding on the eastern part of the site. It is currently in agricultural use and the Burleigh Burn to the east of the site could pose flood problems. The submitted Flood Risk Assessment shows these to be minor, although this would require to be independently checked. Through a Masterplan issues such as the effective development area, transport, flooding and how development would respond to the setting of Burleigh Castle could be addressed. It is considered that the Plan identifies more than sufficient land to meet the housing land requirements during the Plan period so this site is not required.

No modification is proposed to the Plan.

Reporter's conclusions:

Housing requirement

1. TAYplan Policy 5: Housing expects an average of 70 houses per year to be built in Kinross-shire, which equates to 980 during 2010-2024. However, with the 10% reduction to avoid adverse environmental impact on Loch Leven, the housing land requirement for this housing market area is 880. When completions 2010-2011 are taken into account (30 units) together with effective supply at 2011 (400 units) and windfall sites (90 units), the additional allocations required are 360 units in Kinross-shire.

2. In response the Proposed Plan allocates sites for 342 units in Kinross/Milnathort during the Plan period, and a further 250 units in landward settlements, giving a total of 592 units in Kinross-shire. This represents a very generous provision, especially having regard to the environmental constraints in the Loch Leven catchment area, discussed elsewhere in this report.

Infrastructure

3. The measures to protect Loch Leven from the adverse consequences of development are discussed in Issue 17c and Issue 31. However, there is no evidence that infrastructure constraints would prevent Kinross and Milnathort accommodating the scale of housing growth envisaged in the Proposed Plan. There is already a new health centre, and a new secondary school campus serving the area. A site has been identified for the development of a new primary school (Op15), to which developers will be required to

contribute, to cater for the growth in population. There have been no objections to the proposed housing sites from the key local agencies – the Health Board, Scottish Water and the Scottish Environment Protection Agency (SEPA).

H46: West Kinross

4. The proposal to allocate this site for housing (125 houses) has generated substantial controversy. The site of 8 hectares lies on the edge of Kinross, between the town and the M90 motorway. At first sight the proposal would appear to represent a logical rounding-off of development on the west side of Kinross. The site is a predominantly level agricultural field, with a hedge on its east boundary which could be strengthened to create a landscape buffer. The core path which runs north-south beyond the site boundary would be retained. On the western boundary of the site development would be constrained by the proximity of the motorway, but with suitable noise attenuation measures this would not prevent the development of the site.
5. There is pedestrian access to the site from the south and from Gallowhill Road to the north via the core path, and from the culs-de-sac in the existing housing estate to the east. However the only existing access for vehicles is by means of a surfaced footpath which runs from Springfield Road (at the south end of the site) along the crest of an embankment. The respondents would prefer that this access would be widened to create a full road connection to Springfield Road, with a secondary access to Gallowhill Road. Alternatively they suggest it might be possible to access the site directly from Station Road (A922).
6. Both alternatives would involve the construction of a new roadway through Davis Park, a public open space serving the surrounding residential area. It is an attractive, well maintained recreational area providing an important local amenity, including a small football pitch and an equipped play area at the foot of the embankment. The respondents have submitted a sketch design of the new roadway, but in view of the restricted size of the park and the sharp drop in levels from east to west it is likely that engineering works to form a new estate road would have a detrimental effect on the amenity and function of the park. The new road would also serve to split the park or separate it from the adjoining housing area which it serves.
7. Davis Park is designated as open space in the Proposed Plan. The proposal to construct a housing estate road through this small public park is therefore in conflict with policy CF1: Open Space Retention and Provision which seeks to protect and enhance such facilities.
8. There are other unresolved concerns about the proposal, including the impact on congestion already experienced at the junction of Springfield Road with Station Road, but none of them presents such a fundamental obstacle to development as the impact on Davis Park, which in itself justifies the deletion of H46 from the Proposed Plan.
9. In response to the level of public opposition, the council now accepts that the shortcomings of H46 might not be satisfactorily resolved by a masterplan. The council's review of the status and capacity of other sites in the area shows that there are other viable alternatives to H46, which would provide sufficient housing sites in the area. There is hence no need to retain the site as a housing proposal in the Proposed Plan. Site H46 should therefore be deleted and the land redesignated as open space under policy CF1.

H47

10. This proposal at Lathro Farm affects an extensive (13 hectare) area of agricultural land on the north west edge of Kinross. The land rises sharply from the A922 at the east end of the site, and then falls more gradually towards its west end at Gallowhill Road. The eastern part of the site, in particular, forms part of the important gap between Kinross and Milnathort (to the north). The loss of greenfield land is regrettable, but in the absence of suitable brownfield sites the council is obliged to consider greenfield sites on the edge of Kinross and Milnathort. However, any development proposal within this area requires careful consideration to ensure that there is no risk of coalescence.

11. There are good reasons to conclude that the development of H47 would not lead to the merging of the two towns. The Loch Leven community campus lies immediately opposite the site, so the development of this wedge would result in only a marginal northward expansion of Kinross. On the west side of the road a substantially larger field would remain undeveloped to the north of Lathro Cottage. In any case SEPA flooding data shows that most of that field is constrained by flood risk. A prerequisite of the allocation is the preparation of a masterplan, which will incorporate a series of measures to enhance the landscape, green networks and habitats. These improvements will help to maintain and strengthen the separate identities of Kinross and Milnathort. Careful layout and design would minimise the impact of the development of H47 on residents of the existing housing estate at Lathro Park immediately to the south.

12. Current best practice promoted in Designing Streets supports the intention to form road connections to Gallowhill Road and Lathro Lane. The guidance advises that street patterns should be fully integrated with surrounding networks to provide flexibility and accommodate changes in built and social environments. This encourages walking and cycling, and makes it easier to navigate through places. Once again, the masterplan will be the opportunity to explore the potential to extend the core path through H47.

13. The precise extent of the housing area will be determined by the outcome of a detailed flood risk assessment, but the total of 220 houses on an area of 13 hectares (i.e. 17 units per hectare) is unusually low in a mixed development including low cost housing. On the other hand the potential developer's suggestion of 350 (27 units per hectare) appears excessive in this edge of town location. Nor is there the justification to expand the site as the developer would wish, having regard to the housing provision outlined earlier.

14. The council's alternative of 20 units per hectare, i.e. 260 houses on H47 (140 during the Plan period), is a reasonable solution here.

15. As the council acknowledges, it is appropriate to include the additional wording suggested by Scottish Natural Heritage (SNH), to underline the need to avoid any adverse impact on Loch Leven.

Op12

16. This site of almost 3 hectares, which contains the former Kinross High School, is located in a predominantly residential area on the edge of the town centre. Although not a listed building, any redevelopment would need to preserve or enhance the character or appearance of the conservation area.

17. Although the Proposed Plan identifies Op12 as suitable for a variety of uses – employment/retail/hotel/community/residential – in practice all of the serious interest in the site has been for residential development. This is consistent with its mainly residential surroundings and the limitations of the site which are likely to make it less attractive to potential commercial developers. In any case there is no longer any need to identify the site as a retail opportunity, for the reasons given in Issue 31.

18. The council is investigating a different site closer to the town centre for car parking. The requirement for a new primary school site is to be satisfied at Op15, which is better placed to serve Kinross and Milnathort. There is therefore no need to reserve Op12 for either purpose.

19. In these circumstances it would be appropriate to redesignate the site as a residential allocation. Due to its location on the edge of the town centre, the site is suitable for the development of 70 units.

Op15

20. There is an identified need to find a site for a new primary school to accommodate the growth in population in Kinross and Milnathort during the Plan period. This site at Lethangie lies on the north east edge of Kinross, immediately to the east of the new secondary school campus. A new primary school on Op15 would be well located to cater for the needs of Kinross and Milnathort (depending on a review of school catchments), including the proposed new housing area nearby at H47. In that location it could also share facilities and transport with the neighbouring Loch Leven Community Campus.

21. Because of its position to the north east of the town, the development of a primary school on Op15 would not threaten the convergence of Kinross with Milnathort – it would not spread development northwards along the A922.

22. There is adequate provision of employment land elsewhere in the area (Issue 32). Site Op15 lies adjacent to an existing school, and is approached by a road serving the community campus, health centre and a housing area, and is therefore unsuited to employment uses.

23. The 3.5 hectare site at Op15 is substantially larger than is required for the primary school, and a potential developer proposes that the rest of the site is developed for housing as part of a sustainable mixed use development. The council now supports that suggestion, and proposes that the Op15 designation is modified accordingly. However, the option of housing on Op15 was not explored at the Main Issues Report or Proposed Plan stages of the local development plan process, so the views of statutory consultees (e.g. SEPA and SNH) and the local community on this possibility are unknown. Given that there is adequate provision elsewhere in Kinross and Milnathort there is no need to allocate this site for residential development to satisfy the housing requirement during the Plan period.

24. It is appropriate to modify the site-specific developer requirements of Op15 to include the need for a flood risk assessment and measures to safeguard Loch Leven, to take account of the comments of SEPA and SNH.

New Site

25. This 5.5 hectare site at Perth Road, Milnathort was canvassed as one of the options

for development at the Main Issues Report stage. It forms part of an area of gently rolling countryside on the north east edge of the settlement. The representation suggests that the site should be developed for 120 houses with a mix of sizes and tenures. Landscape, transport, noise and flood risk assessments and a drainage study have been undertaken in connection with the proposal, which indicate that there are no physical constraints preventing the development of the site for housing.

26. However this field currently forms part of the attractive landscape setting to Milnathort, with views across the site to Burleigh Castle, Loch Leven, the Lomond Hills and Benarty Hill, and given that there is adequate provision elsewhere in Kinross and Milnathort there is no need to release this site to satisfy the housing requirement during the Plan period.

Reporter's recommendations:

H46: West Kinross

1. Delete proposed housing site H46, and redesignate the land as open space (Open Space Policy CF1). Make consequential modifications to the table under paragraph 7.1.14.

H47: Lathro Farm

2. Increase proposed housing numbers to 260 (140 during Plan period). Make consequential modifications to the table under paragraph 7.1.14.

3. Add the following site specific developer requirements:

- *“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.”*

Op12: Former High School

4. Redesignate Op12 as a residential site identified as H73, suitable for 70 residential units. Make consequential modifications to the table under paragraph 7.1.14.

Op15: Lethangie

5. Add the following site specific developer requirements:

- *“Flood Risk Assessment.*
- *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.”*

Issue 33b	Kinross-shire Area - Milnathort Small Housing Sites	
Development plan reference:	Table 7.1.14, page 198 Kinross/Milnathort, page 202-209 E19 - Stirling Road, Milnathort, page 204 H48 - Pitdownie, Milnathort, page 205 H49 - Pace Hill, Milnathort, page 206 H50 - Old Perth Road, Milnathort, page 206 Op16 - Stirling Road, Milnathort, page 208	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert Hall (00090) Teresa Stirling (00098) S Smart (00348) Ann Borland (00407) Jane Matthews (00516) Jane Smallwood (00702) Jane Brown (00733) William MacDonald (00843)		Forth Wines (00888) Scottish Natural Heritage (05211) Persimmon Homes East Scotland (09004) Kinross Estate Company (09313) BP North Sea Infrastructure (09994) David Wilson Homes (10227) Ken Miles (10236)
Provision of the development plan to which the issue relates:	Sets out the identified sites for residential development to meet the housing strategy for the Kinross Housing Market Area.	
Planning authority's summary of the representation(s):		
<p><u>H48</u> Robert Hall (00090/1/001): Object on grounds of it not being legal (It is not clear from the Representation why the site is not legal), lack of detail, existing ground conditions not suitable for development, density too high, road safety and increased traffic. No access should be taken through Curlers Crescent.</p> <p>S Smart (00348/1/001): Object on grounds of flooding, increased traffic and noise. The noise impact assessment was not a true reading as the test was not conducted where development would take place on the site.</p> <p>Ann Borland (00407/1/001): Object on grounds of increased flooding, wet ground conditions, increased traffic, impact on health, education, sewage infrastructure and Loch Leven. No local employment will increase commuting and will change the character of the area. Should build on Brownfield land.</p> <p>Jane Brown (00733/1/001): Object on grounds of impact on road and education infrastructure.</p> <p>David Wilson Homes (10227/1/009): It is an ineffective site as it was identified in the previous Local Plan (S4_Doc_571) and was not developed. Object to its inclusion on grounds of impact on road, service, education infrastructure and landscape setting of Milnathort.</p> <p>Kinross Estate Company (09313/11/001): It is an established site allocated in the adopted Kinross Area Local Plan (S4_Doc_571) and has planning permission. It is</p>		

already part of the established supply and should not be included as a new housing site as it is in effect being counted twice as in terms of the housing land requirement.

Jane Matthews (00516/1/001): Will increase traffic, Manse Road is already congested. The site is wet and is between the motorway and an electric substation which is not healthy.

Kinross Estate Company (09313/12/001): Object to the density as proposed capacity is unrealistic given the significant development constraints (drainage, noise, access) and is in excess of that shown in the Adopted Kinross Area Local Plan (S4_Doc_571). Should be identified for 28 units to reflect development constraints and the Adopted Local Plan.

BP North Sea Infrastructure (09994/6/001): The retention of the indicative landscaping is supported as it corresponds with the pipeline consultation zone.

Jane Smallwood (00702/1/004): Support, a sensible size of development with adequate access.

H49

Jane Brown (00733/1/002): Object on grounds of impact on road and education infrastructure.

David Wilson Homes (10227/1/010): It is an ineffective site as it was identified in the previous Local Plan (S4_Doc_571) and was not developed. Object to its inclusion on grounds of impact on road, service, education infrastructure and landscape setting of Milnathort.

Kinross Estate Company (09313/11/002): It is an established site allocated in the Adopted Kinross Area Local Plan (S4_Doc_571) and has planning permission. It is already part of the established supply and should not be included as a new housing site as it is in effect being counted twice as in terms of the housing land requirement.

Teresa Stirling (00098/1/001): Concern over access, it should only be taken from the west but not from the east and would increase traffic, noise and safety issues. The density is disproportionate to surrounding areas and will impact on local amenities, education infrastructure and the character of Milnathort.

Kinross Estate Company (09313/12/002): Object to the density as proposed capacity is unrealistic given the significant development constraints (drainage, noise, access) and is in excess of that shown in the Adopted Kinross Area Local Plan (S4_Doc_571). Should be identified for 28 units to reflect development constraints and the Adopted Local Plan.

William MacDonald (00843/1/001): Lower density bungalow type development should be built no closer than 300 metres from the existing properties at Linden Park Road and 400 metres in Linden Park. Access from North Street would require to be improved and the impact on the primary school addressed.

BP North Sea Infrastructure (09994/7/001): Support. The retention of the indicative landscaping is supported as it corresponds with the pipeline consultation zone.

H50

Jane Brown (00733/1/003): Object on grounds of impact on road and education infrastructure.

David Wilson Homes (10227/1/011): It is an ineffective site as it was identified in the previous Local Plan (S4_Doc_571) and was not developed. Object to its inclusion on grounds of impact on road, service, education infrastructure and landscape setting of Milnathort.

Kinross Estate Company (09313/11/003): It is an established site allocated in the Adopted Kinross Area Local Plan (S4_Doc_571) and has planning permission. It is already part of the established supply and should not be included as a new housing site as it is in effect being counted twice as in terms of the housing land requirement.

Jane Smallwood (00702/1/005): Agree only very low numbers due to access and in keeping with surrounding area. Will safeguard local amenity walking route. Very visible from the M90 and large numbers could destroy the first impressions of Milnathort.

Op16

Forth Wines (00888/1/001): Understand that the Council's thinking is that a '*corridor*' of housing intruding from Op16 into the E19 could create an incompatibility between the two sites. The development of the entire Forth Wines land holding is required to make the relocation of the business economically viable. The development of a wider 'Masterplan' for the whole area clearly shows how best use can be made of both sites, side by side. (No Masterplan has been submitted)

Persimmon Homes East Scotland (09004/12/001): OP16 contains land in control of Persimmon Homes identified as a housing allocation H5 in the adopted Kinross Area Local Plan (S4_Doc_571). Site OP16 includes land in control of a 3rd party, which is currently identified in the Kinross Area Local Plan as existing industrial business site.

Persimmon Homes is committed to delivery of the Kinross Area Local Plan H5 allocation and does not support the proposal to 'join together' the two land use proposals as bringing two landowners/developers together raises issues about delivery, timing and compatibility of uses especially how noise impact can be adequately mitigated.

There is concern about the re-generation capability of the existing industrial estate at Stirling Road. The Local Development Plan is not clear whether the site would be re-developed or be re-marketed and enhanced.

The existing Kinross Area Local Plan H5 allocation should be identified for residential in the Local Development Plan by either allocating it for affordable housing at a high density capacity of 30 units, or identify the site as part of H47 and revise the number of housing units and explanation of delivery requirements for affordable housing arising at the Lathro Farm site.

Ken Miles (10236/1/002): Identification of Opportunity Sites is missing from table at 7.1.6 (S4_Doc_499). Employment opportunities exist at Op16 and Op13. Plan should clearly state Stirling Road Op16 or there could be confusion with Stirling Road E19.

Scottish Natural Heritage (05211/25/019): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

E19

Forth Wines (00888/1/002): Op16 should extend further into E19 to better align with land ownership boundaries allowing both sites to bring forward full development proposals (S4_Doc_178). Land in Forth Wines ownership is divided between both Op16 and E19.

The existing buildings on site are not fit for purpose and Forth Wines are seeking to upgrade the warehouse facilities further south by Kinross. The development of the entire Forth Wines land holding is required to make the relocation of the business economically viable. Forth Wines has been working with a developer on a wider 'Masterplan' for the whole area, which shows clearly how best use can be made of both sites, side by side. (No Masterplan has been submitted)

Scottish Natural Heritage (05211/25/017): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

Modifications sought by those submitting representations:

H48

Robert Hall (00090/1/001), S Smart (00348/1/001), Ann Borland (00407/1/001), Jane Brown (00733/1/001), David Wilson Homes (10227/1/009), Kinross Estate Company (09313/11/001): Remove site from the Local Development Plan.

Jane Matthews (00516/1/001): Modify the Site Specific Developer Requirements to require a new access from Stirling Road and not from Manse Road or Curlers Crescent.

Kinross Estate Company (09313/12/001): Reduce the number of units to 28.

H49

Jane Brown (00733/1/002), David Wilson Homes (10227/1/010), Kinross Estate Company (09313/11/002): Remove site from the Local Development Plan.

Teresa Stirling (00098/1/001): Reduce the site capacity.

Kinross Estate Company (09313/12/002): Reduce site capacity to 28.

William MacDonald (00843/1/001): Reduce site capacity to 25-28.

H50

Jane Brown (00733/1/003), David Wilson Homes (10227/1/011), Kinross Estate Company (09313/11/003): Remove site from the Local Development Plan.

Op16

Forth Wines (00888/1/001): Site Op16 should be extended into E19 to reflect the land holding of Forth Wines (S4_Doc_178).

Persimmon Homes East Scotland (09004/12/001): The Local Development Plan should reflect site H5 in the Kinross Area Local Plan (S4_Doc_571).

Ken Miles (10236/1/002): Identification of Opportunity Sites should be included at table at 7.1.6. Plan should clearly state Stirling Road Op16 to prevent confusion with Stirling Road E19.

Scottish Natural Heritage (05211/25/019): 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 SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

E19

Forth Wines (00888/1/002): Site Op16 should be extended into E19 to reflect the land holding of Forth Wines (S4_Doc_178).

Scottish Natural Heritage (05211/25/017): 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 SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

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

The land allocations in Kinross and Milnathort are appropriate and of more than sufficient scale allowing the Local Development Plan strategy in the Kinross Housing Market Area to meet the requirement of the TAYplan spatial strategy as is confirmed in Schedule 4 no. 20c Housing Land Strategy.

Infrastructure

A review of the local primary schools in Kinross and Milnathort has identified that the current capacity may not be able to sustain the projected growth during the Plan period. A site has been identified for a new primary school adjacent to the Loch Leven Community Campus (Op15) which will allow for the sharing of facilities and transport as well as the provision of sufficient education capacity to support future needs. The former high school does not provide sufficient scope to share facilities or adequately serve both Kinross and Milnathort (see site Op12). This site is beneficial as the focus of the majority of new development is to the north of Kinross and this central location for an additional school provides flexibility when reviewing school catchments. In line with Policy PM3: Infrastructure Contributions (S4_Doc_496) and the Developer Contributions Supplementary Guidance (Core_Doc_069) new residential development will be required to contribute towards this primary school provision.

A new health centre was open in Kinross adjacent to the Loch Leven Community Campus in 2009 which will support the current and future needs of the local community. The Health Board have been consulted on the Proposed Plan and have raised no issues or objections.

Extensive consultation has taken place with Scottish Water and SEPA with regards to water and drainage provision in Kinross and Milnathort. Both agencies have raised no objections to the development sites identified in the Plan.

H48

Robert Hall (00090/1/001), S Smart (00348/1/001), Ann Borland (00407/1/001), Jane Brown (00733/1/001), David Wilson Homes (10227/1/009), Kinross Estate Company (09313/11/001 & 09313/12/001); Jane Matthews (00516/1/001): This allocation is a

continuation from the Adopted Kinross Area Local Plan 2004 (S4_Doc_571) which identified it under H8 for residential development of 28 units. Planning permission has been granted under 07/00442/OUT (S4_Doc_572) which has established the principle of development. The developable area of the site was limited to 1.9ha due to drainage restrictions in Milnathort. These restrictions have now been lifted and the site area has been increased to 3ha to provide further scope for development. The developer requirements of a flood study and noise assessment will define the final developable area. The impact on the road network has been reviewed and the proposed level of development is considered acceptable with suitable access points being available. The final access points will be defined through a planning application. Making better use of land through increased densities minimises the loss of greenfield land and although the number of units has increased over that previously identified the proposal is within the defined medium density range and is capable of being developed without compromising good design or amenity. The Council has not identified any double-counting between those sites identified to meet the additional allocations required and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786)) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

H49

Jane Brown (00733/1/002), David Wilson Homes (10227/1/010), Kinross Estate Company (09313/11/002 & 09313/12/002); Teresa Stirling (00098/1/001); William MacDonald (00843/1/001): This allocation is a continuation from the Adopted Kinross Area Local Plan 2004 (S4_Doc_571) which identified it under H10 for residential development of 28 units. Planning permission has been granted under 08/01101/OUT (S4_Doc_573) which has established the principle of development. The developable area of the site was limited to 1.9ha due to drainage restrictions in Milnathort. These restrictions have now been lifted and the site area has been increased to 3.5ha to reflect the true developable area. Making better use of land through increased densities minimises the loss of greenfield land and although the number of units has increased over that previously identified the proposal is within the defined medium density range and is capable of being developed without compromising good design or amenity. The impact on the road network has been reviewed and the proposed level of development is considered acceptable with suitable access points being available. The Council has not identified any double-counting between those sites identified to meet the additional allocations required and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786)) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

H50

Jane Brown (00733/1/003), David Wilson Homes (10227/1/011), Kinross Estate Company (09313/11/003): This allocation is a continuation from the Adopted Kinross Area Local Plan 2004 (S4_Doc_571) which identified it under H31 for low density

residential development of a maximum of 5 dwellings. Planning permission has been granted under 05/01263/OUT (S4_Doc_574) which has established the principle of development on this site. Permission is minded to grant for 5 units on site under 08/00805/AML (S4_Doc_575). It is considered the site is capable of supporting a slightly higher density without compromising good design or amenity while making the best use of greenfield land. The Council has not identified any double-counting between those sites identified to meet the additional allocations required and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

Op16 and E19

Forth Wines (00888/1/001 & 00888/1/002): This allocation seeks to facilitate a comprehensive regeneration of the entire site while not prejudicing the adjacent site (E19). The Council is keen to support Forth Wines and the wider regeneration of this part of Milnathort.

The entire site is within the SEPA 1:200 year indicative flood risk area and the developer requirements note that a Flood Risk Assessment (FRA) is required. It is anticipated that the FRA will demonstrate that whilst the majority of the site may be capable of development, the developable area may be limited particularly in the south west corner of the Forth Wines landholding.

It is recognised that the development of Forth Wines land holding in isolation from neighbouring areas will not maximise the potential of the site as some of the current operations may not be compatible with residential amenity. Whilst the redevelopment of the existing brownfield site could be acceptable for residential, to develop it in isolation may have a negative impact on the southern edge of Milnathort and it is not considered that a suitable design can be achieved reflecting the principles in Designing Streets. To date no Masterplan has been presented showing how the land holding for Forth Wines could be developed in conjunction with future and existing neighbouring land uses. However in order offer flexibility and to enable the Forth Wines land holding to maximise its development potential in design terms the site boundary would require to be modified including a larger area of E19 and more effectively rounding off the settlement. Whilst this would result in the loss of employment land it is suggested that from an urban design point of view this would present a more acceptable solution to southern Milnathort. The Council also acknowledges that the area of their landholding is outwith the suggested revised boundary. It could form part of the housing site as, whilst the principle of built development on this site may be unacceptable, it may be inherently suitable for the SUDS or open space provision. The suggested amendment to the site boundary of Op16 which the Council would be prepared to accept is still the subject of dispute with Forth Wines who wish their entire land holding included as a potential residential development site. (S4_Doc_601).

The Councils preferred position is for no modification to the Plan but if the Reporter was so minded the Council would have no objection to the site boundary of Op16 being modified to reflect the attached map (S4_Doc_178).

Persimmon Homes East Scotland (09004/12/001): The allocation of this site does not restrict the area identified as H5 in the Kinross Area Local 2004 (S4_Doc_571) from being developed but requires that in doing so it takes account of neighbouring land uses in order to comprehensively develop the site. By individually identifying this land for residential use the opportunity to maximise the potential of the site and the wider regeneration of this area of Milnathort could be lost. The site is within the identified 1:200 year flood area (S4_Doc_576) and until a Flood Risk Assessment is carried out it is not possible to determine the full developable area.

No modification is proposed to the Plan.

Ken Miles (10236/1/002): Table 7.1.16 (S4_Doc_499) in the Local Development Plan sets out where new employment sites are identified. Op16 is currently in employment use and the Opportunity designation provide the option to diversify this including residential use. As this may result in a net loss of employment land it would not be appropriate to include this site in Table 7.1.16.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/019 & 05211/25/017): 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 these sites.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' sections, should be added to the Site Specific Developer Requirements.

Reporter's conclusions:

Infrastructure

1. There is no evidence that infrastructure constraints would prevent Kinross and Milnathort accommodating the scale of housing growth envisaged in the Proposed Plan. There is already a new health centre, and a new secondary school campus serving the area. A site has been identified for the development of a new primary school (Op15), to which developers will be required to contribute, to cater for the growth in population. There have been no objections to the proposed housing sites from the key local agencies – the Health Board, Scottish Water and the Scottish Environment Protection Agency (SEPA).

H48: Pitdownie

2. This site is already committed for housing development. It was allocated for 28 houses in the adopted local plan, and outline planning permission was granted in 2008 for residential development on the land. There has been no change in circumstances which would justify its removal from the Proposed Plan. H48 is a small area (3 hectares) of pasture between the current edge of Milnathort and the M90 motorway. Its development for housing represents a logical rounding off on the north side of Milnathort, and would not have a significant impact on the landscape setting of the town.

3. The site is shown as effective in the most recently published housing land audit in 2012. The area is served by a new health centre, and provision is being made for a new primary school. The drainage constraint which previously restricted the extent of development on the site no longer applies. A flood risk assessment, and probably a noise assessment, would be required to establish the parameters of the land to be developed. The layout of the development would be established at the detailed planning application stage, at which time the access arrangements would be finalised.
4. The proposed density (13 per hectare) is unusually low, and even when the site area is reduced to take account of the motorway on one side and the watercourse on the other there should be ample space to accommodate 40 houses at an appropriate density.
5. Therefore H48 should not be removed from the Proposed Plan.

H49: Pace Hill

6. This sloping 3.5 hectare site, like H48, lies between the north edge of Milnathort and the M90 motorway. The site is well contained in that location, and its development for housing could be regarded as urban consolidation.
7. Once again, this is a committed site, having been allocated for residential development in the adopted local plan, with outline planning permission having been granted in 2008. There has been no change in circumstances to justify its removal from the Proposed Plan. The site is shown as effective in the most recently published housing land audit. There is no infrastructure constraint (education, health, drainage, roads or noise) which would prevent its development within the Plan period, though detailed access proposals would need to be discussed with the council's road engineers.
8. The proposed density (14 per hectare) is particularly low, and even taking account of the need for woodland planting and noise attenuation on its northern boundary, the development of 50 houses on the site would not represent a high density.
9. Site H49 should remain in the Proposed Plan.

H50: Old Perth Road

10. Site H50 is a small (1.8 hectare) field between Old Perth Road and the M90. Old Perth Road, which is popular with walkers, narrows to single track at its east end. Any development of the site would require remodelling of the road, an improved junction with Hattonburn Road, and provision for pedestrians. Only 7 houses are proposed on this site, and development would be subject to a flood risk assessment, noise attenuation scheme, woodland planting, and road and access improvements.
11. In common with H48 and H49, the principle of residential development on H50 is already established. The site was allocated for that purpose in the adopted local plan, and outline planning permission was granted in 2006 for the erection of up to 5 houses on the land. More recently (2010) the council confirmed its willingness to grant permission for 5 units on the site. There has been no change of circumstances since then which would justify changing that stance. The development of 7 houses on an area of almost 2 hectares can be seen as a very low density. There is no legitimate reason to remove this site from the Proposed Plan.

Op16 and E19: Stirling Road

12. Op16 is an opportunity site of 3.8 hectares on the westerly edge of Milnathort, with potential for “*employment use and residential on no more than 75% of site*”. The site is currently occupied by a large warehouse for Forth Wines, together with building and fencing supplies premises, which share an access from Stirling Road. To the east is a medium density housing area accessed from Bridgefauld Road. Op16 also includes an undeveloped triangle of land to the rear of Forth Wines, potentially accessed from Fleming Court.

13. Forth Wines’ landholding (including a substantial modern extension to the warehouse) projects into the adjoining E19 designation. E19 is a mainly greenfield site of 4.5 hectares, which is allocated for general employment uses.

14. There is no objection to Forth Wines’ intention to redevelop its current site and move to more suitable premises elsewhere in the area. Nor is there any objection to Persimmon Homes’ aspiration to develop the land in their control. However, the request to modify the allocations to reflect land ownership boundaries is problematic. The proposed development on Op16 will need to be planned in a comprehensive fashion to ensure a satisfactory and coherent layout which avoids placing incompatible uses together, and takes proper account of flood risk and other site constraints. Similar considerations will apply to the neighbouring E19.

15. There is little to be gained by adjusting the shared boundary of Op16 with E19 as the council now suggests. Moreover, to follow the boundary of Forth Wines’ land holding could result in a long narrow development extending towards the motorway, which would not be a satisfactory urban edge. There is no real alternative but to consider Op16 and E19 holistically, to avoid unfortunate, piecemeal development on the west edge of Milnathort. Therefore allocations Op16 and E19 should remain in the Proposed Plan, though they should be subject to the mitigation measures recommended by Scottish Natural Heritage.

16. It would not be appropriate to include Op16 in the table of employment sites at paragraph 7.1.6, as most of the site is already in employment use and some of the land is likely to be redeveloped for housing.

Reporter’s recommendations:Op16 and E19: Stirling Road

1. 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 SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.”*

Issue 34	Kinross-shire Area - Kinross/Milnathort Opportunity Sites	
Development plan reference:	Table 7.1.6, page 197 OP10 - Market Park, Kinross, page 206 OP11 - Turfhill Motorway Service Area, Kinross, page 206 OP13 - Scottish Motor Auctions, Kinross, page 207 OP14 - Health Centre, Kinross, page 207 OP17 - Kay Trailers, Milnathort, page 208 OP18 - Kay Trailers, Milnathort, page 208 OP24 - Kinross Town Hall, page 208	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Gerald Eve LLP (00284) I Stewart (00551) Ann Fyfe (00640) Jane Smallwood (00702) Kinross Community Council (00841) Iain Walker (00852) Councillor Michael Barnacle (02633) Scottish Environment Protection Agency (03194)		Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Graham & Sibbald (09462) Motor Auction (Properties) Ltd (09029) Dr Robert Walker (09986) Eileen Thomas (10223) Ken Miles (10236)
Provision of the development plan to which the issue relates:	Opportunity sites within Kinross and Milnathort.	
Planning authority's summary of the representation(s):		
<p><u>Op10</u></p> <p>I Stewart (00551/1/001): Object on grounds that the site is in the Conservation Area and it fits in with the street scale and its distinctiveness. Development would remove the history of the site, increase pollution, increase traffic, impact on road safety and neighbouring properties privacy.</p> <p>Ken Miles (10236/1/011): This site enhances and compliments the streetscape and character of the Conservation Area.</p> <p>Councillor Michael Barnacle (02633/1/039): Site should remain as green space.</p> <p>Kinross Community Council (00841/1/014): The National Curling Academy is no longer an option. The site should be zoned as green space only. Market Park is an integral part of the streetscape.</p> <p>Dr Robert Walker (09986/1/003): Market Park contributes to the setting of the townscape of Kinross Conservation Area. Support for a prestigious tourism development should be withdrawn due to this reason. An alternative site exists at Op13.</p> <p>Eileen Thomas (10223/1/006): The National Curling Academy project is no longer going ahead. The site is within the Conservation Area and is important to the setting of Kinross with a historic past. Should be retained as open space.</p>		

Iain Walker (00852/1/001): The green space makes the Muirs attractive and helps define the town, building a prestigious tourism development would ruin this asset.

Kinross-shire Civic Trust (06950/1/026): The site is an important green space in Kinross and within the Conservation Area. Now that the Curling Academy project is no longer going ahead the site should be open space and not a prestigious project.

Jane Smallwood (00702/1/006): Agree important to remain a green space or amenity use such as curling academy.

Op11

Gerald Eve LLP (00284/1/003): It is noted that the Council will encourage improvement to existing facilities and creation of tourism related retailing targeted at the travelling public using the strategic road network. Given the current economic climate and the need to secure new investment in the area, consideration should be given to ensuring a financially viable development takes place on this site in order to meet the Council's regeneration objectives. The specific reference to tourism related retail is considered to be overly restrictive to facilitate the regeneration of this site to come forward and it is suggested that flexibility is included within the current policy to enable an *'appropriate level of tourism related retail and other retailing, provided it can be demonstrated that no significant impact will occur to the vitality and viability of town and other retail centres (particularly Kinross)'*, which could enable a financially viable proposal to come forward.

Kinross Community Council (00841/1/009): Support.

Op13

Scottish Environment Protection Agency (03194/47/001): The Indicative River and Coastal Flood Map (Scotland) (S4_Doc_577) shows that the entire site boundary lies within the estimated 1 in 200 year functional floodplain of the South Queich. Additional 2D modelling commissioned by Perth & Kinross Council shows the majority of the site to be at risk from the 1:200 year flood event. In addition, the 1:200 plus climate change event shows the entire site to be within this flood extent.

It is noted that a considerable proportion of this site is currently an undeveloped area of tarmac and therefore any further development of the site would reduce potential flood plain storage and may increase the risk of flooding elsewhere.

The Flood Risk Management (Scotland) Act 2009 (Core_Doc_059) sets in place a statutory framework for delivering a sustainable and risk-based approach to managing flooding. Flood risk is based on the probability of flooding and the impacts of flooding. Taking a risk-based approach for this site, the probability of flooding remains the same yet the impacts would be greater if the commercial building is replaced with permanent residential dwelling, hence the overall flood risk would increase.

The allocation is contrary to Scottish Planning Policy which states in paragraph 197 (S4_Doc_312) that *'development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted'* and the risk framework (S4_Doc_109) which highlights that development in high to medium risk areas may be suitable only if there are flood defences to an appropriate standard. However there are no appropriate flood defences on the South Queich.

Scottish Natural Heritage (05211/25/015): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

Kinross-shire Civic Trust (06950/1/016): Site identified for employment and residential use. There is no identification of the number of residences on the site, nor its contribution to the total number of sites that would be available in Kinross-shire. Does the definition of 50% refer to the total use of the site, or does it mean 50% for residences and 50% for employment?

Ann Fyfe (00640/1/001): Does not consider that there is a need for housing on Op13 or in Kinross. Would be suitable for a Foodstore. Upgrades to Drainage and footpaths required.

Councillor Michael Barnacle (02633/1/034): Should be allocated for employment use only and not residential as well.

Dr Robert Walker (09986/1/004): An alternative to Class 4 employment for OP13 could be a tourism development along with using the adjacent land at the Pier exploiting the attractiveness of Loch Leven.

Motor Auction (Properties) Limited (09029/1/001): Encouraged that the Plan recognises that the buildings within Op13 are no longer fit for purpose. This site offers a better and more deliverable opportunity for a mixed-use development, including retail than Op12. There is a need to improve the retail offer in Kinross through the provision of a larger supermarket close to the town centre. The most suitable retail site is Op13 which can deliver a large format supermarket close to the town centre. There is interest in the retail re-use of part of the site for a medium sized supermarket as part of a larger mixed-use development.

Ken Miles (10236/1/003): Identification of Opportunity Sites is missing from table at 7.1.6 (S4_Doc_499). Employment opportunities exist at Op13. Plan should clearly state Kinross Auction Mart Op13.

Kinross Community Council (00841/1/015): Support.

Op14

Ken Miles (10236/1/005): Site Op14 - Health Centre does not appear on Employment Land table at 7.1.6 (S4_Doc_499).

Graham & Sibbald (09462/1/001): Supports the proposed allocation because it is more likely to lead to reuse of this site than the current Adopted Local Plan (S4_Doc_578) allocation, in which the preferred use is housing for special needs or the elderly.

Kinross Community Council (00841/1/011): Support.

Op17

Scottish Environment Protection Agency (03194/49/001): Review of the Indicative River and Coastal Flood Map (Scotland) (S4_Doc_579) shows that the entire site boundary lies within the estimated 1 in 200 year functional floodplain of the Fochy/Backburn. In addition, there is potentially a mill lade which flows beneath the site which could pose an additional flood risk to the site.

Jane Smallwood (00702/1/008): Support.

Op18

Scottish Environment Protection Agency (03194/50/001): Review of the Indicative River and Coastal Flood Map (Scotland) (S4_Doc_579) shows that the entire site boundary lies within the estimated 1 in 200 year functional floodplain of the Fochy/ Back burn.

Jane Smallwood (00702/1/009): Support.

Op24

Kinross Community Council (00841/1/016): Object to the inclusion of residential use. Building is at heart of town centre and should retain some community use.

Councillor Michael Barnacle (02633/1/038): Supports housing as a development option.

Modifications sought by those submitting representations:
Op10

I Stewart (00551/1/001); Ken Miles (10236/1/011); Councillor Michael Barnacle (02633/1/039); Kinross Community Council (00841/1/014); Dr Robert Walker (09986/1/003); Eileen Thomas (10223/1/006); Iain Walker (00852/1/001), Kinross-shire Civic Trust (06950/1/026): Remove from the Local Development Plan and designate the site as green space.

Op11

Gerald Eve LLP (00284/1/003): Site information amended to state: *'The motorway services at Turfhill are the focus of motorway services and tourism related retail. The Council will encourage improvements to existing facilities and creation of tourism related retail targeted at the travelling public using the strategic road network. The level of tourism related retail must be carefully balanced between the regeneration benefits of the motorway service area coming forward, with any potential impact on nearby district and local centres. The Council will support an appropriate level of tourism related retail, and other retailing, provided it can be demonstrated that no significant impact will occur to the vitality and viability of town and other retail centres (particularly Kinross).'*

Op13

Scottish Environment Protection Agency (03194/47/001): Delete from the Plan.

Scottish Natural Heritage (05211/25/015): 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 SPA.*
- *The SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

Kinross-shire Civic Trust (06950/1/016): Plan to clarify whether the definition of 50% refers to the total use of the site or 50% for residences and 50% for employment.

Ann Fyfe (00640/1/001), Councillor Michael Barnacle (02633/1/034): Modify site uses to delete *'high density residential'* use.

Dr Robert Walker (09986/1/004): Modify site uses to include *'Tourism'*.

Motor Auction (Properties) Limited (09029/1/001): Modify site uses to include *'food; non-food retail; residential; employment.'*

Ken Miles (10236/1/003): Table 7.1.6 (S4_Doc_499) in the Plan to state *'Op13 – Kinross Auction Mart'*.

Op14

Ken Miles (10236/1/005): Table 7.1.6 (S4_Doc_499) in the Plan to state *'Op14 – Health Centre'*.

Op17

Scottish Environment Protection Agency (03194/49/001): Delete from the Plan.

Op18

Scottish Environment Protection Agency (03194/50/001): Delete from the Plan.

Op24

Kinross Community Council (00841/1/016): Modify site uses to delete *'residential'* use.

Summary of responses (including reasons) by planning authority:

Op10

I Stewart (00551/1/001); Ken Miles (10236/1/011); Councillor Michael Barnacle (02633/1/039); Kinross Community Council (00841/1/014); Dr Robert Walker (09986/1/003); Eileen Thomas (10223/1/006); Iain Walker (00852/1/001), Kinross-shire Civic Trust (06950/1/026): The allocation has been presented in the Plan to reflect planning permission which was granted under 09/01082/IPL (S4_Doc_580) for a National Curling Academy. This planning permission has now lapsed. The site accommodates a prime position within Kinross and if a future prestigious development was proposed on this site which would enhance Kinross as a tourism destination, is of special merit to outweigh the landscape significance of the site and is compatible with existing neighbouring uses this site may be acceptable. While the permission for the National Curling Academy has lapsed the principle of development has been established on this site and the Council does not agree that it should not provide an opportunity to support the future tourism growth of Kinross.

If the Reporter was so minded the Council would raise no issues with the site uses being modified to reflect the current situation.

<i>Ref</i>	<i>Location</i>	<i>Size</i>	<i>Uses</i>
<i>Op10</i>	<i>Market Park</i>	<i>1 ha</i>	<i>Green Space or Prestigious Tourism Development</i>
<i>The site is of value to the setting of Kinross and will remain as green space unless a prestigious development is proposed which is deemed by the Council to enhance Kinross as a tourism destination and is compatible with existing neighbouring uses.</i>			
<i>Site Specific Developer Requirements</i>			
⇒ <i>Transport Assessment.</i>			
⇒ <i>Road and access improvements to the satisfaction of the Council as Roads Authority.</i>			

Op11

Gerald Eve LLP (00284/1/003): Planning permission has been granted for the upgrading of the motor service area under 11/00197/FLM (S4_Doc_556). This permission allows for an additional 2304m² of retail floorspace which the applicant justified in order to support the renovation of the existing service area. This demonstrates that the principle of additional appropriate retail in this location to help off set the regeneration costs has been established. Turfhill Motor Service Area lies on the strategic road network adjacent to Kinross. The Plan identifies that tourism development should be the focus of any improvements in order to limit the impact on Kinross town centre and not create a 'destination' encouraging local car journeys. The modified wording proposed does not provide any additional clarity over that which is currently stated in the Plan. It is up to the applicant to prove the additional requirement in terms of Policy RC4: Retail and Commercial Leisure Proposals (S4_Doc_497).

No modification is proposed to the Plan.

Op13

Scottish Environment Protection Agency (03194/47/001): It is acknowledged that the site lies within the identified flood plain and the Site Specific Developer Requirements indicate the requirement for the provision of a Flood Risk Assessment in order to identify the developable area. The site is currently in employment use and small scale development may be suitable within the footprint of existing buildings without increasing flood risk. Notwithstanding this position the site identification is not a major component of the Plan strategy and the removal of the Opportunity Designation would not pose any issues.

The Councils preferred position is for no modification to the Plan but if the Reporter was so minded the Council would have no objection to this opportunity being removed from the Plan and the site identified as white land within the settlement boundary.

Scottish Natural Heritage (05211/25/015): 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 (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.

Kinross-shire Civic Trust (06950/1/016); Ann Fyfe (00640/1/001); Councillor Michael Barnacle (02633/1/034); Dr Robert Walker (09986/1/004): The Plan identifies that a maximum of 50% of the site to be high density residential which will help cross fund the provision of employment land. The strategy of the Plan 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. It is acknowledged that the site is within the identified flood plain and this may restrict the effectiveness of this site for redevelopment. The proposed mix of residential and employment would also not restrict the development of suitable tourism uses in line with

Policy ED1B: Employment and Mixed Use Areas (S4_Doc_483) and Policy RC4: Retail and Commercial Leisure Proposals (S4_Doc_497). Supplementary Guidance will expand on the type of employment uses most suited to the relevant areas.

If the site remains identified no modification is proposed to the Plan.

Motor Auction (Properties) Limited (09029/1/001): Since the publication of the Proposed Plan the Sainsbury's supermarket has been improved taking up some of this spare capacity and it is not considered that the Plan requires identifying further retail opportunities. Through the first review of the Local Development Plan this position can be reassessed. The Representation provides no evidence that there is an identified need and no operator has supported this modification. If a proposal comes forward through a planning application it will be considered in line with Policy RC4: Retail and Commercial Leisure Proposals (S4_Doc_497).

If the site remains identified no modification is proposed to the Plan.

Ken Miles (10236/1/003): Table 7.1.16 (S4_Doc_499) in the Local Development Plan sets out where new employment sites are identified. Op13 is currently in employment use and the Opportunity designation provides the option to diversify this including residential use. As this may result in a net loss of employment land it would not be appropriate to include this site in Table 7.1.16.

No modification is proposed to the Plan.

Op14

Ken Miles (10236/1/005): Table 7.1.16 (S4_Doc_499) in the Local Development Plan sets out where new employment sites are identified. Op14 is currently in employment use and the opportunity designation provides the option to diversify this including residential use. As this may result in a net loss of employment land it would not be appropriate to include this site in Table 7.1.16.

No modification is proposed to the Plan.

Op17 and Op18

Scottish Environment Protection Agency (03194/49/001), Scottish Environment Protection Agency (03194/50/001): These allocations are a continuation from the Adopted Kinross Area Local Plan 2004 which, under Op6 (S4_Doc_581), identifies it for Class 4 Business or high density residential. The site is brownfield and is surrounded by built development. The Plan allocation is set to guide what type of development would be considered suitable on the development site and is seeking to promote the reuse of brownfield sites. SEPA have raised concerns with regards to flood risk within the site which has been recognised through the Plan by the requirement in the Site Specific Developer Requirements for the provision of a Flood Risk Assessment. A flood protection scheme has been put in place since 2004 to help protect the existing properties from flooding, development of Op17 may provide an opportunity to increase this scheme. Notwithstanding this position the site identification is not a major component of the Plan strategy and the removal of the Opportunity Designation would not pose any issues.

If the Reporter was so minded the Council would have no objection to this opportunity being removed from the Plan and the site identified as white land within the settlement boundary.

Op24

Kinross Community Council (00841/1/016): The Plan identifies that the former Kinross Town Hall can accommodate one or more of a range of uses. This allows for the residential to be developed in tandem with community uses if required. Providing a range of different uses may allow for an element of cross funding allowing the building to be brought back into effective use.

No modification is proposed to the Plan.

Reporter's conclusions:**Op10: Market Place**

1. This is an attractive and well maintained open space in a prominent location within Kinross, and makes a positive contribution to the conservation area of which it forms a part. The planning permission which was granted in 2009 for the development of a national curling academy on the land was not implemented, and there is now no suggestion that the proposal is likely to proceed. In those circumstances there is little purpose in identifying the land as an opportunity site in the Proposed Plan.
2. The council's suggested modification would prolong the uncertainty as to the future of the land which is highly valued in its present condition by local residents. Op10 should therefore be deleted from the Proposed Plan, and the site should be identified as open space.

Op11: Turfhill Motorway Service Area

3. This site at Turfhill is also discussed under Issue 31: Kinross/Milnathort Settlement. Op11 lies on the opposite side of the M90 motorway from Kinross. A scheme for the overdue redevelopment of the motorway service area (MSA) was granted planning permission in 2011. The consent makes clear that the retail element of the new service area is to be limited to tourism related comparison goods, with ancillary food and convenience goods. This limitation reflects the legitimate role of the MSA to serve the needs of motorway travellers, rather than to cater for the retail requirements of the local population.
4. To widen the retail offer on the site would create an out of centre shopping destination, which would fail the sequential test which gives preference to town centres. The Proposed Plan should not be changed, and any proposal to relax the restriction should be assessed against the relevant policy (Policy RC4).

Op13: Scottish Motor Auctions

5. The Scottish Motor Auctions site covers an area of 3.7 hectares on the south side of Kinross. The site contains a substantial modern commercial building and extensive areas of car parking. To the south on the opposite side of the River South Queich is the existing cashmere factory, and there is housing to the north and west.
6. Op13 designates the land as an opportunity site for employment and high density residential on no more than 50% of the site. The council accepts that the existing buildings on the site may not be fit for purpose, and does not oppose the redevelopment of the site. However its suitability for residential and retail development is in contention.

7. The unresolved representation from the Scottish Environment Protection Agency (SEPA) cannot be disregarded. The entire site is at risk of flooding from the 1 in 200 year (0.05%) plus climate change event, and its redevelopment could increase the risk of flooding elsewhere. In the absence of appropriate flood defences, the identification of the site for housing is not compatible with the risk based approach to flooding required by statute and explained in Scottish Planning Policy (SPP). The Op13 designation should therefore be deleted from the Proposed Plan. Any proposals for the redevelopment of the site would need to be assessed against the relevant policies of the Proposed Plan, and having regard to an up-to-date flood risk assessment (amongst other relevant assessments).

8. The requirement for additional retail space in Kinross is discussed in Issue 31. There is currently inadequate evidence of unfulfilled demand to justify allocating a specific site for that purpose. However, if or when such a requirement is demonstrated this site on the south side of Kinross will need to be assessed against the criteria of Policy RC4.

Op14: Health Centre

9. This site of 0.6 hectares has been redundant since the development of the new health centre opposite the Loch Leven Community Campus. Op14 proposes that it be developed for employment use compatible with residential amenity or high density low cost housing. Because the site might be developed for housing under this designation, it would not be appropriate to include it in the table of employment land at 7.1.6.

Op17 and Op18: Kay Trailers

10. These related sites on either side of Stirling Road are shown as suitable for employment use or residential (high density or flatted). However both sites lie within the 1:200 year functional floodplain of Fochy/ Back Burn, and recent flood defence works have only protected the area to cater for a 1:100 year event. There is also a mill lade under Op17 which could increase the flood risk to the site.

11. In these circumstances the proposed residential use would be contrary to the risk based framework to managing flooding set out in SPP and in the Flood Risk Management (Scotland) Act 2009. The sites should therefore be deleted from the Proposed Plan, and any proposals for the sites should be considered against the relevant policies of the Plan.

Op24: Kinross Town Hall

12. The Proposed Plan envisages a range of possible uses in the former town hall, i.e. community, retail, office, hotel, restaurant and residential. This is an important listed building in a prominent position in the conservation area. The priority should be to identify a new use to secure the future of a building requiring urgent refurbishment. It would not be advisable to narrow the options at this stage. All of the alternatives proposed in Op24 are acceptable in principle in this town centre location, so there is no reason to modify the Proposed Plan as suggested.

Reporter's recommendations:

Op10: Market Park

1. Delete site Op10, and identify the site as open space (Open Space Policy CF1).

Op13: Scottish Motor Auctions

2. Delete site Op13.

Op17 and Op18: Kay Trailers

3. Delete sites Op17 and Op18.

Issue 35a	Kinross-shire Area - North and East Settlements with Proposals	
Development plan reference:	7.11 – Hattonburn, page 222-223 H52 – Hattonburn, page 222 7.14 – Ochil Hills Hospital, page 227 OP19 - Ochil Hills Hospital, page 227 7.17 – Scotlandwell/Kilmagadwood, page 234-235 H54 – Scotlandwell, page 234	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>Robert Drysdale (00277) Iain Ford FRIAS (00373) Mr & Mrs E Salmond (00542) Finlay Gillies (00568) Erica Schulz (00590) Alexander Thompson (00614) Portmoak Community Council (00638) Jane Brown (00733) Stephen P O'Hare (00804) Councillor Michael Barnacle (02633) Tim Esparon (03112) Scottish Environment Protection Agency (03194) Jan Esparon (05063) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Forestry Commission Scotland (08988) John Beales (09092)</div><div>Tim Esparon (09128/1) James Thomson (09128/10) Dr J J Gunnell (09138) Derek Scott Planning (09384) Mr & Mrs Kor Newhouse (09593) Mr & Mrs Simon Herrington (09730) Joanne, Ron & Steven Cowan (09809) Louise Batchelor (09915) Krystyna Hawryszczuk (09936) Paul Esparon (09955) Laurie Esparon (09962) Tom Esparon (09992) BP North Sea Infrastructure (09994) Dr Cathy Howieson (10033) Mike Hally (10105) John Williams (10210) D Thomas (10326) Susan Forde (10332)</div></div></div>		
Provision of the development plan to which the issue relates:	Landward settlements to the north and east of Kinross Housing Market Area with development proposals.	
Planning authority's summary of the representation(s):		
<p><u>Hattonburn</u> Kinross-shire Civic Trust (06950/1/020), Councillor Michael Barnacle (02633/1/053): The settlement boundary has been unnecessarily extended on the east side of Hattonburn Road (S4_Doc_334); there is no rationale for the triangle created in the north east corner of the new boundary.</p> <p><u>Hattonburn H52</u> BP North Sea Infrastructure (09994/8/001): Should be further clarity on why the number of housing units is limited to 30 particularly if it is to ensure compliance with Health and Safety Executives 'planning advice for developments near hazardous installations' guidelines (S4_Doc_582) as this will alert developers to presence of the pipeline.</p> <p>Jane Brown (00733/1/004): The road is not safe to support the extra traffic that development of this site would generate.</p>		

Ochil Hills Hospital

Forestry Commission Scotland (08988/1/017): Housing development may cause significant damage to the woodland and creating unstable trees. No reference is made to Scottish Government woodland removal policy (S4_Doc_187). Problems elsewhere where trees have been removed to allow for development. There is a need for a partnership approach on this site. Forestry Commission must be contacted to ensure the required woodland management plan (site specific developer requirement) meets standards required of the UK woodland assurance scheme (Core_Doc_189).

Scottish Natural Heritage (05211/23/005): Ochil Hills hospital contains woodland included in the Ancient Woodland Inventory. To ensure compliance with Scottish Government policy on the control of woodland removal (S4_Doc_187) and LDP Policy NE2 Forestry, Woodland and Trees (S4_Doc_500), developer requirements for Ochil Hills hospital should refer to the need to *'protect and enhance existing woodland'*. Alternatively the site allocation could be amended to exclude the woodland area (S4_Doc_337).

Councillor Michael Barnacle (02633/1/056): Support.

Scotlandwell

Dr J J Gunnell (09138/1/001), Dr Cathy Howieson (10033/1/002), Mike Hally (10105/1/001), Krys Hawryszczuk (09936/1/001): The settlement boundary of Kilmagadwood should be drawn tightly around the new two house development to the north of the village (S4_Doc_035) in order to protect the views of Area of Great Landscape Value and Loch Leven for the public and restrict further development of 10/00134/FLL (S4_Doc_583). The views are important to local identity and landscape character.

John Williams (10210/2/002): Land west of Kilmagadwood Cottage should be removed from the settlement boundary. This land was improperly added in the previous plan (confirmed by Reporters).

Susan Forde (10332/1/001), Councillor Michael Barnacle (02633/1/061): Kilmagadwood should remain part of Scotlandwell and not be separated by different settlement boundaries.

Mike Hally (10105/2/001): The statement in the Plan *'Scotlandwell has been identified for limited additional growth to support future housing needs within the Portmoak area'* should be deleted. No future housing needs have been identified for Portmoak area, just general Kinross Housing Market Area. Portmoak area is at its limit regarding infrastructure.

Mr & Mrs Simon Herrington (09730/1/002), Finlay Gillies (00568/1/003): Supports the settlement boundary at Scotlandwell particularly as it constrains the size of site H54.

Dr J J Gunnell (09138/2/001), Dr Cathy Howieson (10033/1/001), Louise Batchelor (09915/1/001): Support the separate settlement boundaries for Kilmagadwood and Scotlandwell; the character of the two settlements is different and the separation will inhibit ribbon development and coalescence.

Dr J J Gunnell (09138/2/002): Supports the settlement boundary of Scotlandwell excluding the farmland to the south west of the settlement as development there would be inappropriate.

Councillor Michael Barnacle (02633/1/063): Supports the open space designation between Leslie Road and the settlement boundary.

John Williams (10210/2/003): The additional protection afforded to Kilmagadwood by showing its boundaries separate from Scotlandwell is welcomed.

Scotlandwell H54

Iain Forde FRIAS (00373/1/001 & 00373/1/002): The proposed site does not fit the linear pattern of the village. It will increase the loss of the causeway as a feature and its distinctive 'gateway' into the village. The settlement boundary should not include this site.

Dr Cathy Howieson (10033/2/001): Kinross Housing Market Area may need more housing but there is no supporting evidence that Scotlandwell needs more housing. The limited infrastructure, particularly transport, makes new development unsuitable. The proposed site would be visually obtrusive and detract from the landscape and character of the settlement; its inclusion is out of line with the aims set out in paragraphs 3.5.1 and 3.5.2 in the Proposed Plan (S4_Doc_501).

Erica Schulz (00590/1/001), Alexander Thompson (00614/1/001), Susan Forde (10332/1/002), Stephen Patrick O'Hare (00804/1/001): Such a large development and concentrated in one site will ruin the village character and increase traffic. The land is open space in line with PAN 65 (Core_Doc_111) and contributes to the amenity and character of the area as stated in the Scotlandwell Conservation Area Appraisal (Core_Doc_078). There are no facilities to support a new development and the primary school is near capacity.

Portmoak Community Council (00638/2/005), Councillor Michael Barnacle (02633/1/062): Other open spaces and infill sites in village provide a better solution for new housing and more integrated development in the village. Proposed housing density is higher than surrounding area; request that all building be single storey.

Mr & Mrs E Salmond (00542/1/001): Development of this site will visually spoil the village and surrounding landscape. The village has no facilities, the school will not cope with more children and the increase in traffic will affect the village peace and quiet.

Finlay Gillies (00568/1/001): Site H54 is not the best location for new development in the settlement; it will adversely affect local wildlife with a loss of habitats and also lead to increased difficulties with car parking and road safety.

Mike Hally (10105/3/001): The proposed site alters the settlement boundary and would open up future development in the adjoining fields to the south of the village. New development would alter the attractive view into the settlement from the south. There is no evidence of housing need in Portmoak.

Mr & Mrs Simon Herrington (09730/1/001): The housing density on site H54 should be reduced; infill/gap sites in Scotlandwell could be used to make up the housing numbers.

Portmoak Community Council (00638/2/006): Infrastructure deficits will be exacerbated by H54 and no development should occur until these have been sorted. Transport links are poor, no public car parking, pavement links along A911 are narrow and there is no shop or community facilities.

Robert Drysdale (00277/1/001): The building storey heights should be limited to protect the character and integrity of the approach into this popular and attractive village. There need to be suitable traffic calming measures where the B920 enters Scotlandwell from the south as it is dangerous.

Joanne, Ron & Steven Cowan (09809/1/002): The density is too high and should be reduced, and the houses should be restricted to 1-storey in height.

Kinross-shire Civic Trust (06950/1/023): Proposed number of 30 houses is very dense for a rural area. To protect the character of the village any housing must be limited to single storey. Site is on the edge of the 1 in 200 year Flood Plain.

John Beales (09092/1/001): The size of site H54 is too small to accommodate the 30 units. The site should be extended eastwards (S4_Doc_035) which would allow a lower density development more in keeping with the village character (Core_Doc_078) and surrounding settlements and is supported by Scottish Planning Policy (S4_Doc_310). Enlarging the site would allow for a better provision of open space for the benefit of residents and also additional car parking within the village.

Scottish Environment Protection Agency (03194/41/001): The site is located in or adjacent to the functional flood plain or an area of known flood risk and as such part of the site may not be suitable for development in accordance with the following guidance Flood Risk Management (Scotland) Act 2009 (Core_Doc_059) and the National Planning Framework 2009 paragraph 5.5 (assume mean paragraph 179) (S4_Doc_588).

Laurie Esparon (09962/1/001), Tom Esparon (09992/1/001), Paul Esparon (09955/1/001), Tim Esparon (09128/1/001 & 03112/1/001), Jan Esparon (05063/1/001): Support the allocation of this housing site. It is outside the Loch Leven catchment area and the Area of Great Landscape Value. It meets the principles of Scottish Planning Policy (Core_Doc_048) and PAN 02/2010 (Core_Doc_019). It has electricity and water on site. A previous flood risk assessment indicates there are no issues in this respect. (No Flood Risk Assessment Supplied)

Joanne, Ron & Steven Cowan (09809/1/001), D Thomas (10326/1/001), Mr & Mrs Kor Newhouse (09593/1/001): Supports H54 as proposed in the Plan, it should not be extended.

Scotlandwell New Sites

Iain Ford FRIAS (00373/1/003): The area proposed between Scotlandwell and Portmoak Church (S4_Doc_035) would be better for development than H54.

James Thomson (09128/10/001): Site (S4_Doc_035) should be included for housing development and open space as it provide a realistic development option, is fully serviced and can contribute positively to housing delivery within the Kinross Housing Market Area. It meets the principles of Scottish Planning Policy (Core_Doc_048) and PAN 02/2010 (Core_Doc_019).

Iain Forde FRIAS (00373/1/004): The infill of the site behind the former shop (S4_Doc_035) on Leslie Road (once a caravan site) would be better for development than H54.

Finlay Gillies (00568/1/002): Developing adjacent to the Wellside development (S4_Doc_035) would be a more natural continuation for the village than H54.

Derek Scott Planning (09384/2/001): The designated open space area to south (S4_Doc_035) of the settlement does not contribute to the character and appearance of the area, it is more suitable to residential development.

Modifications sought by those submitting representations:

Hattonburn

Kinross-shire Civic Trust (06950/1/020), Councillor Michael Barnacle (02633/1/053): Modify the settlement boundary to exclude land to the east of Hattonburn Road (S4_Doc_334).

Hattonburn H52

BP North Sea Infrastructure (09994/8/001): Insert the following sentence within paragraph 7.11.3: *'The village is within the HSE pipeline consultation zone.'*

Jane Brown (00733/1/004): Delete site.

Ochil Hills Hospital

Forestry Commission Scotland (08988/1/017): Site Specific Developer Requirements should include that proposals take account of the Scottish Government Woodland Removals Policy (Core_Doc_187).

The reference to a comprehensive woodland management plan should include the requirement for consultation with the Forestry Commission.

Scottish Natural Heritage (05211/23/005): Site Specific Developer Requirements to Developer requirements for Ochil Hills hospital should include reference to the need to *'protect and enhance existing woodland'*; or; amend the site boundary to exclude the area of Ancient Woodland (S4_Doc_337).

Scotlandwell

Dr J J Gunnell (09138/1/001), Dr Cathy Howieson (10033/1/002), Mike Hally (10105/1/001), Krys Hawryszczuk (09936/1/001): Modify the settlement boundary of Kilmagadwood tightly around the new two house development under 10/00134/FLL (S4_Doc_583) excluding land between the site and the A911.

John Williams (10210/2/002): Amend the settlement boundary to the pre Kinross Area Local Plan 2004 boundary.

Susan Forde (10332/1/001), Councillor Michael Barnacle (02633/1/061): Modify the settlement boundary to include Kilmagadwood and Scotlandwell as a single settlement including the church, hall and access to the Community Woodland at Kilmagadwood (S4_Doc_035).

Mike Hally (10105/2/001): Delete from paragraph 7.17.2 *'Scotlandwell has been identified for limited additional growth to support future housing needs within the Portmoak area'*.

Scotlandwell H54

Iain Forde FRIAS (00373/1/001 & 00373/1/002), Dr Cathy Howieson (10033/2/001), Erica Schulz (00590/1/001), Alexander Thompson (00614/1/001), Susan Forde (10332/1/002), Stephen Patrick O'Hare (00804/1/001), Portmoak Community Council (00638/2/005), Councillor Michael Barnacle (02633/1/062), Mr & Mrs E Salmond (00542/1/001), Finlay Gillies (00568/1/001), Mike Hally (10105/3/001): Delete site from the Plan.

Mr & Mrs Simon Herrington (09730/1/001): Reduce site number to 20 units.

Portmoak Community Council (00638/2/006): Insert reference that *'No development should take place until infrastructure issues have been resolved'*.

Robert Drysdale (00277/1/001): Site Specific Developer Requirements to include development to be a maximum of one and a half stories.

Joanne, Ron & Steven Cowan (09809/1/002), Kinross-shire Civic Trust (06950/1/023): Site Specific Developer Requirements to include development to be a maximum of a single storey.

John Beales (09092/1/001): Modify settlement boundary to include land to the east.

Scottish Environment Protection Agency (03194/41/001): A flood risk assessment should be included in the Site Specific Developer Requirements.

Scotlandwell New Sites

Iain Forde FRIAS (00373/1/003): Modify settlement boundary to include site between Scotlandwell and Portmoak Church for residential development.

James Thomson (09128/10/001): Modify the settlement boundary to include site in submitted plan for residential development.

Iain Forde FRIAS (00373/1/004): Identify site behind the former shop on Leslie Road for residential development.

Finlay Gillies (00568/1/002): Modify the settlement boundary to include field adjacent to Wellside development for residential.

Derek Scott Planning (09384/2/001): Modify Plan to remove open space designation from land identified on submitted plan and identify for residential development.

Summary of responses (including reasons) by planning authority:

Hattonburn

Kinross-shire Civic Trust (06950/1/020), Councillor Michael Barnacle (02633/1/053): The Hattonburn Nursery on the eastern side of the B996 forms part of the settlement of Hattonburn. The settlement boundary has been drawn to reflect this and allow for some further small scale infill development to the north of the nursery. The additional land included is not in productive agricultural use and the settlement boundary follows the existing field boundary.

No modification is proposed to the Plan.

Hattonburn H52

BP North Sea Infrastructure (09994/8/001): The map for Hattonburn on page 223 of the Plan clearly shows that 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 not objection to the inclusion of the suggested wording into paragraph 7.11.3.

Jane Brown (00733/1/004): Planning Permission in place under planning reference 05/01622/FUL (S4_Doc_584) (Permission extended 10/02112/FLL (S4_Doc_585)) for the erection of 22 dwellinghouses. All roads matters relating to existing roads and safety were fully considered and conditions attached to mitigate any issues. The site is considered to be effective and should remain in the Plan to support the redevelopment of brownfield land.

No modification is proposed to the Plan.

Ochil Hills Hospital

Forestry Commission Scotland (08988/1/017): The proposed modification to the Site Specific Developer Requirements to take account of the Scottish Government Woodland Removals Policy would be duplication of Government Policy in the Plan. Any planning applications or felling licence appeals to the Forestry Commission for the removal of woodland would be considered in line with this Policy.

No modification is proposed to the Plan.

The proposed modification to the Site Specific Developer Requirements that a comprehensive woodland management plan should include the requirement for consultation with the Forestry Commission is considered by the Council to be superfluous.

While the Council does not consider the additional wording is required if the Reporter is minded there would be no objection to the proposed modification.

Scottish Natural Heritage (05211/23/005): Planning permission for 35 dwellings is in place under reference 10/02159/AMM (S4_Doc_586) and the settlement boundary reflects. The settlement boundary has been defined to support the development of this brownfield site.

No modification is proposed to the Plan.

The proposed modification to the Site Specific Developer Requirements to '*protect and enhance existing woodland*' is considered by the Council to be superfluous.

While the Council does not consider the additional wording is required if the Reporter is minded there would be no objection to the proposed modification.

Scotlandwell

Dr J J Gunnell (09138/1/001), Dr Cathy Howieson (10033/1/002), Mike Hally (10105/1/001), Krys Hawryszczuk (09936/1/001), John Williams (10210/2/002): The settlement boundary reflects the plot boundary of the properties granted planning permission under 10/00134/FLL (S4_Doc_583) and shows a natural extension to the settlement. The settlement boundary as proposed in the Plan is the same as that identified in the Kinross Area Local Plan 2004 which was determined through the inquiry (S4_Doc_589).

While the Council does not consider that a modification should be made if the Reporter is so minded the Council would have no objection to the settlement boundary being modified to exclude the land between the northern property and the A911 as identified on the attached plan (S4_Doc_035).

Susan Forde (10332/1/001), Councillor Michael Barnacle (02633/1/061): The settlement boundary defines the areas in which the different policies are applied when determining planning applications. The fact the two settlements are not connected does not affect the implementation of the policy framework.

No modification is proposed to the Plan.

Mike Hally (10105/2/001): The statement in paragraph 7.17.2 *'Scotlandwell has been identified for limited additional growth to support future housing needs within the Portmoak area'* is purely factual. It has been included to reflect that site H54 is the only housing site identified within the Portmoak area. This allocation has been made taking account of the infrastructure capacity of the area in particular drainage and education capacity.

Whilst the Council considers the statement provides a background to the Plan if the Reporter was so minded no objection would be raised if it was removed.

Scotlandwell H54

Iain Forde FRIAS (00373/1/001 & 00373/1/002), Dr Cathy Howieson (10033/2/001), Erica Schulz (00590/1/001), Alexander Thompson (00614/1/001), Susan Forde (10332/1/002), Stephen Patrick O'Hare (00804/1/001), Portmoak Community Council (00638/2/005), Councillor Michael Barnacle (02633/1/062), Mr & Mrs E Salmond (00542/1/001), Finlay Gillies (00568/1/001), Mike Hally (10105/3/001): This site was identified as Option 1 Site D in the Main Issues Report (S4_Doc_218) for 20 – 30 dwellings. 60 representations were received with 36 supporting the identification of this site for development. The majority of settlements within the Portmoak area lay within the Loch Leven Catchment Area. Scotlandwell is out with the Loch Leven Catchment Area and does not have identified drainage infrastructure restrictions. The capacity of the road network and Primary School are not considered to be constrained for this level of development. The Council acknowledges that Scotlandwell has scope for limited infill development but it does not consider that these sites are effective. This site is considered to be a natural extension of the settlement while reflecting the linear development form in which it has expanded. It provides a choice of development sites across the Kinross HMA and through a well designed development will improve the entrance to the village from the south. The site is within a single ownership and it has been promoted by Campion Homes Limited as a viable development site (S4_Doc_590). The site is currently agricultural land and not open space in terms of PAN 65 (Core_Doc_111). The proposed development density is below the median of the Medium Density Range identified in Paragraph 4.3.13 (S4_Doc_498) of the Plan. It reflects the density of existing neighbouring development and attempts to make the best use of greenfield land.

No modification is proposed to the Plan.

Mr & Mrs Simon Herrington (09730/1/001): The proposed development density is below the median of the Medium Density Range identified in Paragraph 4.3.13 (S4_Doc_498) of the Plan. It reflects the density of existing neighbouring development. Reducing the site capacity to 20 units would not be consistent with making the best use of greenfield land.

No modification is proposed to the Plan.

Portmoak Community Council (00638/2/006): No drainage infrastructure restrictions have been identified in Scotlandwell or Kilmagadwood and the Council will support improvements to education infrastructure where required. The settlement has a church

and village hall and this allocation has been made taking account of the infrastructure capacity of the area in particular drainage and education capacity. The infrastructure deficits identified such as poor transport links, narrow pavements and lack of facilities affect the majority of rural settlements but would not be a justification to stop future development proposal until improvements are in place. New development is required to mitigate any impact be this onsite or financially in line with Policy PM3: Infrastructure Contributions (S4_Doc_496) and can have a positive benefit in relation to existing infrastructure deficits. Where large scale developments are proposed this may result in the phasing of development to allow for required infrastructure up grades. The proposed modification is not accepted and it is considered to be overly restrictive.

No modification is proposed to the Plan.

Robert Drysdale (00277/1/001), Joanne, Ron & Steven Cowan (09809/1/002), Kinross-shire Civic Trust (06950/1/023): The Council acknowledges that development of two stories at this site would not reflect the existing neighbouring development and may change the character of the settlement when viewed from the south. Requiring development to be single storey may impact on the viability of developing the site and is considered to be overly restrictive. In order to reflect neighbouring development while also making best use of the greenfield site the proposed modification to the Site Specific Developer Requirements to identify that development be a maximum of one and a half stories may be acceptable. The increased ridgeline height would be comparable with surrounding dwellings as this land sits at a lower ground level than land to the north.

If the Reporter was so minded the Council would have no objection to modifying the Site Specific Developer Requirements to include that development should be one and a half stories only.

John Beales (09092/1/001): Sufficient land has been identified within Scotlandwell to support future development needs during the lifetime of the Plan. It is however acknowledged that the proposed extension of the site boundary may achieve a more satisfactory settlement layout and reduced site density which would support a desire that properties are limited to one and a half stories. It may also allow the provision of improved linkages to the existing settlement. It is considered that although the identification of additional land may be acceptable a higher number of houses are not required within the settlement.

If the Reporter was so minded the Council would raise no objection to Site H54 being extended eastwards to reflect the attached plan and the site specific developer requirements to including the provision of a footpath link to Friar Place.

Scottish Environment Protection Agency (03194/41/001): This site is not within the identified flood risk area but due to its proximity to the risk area and the flat topography of surrounding land the proposed modification is considered acceptable. This ensures no new development is at risk of flooding or would increase flooding to existing areas.

If the Reporter was so desired the Council would have no objection to the proposed modification to the Site Specific Developer Requirements requiring a Flood Risk Assessment.

Scotlandwell New Sites

Iain Forde FRIAS (00373/1/003), James Thomson (09128/10/001): This area of land forms the visual separation between Scotlandwell and Kilmagadwood and is important to

the setting of the Conservation Area (S4_Doc_591). It is on a slope and is in a prominent position with limited opportunities for access to the site. Sufficient land is identified in the settlement to support future development needs and the Council does not agree with the proposed modification.

No modification is proposed to the Plan.

Iain Forde FRIAS (00373/1/004): The land behind the former shop of Leslie Road is within the identified settlement boundary where development is promoted in line with the relevant development framework. It would be suitable for a range of infill development and the Council does not agree that it should be specifically identified for residential use. No evidence is presented that this is an effective site and it has been underutilised for some considerable time.

No modification is proposed to the Plan.

Finlay Gillies (00568/1/002): No map was provided with the Representation designating the extent to which the settlement boundary should be altered. The land to the west of the Wellside Development, H17 in the Kinross Area Local Plan 2004 (S4_Doc_593) is adjacent to the sewage works and no evidence has been presented that it is a viable development site. The Council does not support this proposed modification.

No modification is proposed to the Plan.

Derek Scott Planning (09384/2/001): The area of open space to the south of Friar place is identified in the Scotlandwell Conservation Area Appraisal (Core_Doc_078) as being important to the character of the area and recommends its protection and enhancement. Although within an area of modern built development, the existing space provides an important break and area of green space within the developed building line, as well as a valuable view corridor north-south between the former caravan site south of Leslie Road, the historic open space of the burial ground and the rural, agricultural setting of the village to the south. The open character reflects its historic role as part of the priory hospital grounds and provides an appropriate setting to the remaining fragment of this historic area. Its current informal condition and the presence of the electricity substation do not substantially erode the amenity value of the space. Paragraph 9.2 of the Conservation Area Appraisal (S4_Doc_592) states that '*... This is identified as 'private and public open space' and it is vital that this area is left undeveloped to aid the setting of the burial ground and continue the key views through and beyond.*' No justification has been presented which alters the conclusion of the Conservation Area Appraisal and the proposed modification is not accepted.

No modification is proposed to the Plan.

Reporter's conclusions:

Hattonburn

1. Hattonburn is identified as a settlement in the Proposed Plan, though it is merely a loose collection of houses in the countryside on the opposite side of the motorway from Milnathort. It comprises Hattonburn House, Hattonburn Farm, three bungalows and the Hattonburn Nursery (and small camping and caravanning site). There are no facilities such as shop, church or village hall.

2. Hattonburn was similarly defined in the adopted Kinross Area Local Plan, presumably to reflect the proposed redevelopment of the derelict farm buildings for housing. However the settlement boundary excluded the nursery which lies to the east of Hattonburn Road. The proposal in the Proposed Plan to extend the settlement boundary to include the nursery and the small triangular field to the north would serve to round off the settlement at its east end. There is no planning reason to resist it.

H52: Hattonburn

3. Planning permission was granted in 2007 for the erection of 22 houses on the site of the farm buildings at Hattonburn Farm. There has been no change in circumstances since then to warrant removing the proposal from the Proposed Plan.

4. Whilst the pipeline consultation zone is shown on the map for Hattonburn, it would be prudent also to make reference to that constraint within the text at paragraph 7.11.3.

Op19: Ochil Hills Hospital

5. The former TB sanatorium on this site has been demolished, and Op19 reflects the detailed planning permission granted in 2011 for a redevelopment with 35 houses. The approval includes conditions requiring the protection of existing trees, and the implementation of the biodiversity and good practice measures set out in the environmental statement. One of the site-specific developer requirements for Op19 is “a *comprehensive woodland management plan and specific proposals for its implementation*”. With those safeguards in place it is not necessary to make reference to the Government’s woodland removal policy in the site-specific developer requirements. However it would be appropriate to refer to the need to consult Forestry Commission Scotland on the comprehensive woodland management plan.

6. The former hospital site contains ancient woodland of long established plantation origin, which Scottish Planning Policy expects to be protected and enhanced (paragraph 146). It would therefore be consistent with Scottish Government policy to modify the site-specific developer requirements as suggested by Scottish Natural Heritage.

Scotlandwell

7. There are no infrastructure constraints that would prevent modest housing growth in Scotlandwell, which is a village with a church, inn and village hall. The council will support improvements to the local primary school if required. Unlike most of the settlements in the Portmoak area the village lies outwith the Loch Leven catchment area, and new development will connect to the public drainage system. There is therefore no need to remove the sentence from paragraph 7.17.2 which proposes limited growth to support housing needs in the Portmoak area.

8. The Proposed Plan recognises that Scotlandwell and the outlying hamlet of Kilmagadwood are separate settlements. There is an important gap between Portmoak Church on the east edge of Kilmagadwood and the northern edge of Scotlandwell (and the conservation area) which helps to give each settlement its separate identity. It would be unfortunate to erode this gap and thereby harm the setting of the two settlements.

9. The north west boundary of Kilmagadwood mirrors the boundary determined in the Kinross Area Local Plan following the local plan inquiry. There has been no change in circumstances which would justify reducing the envelope at this stage.

H54: Scotlandwell

10. This is a 1.7 hectare site on the southern edge of Scotlandwell, which is allocated for 30 houses. There is already development in depth (rather than ribbon development) on this side of the settlement. The approach to the village from the south is currently dominated by a recent development of two storey houses at Wellside on the opposite (west) side of The Causeway (B920), and there is a small estate of bungalows at Friar Place immediately to the north. The development of H54 would be a logical extension of Scotlandwell on its south side. The proposed 17.6 dwellings per hectare is not a high housing density, even in a village context.

11. H54 is a low lying field contained by mature hedges, and a well designed housing development on the site within a suitable landscape framework would not harm the setting of the village. Except at its north east tip H54 does not adjoin the conservation area, and its development would not impact on the character or appearance of the conservation area. The land is farmland rather than open space, and has no nature conservation or landscape designation.

12. However, since the housing estate at Friar Place is single storey it would be advisable to restrict the height of the development on H54 to minimise the impact on residential amenity and on views towards the village. Due to the slight drop in levels it would be adequate to restrict the new dwellings to a maximum of 1½ storeys in height (as opposed to the Wellside development which is effectively 2 storeys high). A safe access could be formed from The Causeway, and traffic calming should be carried out to slow traffic entering the village from the south.

13. If additional infrastructure is required in connection with the development, the developer will be expected to make an appropriate contribution under Policy PM3. The problems of narrow pavements, lack of public car parking and poor public transport are common to many rural villages, and do not justify imposing an embargo on development until they are resolved. On the other hand it is not necessary to extend the site to the east in order to meet TAYplan housing allocations. The 30 houses proposed are sufficient to meet the need during the Plan period.

14. The site would provide a proportion of low cost housing, and is effective in terms of PAN 2/2010: Affordable Housing and Housing Land Audits. However, because of its location adjoining an area of flood risk, the site-specific developer requirements should include the need for a flood risk assessment as recommended by the Scottish Environment Protection Agency (SEPA).

Scotlandwell new sites

15. As already indicated the undeveloped area of land between Scotlandwell and Kilmagadwood serves an important role in separating the two settlements and providing the landscape setting to Scotlandwell and its conservation area. The development of even part of this sloping site for housing would erode that gap and spoil the setting of the conservation area.

16. There is no need to identify the site of the former caravan site between Leslie Road and Friar Place for development. Any proposal on this site within the settlement boundary would be considered on its merits, having regard to its conservation area location and the relevant policies of the Proposed Plan.

17. The undefined site to the west of the Wellside development is currently landlocked, but even if a convenient access were found its location adjacent to the sewage treatment works does not make it an attractive option for housing development.

18. The small open space on the south side of Friar Place is identified as an area for enhancement in the conservation area appraisal, with the primary aim of improving the setting of the burial ground opposite. The proposal to close this gap is undesirable, as the development would sever the connection between the conservation area and the countryside beyond.

19. The Proposed Plan makes provision for sufficient new housing in Scotlandwell, and none of the other sites suggested is suitable for inclusion in the Plan.

Reporter's recommendations:

H52: Hattonburn

1. Insert the following sentence within paragraph 7.11.3: *"The village is within the HSE pipeline consultation zone."*

Op19: Ochil Hills Hospital

2. Modify site-specific developer requirements as follows:

- *"Protect and enhance existing woodland.*
- *A comprehensive woodland management plan (in consultation with Forestry Commission Scotland) and specific proposals for its implementation."*

Scotlandwell H52

Modify site-specific developer requirements to add:

- *"Houses to be maximum one and a half storeys in height.*
- *Flood risk assessment."*

Issue 35b		Kinross-shire Area – West Settlements with Proposals	
Development plan reference:	7.3 – Balado, page 211-212 E35 - Balado Bridge, page 211 H51 – Balado, page 211 7.4 – Blairingone, page 213-314 E22 - Vicars Bridge Road, Blairingone, page 213 7.15 – Powmill, page 229-231 H53 - Gartwhinzean, Powmill, page 230 7.16 – Rumbling Bridge, page 232-233 E24 - Rumbling Bridge, page 232	Reporter: Timothy Brian	
	Body or person(s) submitting a representation raising the issue (including reference number):		
J C Stewart (00409) Susan Hogarth (00429) St John Hattersley (00438) Alexander Garden (00456) Frances Garden (00457) Mary Bostick (00546) Mr & Mrs Stewart Roberts (00618) James & Christina Ritchie (00634) Lynn Boulter (00666) Mr & Mrs David Somers (00784) David Thornber (00790) Paul Levein (00806) Fossoway & District Community Council (00830) Johnson Family (00836) Kinross Community Council (00841) Thomson Homes Ltd and Cocklaw Developments Ltd (00870) Derek Kirk & Donna McBain (00881)		Councillor William B Robertson (00923) Councillor Michael Barnacle (02633) George Lawrie (02900) Friends of Rural Kinross-shire (05105) Kinross-shire Civic Trust (06950) Shand Partnership (09010) Matthew Pease Architect (09125) R Fergusson (09142) Derek Scott Planning (09384) Rose Saunders (09709) Fred Saunders (09718) Kevin Borthwick (09777) John Fraser (09791) Alex Pritchard (09979) Dr Robert Walker (09986) George Pease (10115) Eileen Thomas (10223) Mr & Mrs Alan Chappell (10324) Diane Walker (10333)	
Provision of the development plan to which the issue relates:	Landward settlements in the west of the Kinross HMA with development proposals.		
Planning authority's summary of the representation(s):			
<p><u>Balado</u> Dr Robert Walker (09986/1/002): Current and future use of the disused airfield site at Balado need considering in the Local Development Plan. Most activities are confined to the site (such as T in the Park) but not microlight flights which cause noise pollution in the immediate vicinity and in Kinross/Milnathort. There appears to be no limit on the amount of flying and the intensification of usage will make it harder for Perth & Kinross Council to limit or prevent effects of noise as per PAN 1/2011 (Core_Doc_146).</p> <p>Councillor Michael Barnacle (02633/1/043), Derek Scott Planning (09384/1/001): Support.</p>			

Balado E35

R Fergusson (09142/5/001): Property originally built as a satellite ground navigation station and the specialist equipment on the site limited the suitability of the site for alternative uses. Planning consent for office accommodation on one of the existing buildings has not been activated and employment use only on the site is not financially viable. Retention and conversion of existing buildings for employment uses will require capital to be raised from new build housing. Site should be extended to include the owners full landholding (S4_Doc_335) which was previously brownfield having accommodated a building. Site is brownfield and should be identified for housing. Mixed use development on site E35 is in line with SPP (Core_Doc_048) (preference for redevelopment of brownfield sites) and supported by Local Development Plan Policies RD1 (S4_Doc_405) (proposals which improve character and environment of an area), RD3 (S4_Doc_418) (expanding and diversifying rural businesses which contribute to the local economy and which reuse existing buildings) and ED1B (S4_Doc_483) (integration of employment opportunities with housing to reduce commuting).

Kinross Community Council (00841/1/005): Developer requirements should include consideration of the impact on pollution levels and run off patterns into Loch Leven.

Balado H51

George Lawrie (02900/1/001): Site has outline planning consent (S4_Doc_684) subject to a Section 75 requiring provision of a new sewage treatment plant. The proposed mitigation attached to the outline planning consent allows for 42 units to be accommodated so this site should be extended to support this increased number as the defined area of H51 will only accommodate 27 units. The extended area (S4_Doc_335) is proposed as a second development phase. Flood risk identified for site 116 (S4_Doc_685) has been removed because the sand and gravel quarry have now started extraction.

Kinross Community Council (00841/1/008): Developer requirements for site should include consideration of the impact on pollution levels and run off patterns into Loch Leven.

Blairingone

Councillor Michael Barnacle (02633/1/046): Section 4.3 (S4_Doc_520) in the Plan fails to mention the need for a by-pass of Blairingone referred to in paragraph 5.20 of the Kinross Area Local Plan 2004 (S4_Doc_686).

Rose Saunders (09709/1/002); Fred Saunders (09718/1/002): Support increase to village envelope to allow residential development.

John Fraser (09791/1/001), James & Christina Ritchie (00634/1/003): Support.

Blairingone E22

Diane Walker (10333/1/001): Building on this site will be an eyesore to the village and residents. Do not believe change of use would mean any employment for villagers. Concerned that site would provide storage for the biomass/woodchip facility that the village is opposing at Lambhill.

Fred Saunders (09718/1/001), Rose Saunders (09709/1/001), Councillor Michael Barnacle (02633/1/044), Fossoway & District Community Council (00830/1/004): Support.

Blairingone New Sites

Friends of Rural Kinross-shire (05105/1/001): Approximately 20 houses should be developed in Blairingone to help safeguard the future of the primary school. This would also help spread the increase in housing stock over the whole of Kinross-shire.

J C Stewart (00409/1/001): Previously submitted plans for approx 40 houses around the north and east of Blairingone (S4_Doc_033) with ground for a village hall and parking, new area for an improved play area, a sports field and community woodland near the school as shown on submitted plan. Large amount of support from residents for the proposals. Fossoway Strategy Group also supports new housing in the village. Hoped proposals would encourage growth of Blairingone, ensure long term future of the school and encourage provision of a shop/post office/pub. Ground conditions are difficult but housing is possible in areas proposed. Local Development Plan allows for limited building but not scheme of this scale.

Councillor William B Robertson (00923/1/006): Larger housing allocation for Blairingone would help safeguard long term future of the school and take some of the housing pressure off Powmill.

Councillor Michael Barnacle (02633/1/045), Matthew Pease Architect (09125/1/003): Oppose lack of a housing site in Blairingone. Option 1 in the MIR (site B for 30 houses) (S4_Doc_033) was the preferred choice of community representatives from Kinross-shire landward area. Identification of the B1 assessment area of the Fossoway Strategy Group's map for housing would help the retention and improvement of the school and the provision of other facilities (S4_Doc_687).

Fossoway & District Community Council (00830/1/005): There was local approval for growth of around 30 houses in Blairingone within the settlement boundary and this should be included as a specific reference in the Plan.

Kevin Borthwick (09777/1/001), George Pease (10115/1/009): Option 1 in the Main Issues Report (S4_Doc_033) has a lot of local support and a zoned area for around 30 houses in Blairingone should be considered. This would also be a great boost to the school.

Eileen Thomas (10223/1/009): Suggest identifying more land for housing at Blairingone to help keep the local school open.

Powmill

Alex Pritchard (09979/1/002), Alexander Garden (00456/1/002), Frances Garden (00457/1/002): Provision of a new school in Powmill could accommodate pupils from Blairingone and Fossoway primary schools enabling pupils to walk to school. There is already a safety issue with road access at Fossoway.

Lynn Boulter (00666/1/001), Kevin Borthwick (09777/1/006): Object to Powmill settlement boundary at area north of Powmill Farm Steadings (S4_Doc_336) which encompasses plot 5A. Reporter at two appeals advised the furthest build line should be the Steadings. This plot has been dismissed at two appeals (S4_Doc_688 and S4_Doc_689) as detrimental to the area. Appears to be a mistake in the Plan as it was agreed this area was to be removed from the development plan.

Councillor Michael Barnacle (02633/1/057): Disagree with divorce of settlement boundaries between Gartwhinzean Feus and Powmill (S4_Doc_336). Opportunity to

improve footpath links from western end of Powmill to the village centre and possibly provide a new roundabout and road junction to the A823 on the east side of the site (S4_Doc_690).

Kevin Borthwick (09777/1/010): It is assumed the representation is referring to Powmill not Crook of Devon as stated. There is a need for a hub in the village and would like to see a village green.

Councillor Michael Barnacle (02633/1/058), George Pease (10115/1/013), Matthew Pease Architect (09125/1/005): Village green and sports area as per R6 on the Fossoway Strategy Group's map (S4_Doc_336) should be included in the Plan for Powmill (S4_Doc_690).

Powmill H53

Councillor Michael Barnacle (02633/1/059): Site numbers at site H53 should reflect site B in MIR option 2 (S4_Doc_226). Question need for business land at site H53 given there is already an employment site allocated at site E23.

George Pease (10115/1/011): With Fossoway Primary school nearing capacity site size is too large and will double size of village. Blairingone could accommodate additional development and has primary school capacity.

Emac Planning (09010/1/003): Development on brownfield land at Powmill justified but no justification for the use of greenfield land over other sites in the Kinross HMA. The existing brownfield site provides sufficient land for the settlements needs. As the existing land has not been developed during the life of the current plan its effectiveness/marketability is queried. Powmill has limited services and will be attractive to commuters promoting traffic rather than sustaining the local community. Query the effectiveness of the employment land and whether the capacity of the Waste Water Treatment Works is sufficient. Landscape, environmental and traffic impact are queried given the severance created by the existing road.

Fossoway & District Community Council (00830/1/009): Local support for development but strong feeling that scale and density are too high and should be reviewed. A development of 60 units plus existing permissions would be appropriate. Road and access improvements must be provided with this scale of development. Powmill village boundary could be re-considered to provide a more coherent, nucleated settlement structure.

Kevin Borthwick (09777/1/005): It is assumed the representation is referring to Powmill not Crook of Devon as stated. Local survey suggested scale of housing on site was unacceptably high. Extra housing could go to Blairingone.

Derek Kirk & Donna McBain (00881/1/001): Object to numbers proposed at site. There are other permissions in Powmill and the additional numbers should be reduced to less than 100. Concerned there is no upper limit to housing numbers and that necessary improvements to water pressure and electricity supplies will not be carried out to meet the needs of the proposed housing. With no bus service or village shop residents are car dependent and the A977 is already very busy.

Matthew Pease Architect (09125/1/008): 120 units is excessive high and should be reduced to 90. The depth of H53 can be reduced and a wooded footpath to Gartwhinzean Feus would help tie the village together.

Friends of Rural Kinross-shire (05105/1/006): There is already permission for 23 houses in the same area as H53 and this should be taken into account in looking at the increased development. The developer has undertaken extensive consultation and what is proposed is generally approved. The total number of new houses to be built should be strictly phased.

Susan Hogarth (00429/1/003): Changing the junction at the A977/A823 with a roundabout will increase noise levels. No justification for this change. Development on both sides of the A977 will be dangerous due to the volume of traffic using the road. The site has existing permission for 23 dwellings and the additional 97 is too high.

Mr & Mrs Alan Chappell (10324/1/001), Kinross-shire Civic Trust (06950/1/022), Thomson Homes Ltd & Cocklaw Developments Ltd (00870/4/001): Support.

Rumbling Bridge

David Thornber (00790/1/001), George Pease (10115/1/012), Matthew Pease Architect (09125/1/006), Kevin Borthwick (09777/1/008): Settlement boundary should encompass the houses within the settlement (S4_Doc_034) so to exclude a significant group of existing and potential houses is peculiar and not in line with the existing Local Plan (S4_Doc_691) and the Strategy Group Map (S4_Doc_692). Inclusion of these houses would also ensure better conformity with the spatial strategy.

Mr & Mrs David Somers (00784/1/001): Proposed settlement boundary fails to protect the existing settlement pattern of Rumbling Bridge. The small housing estate being suggested by a developer may obliterate the character of the original village. There is no main sewage drainage so any large housing development would involve multiple septic tanks draining into and polluting the River Devon. Any permitted housing development exiting onto the A823 to the west of Blairhill Drive, Rumbling Bridge should be reduced to five houses or less.

Councillor Michael Barnacle (02633/1/060): Support settlement boundary at area R5 on the Strategy Group Map (S4_Doc_692). This should not be extended westwards. There are current planning applications for the Firgrove/Merryhills area.

Fossoway & District Community Council (00830/1/012), St John Hattersley (00438/1/001), James & Christina Ritchie (00634/1/001), Mary Bostick (00546/1/001), Paul Levein (00806/1/001): Support.

Rumbling Bridge E24

Mr & Mrs Stewart Roberts (00618/1/001 & 00618/1/002): Site should not be designated as '*general employment land*' but should remain identified for '*rural business*' as the Kinross Area Local Plan (S4_Doc_691). Site may not be suitable for development due to the shape and location making drainage provision problematic. Access would require to be taken from the A825 and additional business development which would increase traffic and could cause safety issues. Any development should be in keeping and support the areas agricultural and forestry heritage while supporting growth and development of existing rural businesses. Development should provide a public space and provide landscaping to screen land owned by residents of Birkfield Park from future development.

Fossoway & District Community Council (00830/1/011): Support. Concerned about the integrity of the settlement boundary in the area where there is existing planning consent.

Rumbling Bridge New Sites

Brent Quinn (00836/1/001): Site (S4_Doc_034) should be identified for residential use. It is in a prominent gateway position when entering from the north on the A823 and has clear boundaries. In current use for horse trekking. Site was dismissed for development at the previous Local Plan inquiry and safeguarded for amenity use. Existing housing sites in Rumbling Bridge have been exhausted and new sites should be identified to support growth. Proposal will provide a sustainable rural pattern of development and would comply with SPP (Core_Doc_048) by helping meet an established housing shortfall and providing a new robust landscaped boundary replacing existing field boundaries to the east and north (S4_Doc_034). Site is considered effective as per SPP criteria. It is within the existing settlement boundary and part of the existing urban fabric and is a logical next allocation which would round off the north of the existing settlement.

Thomson Homes Ltd and Cocklaw Developments Ltd (00870/2/001): Site (S4_Doc_034) should be included within the settlement boundary for approximately 13 new homes and a community garden. Further sites are required to meet the housing requirement in the Kinross Housing Market Area in full in accord with SPP (Core_Doc_048) and this proposal is an opportunity to meet this need. Rumbling Bridge is not subject to the environmental constraints and no constraints apply to the site. Planning consent has previously been granted for a chalet development which was only partly implemented and subsequently demolished. Part of the site was allocated for tourist uses in the Kinross Area Local Plan 1994. Development on the site has therefore been deemed acceptable by the Council. The Local Development Plan however makes no reference to the extant permission (for chalets) which extends beyond the settlement boundary proposed. The proposal will reflect the existing settlement pattern and contribute positively to the character of the village and provide community benefit through the community garden. The site is well contained within the landscape and no impacts on landscape character, village character, or visual amenity are anticipated.

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

Dr Robert Walker (09986/1/002): The Local Development Plan should identify a future use for the disused airfield site at Balado.

Balado E35

R Fergusson (09142/5/001): Site E35 should be zoned for mixed use development including residential. Site boundary should be extended as per map 2 of the Representation.

Kinross Community Council (00841/1/005): Site Specific Developer Requirements to include reference to impact on levels of pollution and run off patterns into Loch Leven.

Balado H51

George Lawrie (02900/1/001): Site should be expanded to reflect the plan submitted with representation and the site number increased to 42 units.

Kinross Community Council (00841/1/008): Site Specific Developer Requirements to include reference to impact on levels of pollution and run off patterns into Loch Leven.

Blairingone

Councillor Michael Barnacle (02633/1/046): Paragraph 4.3 of the Local Development Plan (S4_Doc_520) should include the need for a by-pass of Blairingone.

Blairingone E22

Diane Walker (10333/1/001): Delete site.

Blairingone New Sites

Friends of Rural Kinross-shire (05105/1/001): A Site should be allocated for approx 20 houses in Blairingone.(No site identified)

J C Stewart (00409/1/001): Site identified for housing and land for community facilities as shown on submitted plan.

Councillor William B Robertson (00923/1/006 & 02633/1/045), Matthew Pease Architect (09125/1/003), Fossoway & District Community Council (00830/1/005), Kevin Borthwick (09777/1/001), George Pease (10115/1/009), Eileen Thomas (10223/1/009): The B1 assessment area of the Fossoway Strategy Group's map (S4_Doc_687) should be zoned for housing for approximately 30 houses.

Powmill

Alex Pritchard (09979/1/002), Alexander Garden (00456/1/002), Frances Garden (00457/1/002): Requirement for the provision of a new primary school should be identified.

Lynn Boulter (00666/1/001), Kevin Borthwick (09777/1/006): Modify settlement boundary to exclude area north of Powmill Farm Steadings (plot 5A).

Councillor Michael Barnacle (02633/1/057): Gartwhinzean Feus and Powmill should be linked to the main village as per the Fossoway Strategy Group's map (S4_Doc_690).

Kevin Borthwick (09777/1/010), Councillor Michael Barnacle (02633/1/058), George Pease (10115/1/013), Matthew Pease Architect (09125/1/005): Modify to include Village green and sports area R6 on the Fossoway Strategy Groups map (S4_Doc_690).

Powmill H53

Councillor Michael Barnacle (02633/1/059), George Pease (10115/1/011): Reduce number of units to 90.

Emac Planning (09010/1/003): Reduce the number of units identified.

Fossoway & District Community Council (00830/1/009), Kevin Borthwick (09777/1/005): Reduce number of units to 60. Site Specific Developer Requirements to include requirement for the provision of a roundabout.

Derek Kirk & Donna McBain (00881/1/001): Reduce and restrict number of units to 100.

Matthew Pease Architect (09125/1/008): Reduce the number of units to 90 and reduce the size of the site. Site Specific Developer Requirements to include the provision of a footpath link to Gartwhinzean Feus.

Friends of Rural Kinross-shire (05105/1/006): The total number of new houses to be built should be phased.

Susan Hogarth (00429/1/003): Reduce the number of dwellings. Amend the Site Specific Developer Requirements to require that the upgrade to the A977/A823 should not be a roundabout.

Rumbling Bridge

David Thornber (00790/1/001), George Pease (10115/1/012), Matthew Pease Architect (09125/1/006), Kevin Borthwick (09777/1/008): Modify settlement boundary to include area R2 on the Fossoway Strategy Groups Map (S4_Doc_034) and (S4_Doc_692).

Mr & Mrs David Somers (00784/1/001): Restrict development in the village boundary to 5 houses or less.

Rumbling Bridge E24

Mr & Mrs Stewart Roberts (00618/1/001 & 00618/1/002): Delete identification for 'General Employment Use' and identify for 'Rural Business and some tree planting'.

Rumbling Bridge New Sites

Brent Quinn (00836/1/001): Modify settlement boundary to include proposed site for 7 units to the north of the nursing home.

Thomson Homes Ltd & Cocklaw Developments Ltd (00870/2/001): Modify settlement boundary to include proposed site for 13 units and a community garden to the west of the settlement.

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

Dr Robert Walker (09986/1/002): Planning permission was granted in June 2011 under planning reference 09/01289/FLM (S4_Doc_693) for the change of use of land to Class 11 use (assembly and leisure) plus motor vehicle and sports and funfairs at Balado Activity Centre, The Old Airfield, Kinross. This permission included the permanent siting of a Microlight training school which had previously been granted temporary permission in 1998. The site also holds the annual '*T in the Park*' music festival. No approach has been made to the Council to identify the site for alternative uses and where new proposals are brought forward they will be considered in line with the relevant policy framework. The Council does not agree that the Plan should identify a future use for this site.

No modification is proposed to the Plan.

Balado E35

R Fergusson (09142/5/001): This site lays within 400m of an active sand and gravel quarry to the west. The site is also within 200m of two poultry farms and 300 metres from another, each of which lay to the north. The entire site is within the SEPA 1:200 year indicative flood area. Scottish Government publication Prevention of Environmental Pollution from Agricultural Activity paragraph 13.14 (S4_Doc_694) states '*When designing new buildings, consider their siting in relation to residential accommodation, and avoid sites within 400m of such developments.*' The Council notes that there are residential properties in closer proximity to the existing land uses but these properties are traditionally attached to the farming operations occupied by employees managing the facility. The Council does not agree that the site is suitable for residential development; it has been identified for employment uses as this would be compatible with existing neighbouring uses.

No modification is proposed to the Plan.

Kinross Community Council (00841/1/005): 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.

Balado H51

George Lawrie (02900/1/001): Balado is a small settlement with no services. Due to its close proximity to Kinross, Balado is identified for growth and Planning Permission minded to grant subject to a Section 75 for residential development on the proposed H51 (S4_Doc_684). The settlement is not connected to the public Waste Water Treatment Works and due to its position within the Loch Leven Catchment suitable drainage mitigation will be required. This permission is sufficient, during the lifetime of the Plan, for the future housing needs of the settlement. In addition the settlement boundary includes land to the south of the settlement which may be suitable for further development if required. Part of the site suggested through this Representation is within the SEPA 1:200 year Indicative Flood Area (S4_Doc_695) and no evidence has been provided showing how the flood risk can be mitigated.

No modification is proposed to the Plan.

Kinross Community Council (00841/1/008): 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.

Blairingone

Councillor Michael Barnacle (02633/1/046): A review of current traffic flows on the A977 does not provide a justification for the construction of a by-pass at Blairingone and no commitment is currently in place to upgrade any part of the A977. To support future projects along this route and ensure that future development does not sterilise a potential bypass at Blairingone the Council would have no issues with this being highlighted in the Plan.

If the Reporter was so minded the Council would have no issue with the inclusion of the following after Paragraph 7.1.17 (S4_Doc_696):

'Transport Infrastructure

7.1.18 The A977 is an important strategic route through Kinross-shire and the Council will support further traffic mitigation schemes between Blairingone and Kinross, including examining the need for a by-pass and potential line.'

Blairingone E22

Diane Walker (10333/1/001): This proposal provides an opportunity for employment use supporting the growth of the settlement. No use or design has been proposed for this site and this will be determined through the planning application stage.

No modification is proposed to the Plan.

Blairingone New Sites

Friends of Rural Kinross-shire (05105/1/001), J C Stewart (00409/1/001), Councillor William B Robertson (00923/1/006), Councillor Michael Barnacle (02633/1/045), Matthew Pease Architect (09125/1/003), Fossoway & District Community Council (00830/1/005), Kevin Borthwick (09777/1/001), George Pease (10115/1/009), Eileen Thomas (10223/1/009): The Main Issues Report (MIR) identified two sites under Site A and Site B (S4_Doc_217). 40 responses were received which were broadly in favour of further small scale development within the settlement. MIR Site B has previously been identified for residential development but was removed at the last Local Plan Inquiry due to concerns over ground conditions and the sterilisation of coal deposits. The primary school roll in recent years has been steady with the 7 year projected role showing this to continue with a number of permissions granted within the school catchment. The Council does not consider Site B in the MIR to be an effective site with concern that the ground conditions may make the site non viable. In order to promote development and provide confidence to the development industry and community it is considered that identifying a site for 30 dwellings may provide an opportunity to bring forward development.

If the Reporter was so minded the Council would have no issues with the identification of a site for 30 units within the settlement boundary but would not support these being identified as being part of the effective housing supply.

Powmill

Alex Pritchard (09979/1/002), Alexander Garden (00456/1/002), Frances Garden (00457/1/002): A review of the Primary School estate has not identified the requirement for a new primary school at Powmill. The settlement lies within the Fossoway Primary School Catchment where Paragraph 7.1.16 (S4_Doc_697) in the Plan identifies that additional capacity will be required to support future development. The Council will support the needs of future development in this way.

No modification is proposed to the Plan.

Lynn Boulter (00666/1/001), Kevin Borthwick (09777/1/006): The settlement boundary to the north of Powmill Farm Steadings (plot 5A) reflects that previously identified in the Kinross Area Local Plan 2004 (S4_Doc_698). This site has been the subject of four planning applications for residential development three of which were refused on design grounds. An application for the erection of a dwellinghouse is currently being determined under planning application reference 07/00555/FLL (S4_Doc_704). While the principle of development on this site is not established it is considered that subject to a suitable design development could be acceptable.

No modification is proposed to the Plan.

Councillor Michael Barnacle (02633/1/057): The settlement boundary defines the areas in which the different policies are applied when determining planning applications. The fact that Gartwhinzean Feus and Powmill are not shown as connected on the map in the Plan does not inhibit the creation of further footpath links between the settlements.

No modification is proposed to the Plan.

Kevin Borthwick (09777/1/010), Councillor Michael Barnacle (02633/1/058), George Pease (10115/1/013), Matthew Pease Architect (09125/1/005): The area identified on the Fossoway Strategy Group map under R6 (S4_Doc_690) has previously been suggested for residential development. No commitment is in place for the provision of a village green

and the Council considers that identifying it for this use could put it under future development pressure as it is within the settlement boundary. A requirement of Site H53 is the development of a Masterplan which provides the opportunity to create a village green on this land in support of new residential development. The land is currently in agricultural use and in line with Policy NE4: Green Infrastructure (S4_Doc_415) its use as a village green could be supported by the Plan while protecting it from residential development.

No modification is proposed to the Plan.

Powmill H53

Councillor Michael Barnacle (02633/1/059), George Pease (10115/1/011), Emac Planning (09010/1/003), Fossoway & District Community Council (00830/1/009), Kevin Borthwick (09777/1/005), Derek Kirk & Donna McBain (00881/1/001), Matthew Pease Architect (09125/1/008), Friends of Rural Kinross-shire (05105/1/006), Susan Hogarth (00429/1/003): The Main Issues Report (MIR) put forward two options (S4_Doc_226 and S4_Doc_227) for future development in Powmill. Option 1 for 30 units on the site of the former hotel and steading and Option 2 for a larger development of 90 units. Option 1 received the most positive responses and a number of issues raised in relation to need for improved drainage infrastructure and road improvements (S4_Doc_699). Planning permission has been established indicatively for 23 units on the Gartwhinzean steading and adjacent to the former hotel within the site boundary of H53. In order to ensure the viability of the development and allow for the provision of a new Waste Water Treatment Works and junction improvements at the A977/A823 the Council opted to identify development in line with MIR Option 2. The identification of the site for 120 units is at a medium density reflecting existing development in Powmill and is only slightly higher than that proposed in the MIR due to the existing permissions on site. Reducing the number of dwellings on site and allocating to other new sites which the Council do not consider to be effective may not allow the Council to retain an effective housing land supply. To ensure the integration of the new development and the creation of a coherent settlement the Council would support the Masterplan looking at the entire village as well as encouraging the provision of an off road foot path between the site and Gartwhinzean Feus.

If the Reporter was so minded the Council would raise no issue with the Site Specific Developer Requirements being amended to state the following:

'Masterplan submitted at the time of any planning application looking at the entire village to ensure built form and layout respond appropriately to the landscape and strengthen Powmill as a distinctive place.

Contribution to the development of the core paths network through the site and encourage the provision of an off road route between the site and Gartwhinzean Feus.'

Rumbling Bridge

David Thornber (00790/1/001), George Pease (10115/1/012), Matthew Pease Architect (09125/1/006), Kevin Borthwick (09777/1/008): The settlement boundary has been drawn to encompass the core of the village while allowing for further small scale infill development. It is considered that including the area of land identified as R2 on the Fossoway Strategy Groups map (S4_Doc_692) could allow for an increased level of development larger than appropriate to the village. It is considered that Policy RD3: Housing in the Countryside (S4_Doc_418) would allow for appropriate small scale development in these areas.

While the Council does not consider that a modification should be made if the Reporter is so minded the Council would have no objection to the settlement boundary being modified to reflect R2 on the Fossoway Strategy Groups map (S4_Doc_034).

Mr & Mrs David Somers (00784/1/001): The settlement boundary has been drawn to allow for small scale infill development appropriate to the size of the existing settlement. The number of additional dwellings will be determined through individual planning applications where the relevant policy criteria are met. No justification has been provided for an arbitrary limit. It would not be appropriate for a restriction to be placed on the number of dwellings as although planning permission is granted there is no guarantee that development will take place which could prevent further effective development opportunities.

No modification is proposed to the Plan.

Rumbling Bridge E24

Mr & Mrs Stewart Roberts (00618/1/001 & 00618/1/002): In line with Policy ED1A: Employment and Mixed Use Areas (S4_Doc_483) development in the general employment areas should be compatible with surrounding land uses and should not detract from the amenity of adjoining residential areas. This is the same principle which is attached to Policy ED3: Rural Business and Diversification (S4_Doc_395) which will be applied to non allocated sites. This proposal is defining the principle of employment use which is agreed with by the responders and the Council considers that the change of site definition would bring no additional benefit. The detailed design of any proposal is the appropriate stage in the planning process to address the issues which have been raised.

No modification is proposed to the Plan.

Rumbling Bridge New Sites

Brent Quinn (00836/1/001): This site to the north of the nursing home was considered by the David Tyldesley and Associates Landscape Capacity Study which identified this area of land as a sensitive edge to the settlement with important landscape features or views beyond. The conclusion of this report states that *'Development of the open field in the village north of the nursing home would (be) inappropriate'* identifying both landscape constraints and development not being consistent with the settlement pattern (S4_Doc_700). The settlement boundary has been drawn widely enough to provide sufficient infill opportunities to meet future housing demands and development of this site is not required.

No modification is proposed to the Plan.

Thomson Homes Ltd & Cocklaw Developments Ltd (00870/2/001): This site has an extant planning permission for chalet development which has been part implemented. Planning permission has been granted under 12/00807/FLL (S4_Doc_701) on the eastern part of the site and it is not considered that the remainder of the extant consent is likely to be implemented. Since the permission for the chalet development was granted this area was considered by the David Tyldesley and Associates Landscape Capacity Study which identified it as a sensitive edge to the settlement with important landscape features or views beyond. It identifies both landscape and visual constraints and development on this site not being consistent with the settlement pattern (S4_Doc_700). Taking account of the conclusions of the Landscape Capacity Study it is unlikely that a chalet development would still be appropriate on this site and the provision of this planning permission does not provide a basis for residential development. The settlement

boundary has been drawn widely enough to provide sufficient infill opportunities to meet future housing demands and the development of this site is not required.

No modification is proposed to the Plan.

Reporter's conclusions:

Balado

1. Planning permission has been granted for the use of land at The Old Airfield for a variety of purposes, including the annual music festival and a microlight training centre. There are conditions on the consent which restrict noise levels associated with microlight flying. The Proposed Plan has no role in regulating the site therefore.

Balado: E35

2. This brownfield site of almost 2 hectares lies in the countryside to the north of Balado. Because of its history as a former satellite navigation station, and the presence on site of related buildings and structures, E35 is a suitable site for general employment uses. However it does not follow that it is appropriate for residential development, even as part of a mixed development. It is detached from the nearest settlement – Balado to the south, on the opposite side of the A977 – and housing on E35 would represent sporadic development in the countryside.

3. The site is also in a flood risk area, and is too close to farming and quarrying activities which are likely to detract from the amenity of people living on the site. Therefore the allocation should not be changed to include residential development on E35.

4. The text at 7.3.3 and the plan on page 212 both draw attention to the Loch Leven Catchment Area, and policies EP3 and EP7 explain the requirements in the catchment area, so there is no need to add further guidance on the matter.

Balado: H51

5. Balado is essentially a small housing estate in the countryside built around a scatter of traditional houses and a commercial garage on the south side of the A977 west of Kinross. However there are no representations about its designation as a settlement in the Proposed Plan, and indeed the council has already agreed in principle to grant planning permission (subject to a section 75 agreement) for residential development on H51.

6. The 35 house allocation in the Proposed Plan would potentially double the population of the settlement, which has no services and is not connected to the waste water treatment works. In view of its position within the Loch Leven Catchment Area it would not be appropriate to expand the site to the west as suggested, regardless of the flood risk constraint affecting part of the site. The allocation of H51 should not be modified therefore.

7. As explained in paragraph 4 above, the text at 7.3.3 of the Proposed Plan and the map on page 212 both refer to the Loch Leven Catchment Area, so there is no need to add further guidance on the matter.

Blairingone

8. Blairingone is a linear settlement, bisected by the A977. Although there may be no immediate requirement for a bypass of the village, that situation could change. It will be necessary to review the position if traffic flows increase, and to protect the potential route if a need is shown. The council's suggested wording covers the point adequately.

Blairingone: E22

9. This is a small (0.5 hectares), well contained site on the southern edge of the settlement. It is capable of making a modest but useful contribution to job creation in this former mining village. A well designed scheme should not detract from its surroundings or from the amenity of the nearest houses.

Blairingone new housing sites

10. There is evidently widespread support for the idea of allocating a site for additional housing in Blairingone, mainly to safeguard the future of the village primary school, but also to take some of the pressure off the nearby village of Powmill. Further development might help to reverse the decline in village services which has been experienced in recent years.

11. Of the various housing sites which have been canvassed, MIR Site B immediately to the west of the primary school lies within the proposed settlement boundary where proposals for residential development are likely to be acceptable in principle. Development of the site would round off the village at its north east end. The MIR suggested that the site had a capacity of 20-30 houses.

12. The council's contention that Site B is ineffective because of unfavourable ground conditions is not accepted by the potential developer, who refers to a borehole study which showed that housing is possible on the land. Having regard to the strong community support for the proposal, it is appropriate to identify the site for housing (30 houses) in the Proposed Plan. However, due to uncertainties over delivery the proposed houses would not form part of the effective land supply.

13. In itself the development of housing on Site B would be a substantial expansion in relation to the scale of the village, and would be adequate to meet local housing needs in the short term. In any case the other suggested housing sites to the north of the village are less well related to the village. A belt of woodland separates MIR Site A from the northern edge of the settlement, and the access along Vicar's Bridge Road is long and narrow with substandard footway provision. The suggested comprehensive development of Sites A and B would be too much for Blairingone to absorb.

Powmill

14. Powmill is in the catchment area for Fossoway Primary School at Crook of Devon. The Proposed Plan recognises the primary school will need to be extended to cater for proposed development in the catchment area. There is no requirement for a separate primary school to serve Powmill.

15. The settlement boundary north of Powmill Farm Steadings is unchanged from the Kinross Area Local Plan. Although 2 detailed proposals to build a house on the land have been dismissed on appeal, it is possible that a re-design would be acceptable to the

council. There is no need to modify the boundary to prevent inappropriate development on the plot, as the council would be able to refuse planning permission in those circumstances.

16. There is a substantial gap between existing limits of Powmill and the outlying Gartwhinzean Feus. Even if the intervening site H53 (see below) is developed, there would still be a break in development between the two settlements. It is appropriate that this distinction is recognised in the settlement boundaries. However, that would not prevent measures to improve the footway connection between the two.

17. The area which has been suggested as a village green is adjacent to, but outwith, the settlement boundary in the Proposed Plan. If included within the settlement boundary it might come under pressure for development. There is unlikely to be a policy objection to any proposal to create a village green on the land if it remains outwith the settlement boundary. Hence no change is required to the Proposed Plan in response to the representation.

Powmill: H53

18. This nine hectare allocation at Gartwhinzean proposes a development of 120 houses, which would double the size of the village. The village has no primary school or bus service, and only a small convenience store and village hall, apart from the milk bar and café at the opposite end of the village.

20. The site is in two distinct parts on either side of the A977, which is a busy route used by HGVs. On the north side of the road is the brownfield site of the former hotel (now demolished) and farm steading buildings, where planning permission has already been granted for a redevelopment for housing (likely to be 23 units). However the larger greenfield site on the south side of the road is an extensive open field forming the countryside setting to Powmill on the approach from the west.

21. TAYplan Policy 1 requires that land releases throughout the region should prioritise principal settlements, the nearest of which is Kinross / Milnathort. The policy acknowledges that local development plans may also provide for some development in other settlements where it can be accommodated and supported by the settlement.

22. In compliance with TAYplan Policy 1, paragraph 4.2.2 of the Proposed Plan explains that the local development plan strategy seeks to allocate limited growth to those settlements with a range of facilities capable of serving local needs. The proposed development of 120 houses at Powmill is not consistent with that strategy, as doubling the size of the village cannot be regarded as limited growth, and Powmill has a very restricted range of facilities. Nor is it compatible with the aim to reduce the need to travel and ensuring good access to public transport, which is set out in paragraph 4.3.15 of the Proposed Plan.

23. When the alternatives of a development of 20-30 houses on the hotel and steading site (Option 1) and a larger development of 90 houses on both sides of the road (Option 2) were canvassed in the Main Issues Report, the smaller development was generally preferred. The council's desire to integrate the permitted development with the village, achieve a safe access to the site and provide drainage infrastructure do not warrant the construction of 120 houses in this location.

24. As explained in Issue 33a, the Proposed Plan provides sites for many more houses in Kinross-shire than are required to meet TAYPlan targets. Even if H53 were reduced to 30 units, there is ample provision in the housing market area, including the landward part. Accordingly the housing allocation at H53 should be limited to the brownfield site to the north of the A977, with a notional 30 units, and the settlement boundary should be modified accordingly.

25. Although the H53 allocation included 1 hectare of serviced business land, there is another employment allocation in the village (with associated residential) on 1.5 hectares of land at Powmill Cottage which should be adequate to meet the needs of the settlement during the Plan period.

Rumbling Bridge

26. The area identified as R2 on the map prepared by the Fossoyay Community Strategy Group is a dispersed enclave of houses on the northern edge of the village. It is unclear why the council wish to exclude this area which lies within the settlement boundary in the adopted local plan. There is already development underway at the west end of R2. Although the large field to the south of R2 is excluded from the settlement boundary, the houses on the opposite side of the A823 are included within the boundary, so R2 is not detached from the settlement as defined.

27. In any case Policy RD3: Housing in the Countryside supports the erection of single houses and groups of houses in such locations. The settlement boundary should therefore be modified to encompass R2.

28. Otherwise the settlement boundary reflects the existing settlement pattern whilst offering scope for modest infill development. Any proposals for development within the settlement boundary would be assessed on their merits against the relevant policies of the Proposed Plan. There is therefore no need for the Proposed Plan to impose a limit on the scale of each development.

Rumbling Bridge: E24

29. This employment site has been rolled forward from the adopted Kinross Area Local Plan, and there has been no change in circumstances which would justify its removal from the Proposed Plan. It would be too restrictive to limit the uses on site in the manner suggested in the representation. Specific proposals to develop site E24 would be considered against Policy ED1A of the Proposed Plan, which requires any proposed development to be compatible with surrounding land uses and not to detract from the amenity of adjoining residential areas. With those safeguards there is no need to delete or modify the designation of E24.

Rumbling Bridge new sites

30. It is suggested on behalf of the landowners that the 1.58 hectare field to the north of the care home at Gorge House should be allocated for a low density housing development of up to 7 units. The neighbouring area to the east could be retained for recreational purposes in connection with the adjoining gorge of the River Devon. However a landscape capacity study highlighted that this open field (R3) near the gorge is an important feature of the landscape character of this part of the village. Its development for housing, even at a low density, would detract from the attractive rural character of the village, and is unnecessary having regard to the other opportunities for

infill development within the settlement boundary.

31. The representation site to the west of the village extends well beyond the settlement boundary. The site of 1.7 hectares is proposed to accommodate 13 new houses. The previous planning permission for a tourism development on the land will have been assessed against a different policy background. It is unlikely that the chalet development proposal will be revived, since the chalets that were built have been removed, and planning permission has been granted for housing development on the eastern part of the land. The proposal for housing on the representation site should therefore be considered on its merits.

32. The proposal is poorly related to the village form, and it would project as an isolated finger of development into the rising land to the west of the village contrary to the conclusions of the landscape capacity study. The development framework report on behalf of the potential developer notes that some ground remodelling and retention would be required to create level platforms for development and acceptable gradients for routes. The development of this land for housing is neither necessary nor desirable.

Reporter's recommendations:

Transport infrastructure

1. Add an additional paragraph after Paragraph 7.1.17:

“Transport Infrastructure

7.1.18 The A977 is an important strategic route through Kinross-shire and the Council will support further traffic mitigation schemes between Blairingone and Kinross, including examining the need for a by-pass and potential line.”

Blairingone

2. Identify the land at Blairingone (the portion of Site B in the Main Issues Report which lies within the settlement boundary in the Proposed Plan) as a housing site H74 for 30 units.

Powmill: H53

3. Reduce the allocation at H53 to restrict the site to the north side of the A977 (30 units), delete the reference to serviced business land, and modify the settlement boundary and site-specific developer requirements accordingly.

Rumbling Bridge

4. Modify the settlement boundary for Rumbling Bridge to include the area defined as R2 by the Fossoway Community Strategy Group (Schedule 4 document 034).

Issue 36	Kinross-shire Area - Small Settlements and Landward Sites	
Development plan reference:	<p>7.1.14 Landward Housing Sites Table, page 199</p> <p>7.5 – Carnbo, page 215</p> <p>7.6 – Cleish, page 216</p> <p>7.7 – Crook of Devon, page 217-218</p> <p>7.8 – Drunzie, page 219</p> <p>7.9 – Glenlomond, page 220</p> <p>7.10 – Greenacres, page 221</p> <p>7.12 – Keltybridge and Mayburgh, page 224</p> <p>7.13 – Kinnesswood, page 225-226</p> <p>7.18 - Wester Balgedie, page 236-237</p>	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Cleish & Blairadam Community Council (00048)</p> <p>Elizabeth Wilson (00202)</p> <p>Mary Cowan (00219)</p> <p>Norman Malvenan (00261)</p> <p>Bryony Malvanan (00262)</p> <p>James Alexander Forbes (00263)</p> <p>Gordon Forbes (00265)</p> <p>David Moncur (00271)</p> <p>Diane Moncur (00272)</p> <p>Sheena Kathleen Forbes (00332)</p> <p>Alan A Harper (00333)</p> <p>Alexander Garden (00456)</p> <p>Frances Garden (00457)</p> <p>D Stewart & T Pedersen (00528)</p> <p>David Birrell (00545)</p> <p>James & Christina Ritchie (00634)</p> <p>Portmoak Community Council (00638)</p> <p>Mr & Mrs Brown (00665)</p> <p>Mr Gary & Dr Jane Gibson (00704)</p> <p>Dave Morris (00708)</p> <p>Alison Robertson (00717)</p> <p>Charlotte McKinnon (00794)</p> <p>Chris Vlasto (00795)</p> <p>Teresa Breslin (00796)</p> <p>Joe Breslin (00797)</p> <p>Audrey Harrison (00798)</p> <p>Anne Macintyre (00799)</p> <p>Rory Sillar (00800)</p>		<p>Miranda Jane Maxton (00801)</p> <p>Fossoway & District Community Council (00830)</p> <p>Neil Gardner (00846)</p> <p>Joe Kennedy (00948)</p> <p>Councillor Michael Barnacle (02633)</p> <p>A & J Stephen (Builders) Ltd (03068)</p> <p>Friends of Rural Kinross-shire (05105)</p> <p>Scottish Natural Heritage (05211)</p> <p>Kinross-shire Civic Trust (06950)</p> <p>Shand Partnership (09010)</p> <p>Alistair Smith (09011)</p> <p>Jim Pritchard (09104)</p> <p>Matthew Pease Architect (09125)</p> <p>Mr & Mrs A McLaren (09128/6)</p> <p>Messrs A & J Bayne (09128/11)</p> <p>Mr & Mrs K Adam (09166)</p> <p>Fossoway & District Community Council (09222)</p> <p>Scripture Union Scotland (09289)</p> <p>C A Baillie (09405)</p> <p>Lomond Land (09415)</p> <p>R T Hutton Planning Consultant (09539)</p> <p>Kevin Borthwick (09777)</p> <p>G S Brown Construction Ltd (09817)</p> <p>Alex Pritchard (09979)</p> <p>Catriona Culley (10074)</p> <p>Mike Thomson (10092)</p> <p>George Pease (10115)</p>
Provision of the development plan to which the issue relates:	Landward sites and settlements without specific designations in the Kinross Housing Market Area.	

Planning authority's summary of the representation(s):Carnbo

R T Hutton Planning Consultant (09539/4/001): Settlement boundary should be extended (S4_Doc_362) to allow for small scale residential development while respecting the linear form of the village and not extending beyond the existing eastern boundary.

Scottish Natural Heritage (05211/25/020): In the interest of good practice, suggests that the Infrastructure Considerations (paragraph 7.5.3) section for Carnbo should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_157).

Kinross-shire Civic Trust (06950/1/011); Fossoway & District Community Council (00830/1/006); Kevin Borthwick (09777/1/002); Councillor Michael Barnacle (02633/1/047): Support.

Cleish

Catriona Culley (10074/2/001); Cleish & Blairadam Community Council (00048/1/007); Kinross-shire Civic Trust (06950/1/025): In interests of clarity and consistency and because of the importance of open spaces to the integrity of the setting of the village, Policy CF1: Open Space Retention and Provision (S4_Doc_414) should be applied to the land and open spaces within Cleish Conservation Area (S4_Doc_363).

Cleish & Blairadam Community Council (00048/1/001 & 00048/1/002): Propose additional wording to paragraph 7.6.1 and 7.6.2 to provide clarity and to protect the agricultural areas within the conservation area thereby preserving the spatial arrangement of the existing buildings. This is based upon the findings of the Kinross Area Local Plan Public Local Inquiry 2004 (It is unclear as to which Topic of the Inquiry is being referred to but it is assumed it is Topic 51 (S4_Doc_740)).

Scottish Natural Heritage (05211/25/021): In the interest of good practice, suggests that the Infrastructure Considerations section for Cleish (paragraph 7.6.3) should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_158).

Cleish New Site

Messrs A & J Bayne (09128/11/001): New site proposed for 2 or 3 dwellings to the rear of the primary school (S4_Doc_363). Site is well screened and new development would not have a negative impact on the conservation area and could provide improved drainage provision. Land could be provided for a primary school play ground extension if required. A range of small scale development opportunities should be identified throughout the Kinross Housing Market Area to provide variety and choice.

Crook of Devon

Alan A Harper (00333/1/002); Kevin Borthwick (09777/1/004): The playing area situated at Waulkmill Road (S4_Doc_036) has been mentioned for possible development and this would be inappropriate and a loss of only recreational area within the village.

Norman Malvenan (00261/1/001); Bryony Malvanan (00262/1/001); James Alexander Forbes (00263/1/001); Mary Cowan (00219/1/001); David Moncur (00271/1/001); Diane Moncur (00272/1/001); Elizabeth Wilson (00202/1/001); Gordon Forbes (00265/1/001); Fossoway & District Community Council (09222/1/001); Friends of Rural Kinross-shire (05105/1/003); Sheena Kathleen Forbes (00332/1/001); Alan A Harper (00333/1/001); Kinross-shire Civic Trust (06950/1/018); Mr & Mrs Brown (00665/1/001); Fossoway & District Community Council (09222/3/001 & 00830/1/007); Kevin Borthwick

(09777/1/003): Supports the Plan as it is in line with the rural countryside and also takes into account the needs of Crook of Devon, Fossoway and Drum.

Alex Pritchard (09979/1/001); Fossoway & District Community Council (09222/2/001); Alexander Garden (00456/1/001); Frances Garden (00457/1/001); James & Christina Ritchie (00634/1/002); Councillor Michael Barnacle (02633/1/049); Jim Pritchard (09104/1/015): Support the settlement boundary at Crook of Devon as it excludes Monarch Deer Farm on Naemoor Road as a residential site.

Crook of Devon New Sites

R T Hutton Planning Consultant (09539/1/001): The settlement boundary should be modified to include land (S4_Doc_036) for residential development as Crook of Devon is well served and placed to support new development. No housing sites have been identified and this modification to include land at Back Crook (S4_Doc_036) would improve the unattractive boundary edge of the village when travelling south east and provide benefits to the area.

G S Brown Construction Ltd (09817/13/001): Site at Naemoor Road (S4_Doc_036) should be identified for residential development. This is acknowledged in the Kinross Area Local Plan 2004 paragraph 5.20 (S4_Doc_686). The site is within the village envelope and is not in productive use. The site is financially viable and can be delivered in the short term. Development would include a new bridge to improve access. Crook of Devon is a more suitable settlement for development than Powmill as it has a large range of infrastructure and services and is closer to Kinross. SEPA and Scottish Water have withdrawn objections on drainage grounds.

Shand Partnership (09010/1/001): Site adjacent to the scout camp (S4_Doc_036) should be identified for residential development as set out in the pre-Main Issues Report and Main Issues Report submissions (S4_Doc_741 and S4_Doc_742). Would help meet the housing land requirement without impacting on Loch Leven.

Joe Kennedy (00948/1/001): Site should be identified for residential development. Crook of Devon needs expansion in order to accommodate the young and the elderly. Development south of the A977 (S4_Doc_036) could provide the stimulus for a new roundabout and better road safety on the A977.

Drunzie

C A Baillie (09405/1/001): The settlement boundary should be modified (S4_Doc_364) to reflect the Kinross Area Local Plan 2004 (S4_Doc_743) as it will create a more balanced community and development.

Councillor Michael Barnacle (02633/1/050): Support.

Glenlomond

Alistair Smith (09011/1/001); Kinross-shire Civic Trust (06950/1/019): The Waste Water Treatment Works are '*private*' not '*public*' and have little spare capacity; therefore it is unlikely that any new houses can be accommodated.

Portmoak Community Council (00638/2/004): The open space land (S4_Doc_365) is jointly owned by the residents and the Nursing Home. It should be retained as open space.

Councillor Michael Barnacle (02633/1/051): Support

Greenacres

Scottish Natural Heritage (05211/25/022): In the interest of good practice, suggested that the Infrastructure Considerations section for Greenacres (paragraph 7.10.3) should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_744).

Councillor Michael Barnacle (02633/1/052): Settlement boundary is supported to limit development.

Keltybridge and Maryburgh

Cleish & Blairadam Community Council (00048/1/004): Maryburgh settlement boundary should be amended (S4_Doc_037) to exclude the area designated as Garden and Designed Landscape.

George Pease (10115/1/010); Matthew Pease Architect (09125/1/004): Support settlement boundary for Maryburgh allowing scope for sympathetic enlargement. In recognition of its historical significance as a planned village a Site Development Brief should be prepared to ensure that the historic character of Maryburgh as a planned village from Blairadam is maintained and used as the basis for considering development proposals.

Councillor Michael Barnacle (02633/1/054): Support for the Plan.

Keltybridge and Maryburgh New Sites

Mr & Mrs J Adam (09166/15/001): There is no clear justification for the reduction of the western edge of the settlement boundary at Keltybridge. New housing has altered the character of this part of the village. Site (S4_Doc_037) is being considered for steading redevelopment and limited residential new build in keeping with this development to the east.

Mr & Mrs J Adam (09166/15/002): Maryburgh settlement boundary should be extended to the north and south (S4_Doc_037) to accommodate a single house plot on each area which will meet local market need. Proposed extension to the south would extend into the Historic Garden and Designed Landscape but any development would not impact on the core elements of the designation.

Lomond Land (09415/5/001): Site should be identified for residential development (S4_Doc_037) of 15-20 low density dwellings on part of the site with the remainder as a community garden, car park, path links and substantial tree belt on the eastern edge of Keltybridge. It is in control of an active house builder and can be delivered in the short term. Site is a well screened agricultural field with local services available in nearby Kelty. There are no flooding issues, natural or landscape designations, affecting the site and it is not within the Loch Leven Catchment Area. Development would take account of adjacent Middleton House and there are no other cultural heritage designations affecting the site. The site can be serviced and has good access from the M90. Would help maintain an effective 5 year land supply.

Kinnesswood

Gary & Dr Jane Gibson (00704/1/001); Alison Robertson (00717/1/003); Dave Morris (00708/1/001); Charlotte McKinnon (00794/1/001); Chris Vlasto (00795/1/001); Teresa Breslin (00796/1/001); Joe Breslin (00797/1/001); Audrey Harrison (00798/1/001); Anne Macintyre (00799/1/001); Rory Sillar (00800/1/001); Mike Thomson (10092/2/001); Miranda Jane Maxton (00801/1/001); Neil Gardner (00846/1/001): Settlement boundary should be amended to remove the site at Bishop Terrace (S4_Doc_366). Previous

Reporters appeal decision (S4_Doc_745) for a house refused on the grounds it would detract from existing amenity of the area as the site contributes to the village setting - existing community use for informal recreation considered the most appropriate use. Recreational use of the site has increased since this decision. Development may restrict Scottish Water access to the water tank adjacent to the site.

Gary & Dr Jane Gibson (00704/1/002); Alison Robertson (00717/1/002); Dave Morris (00708/1/002); Charlotte McKinnon (00794/1/002); Chris Vlasto (00795/1/002); Teresa Breslin (00796/1/002); Joe Breslin (00797/1/002); Audrey Harrison (00798/1/002); Anne Macintyre (00799/1/002); Rory Sillar (00800/1/002); Mike Thomson (10092/2/002); Miranda Jane Maxton (00801/1/002); Neil Gardner (00846/1/002): Modify paragraphs 7.13.2 *'Adjacent to Bishop Terrace, an area of land has been included within the settlement boundary which may be suitable for the development of a single dwelling house'* and paragraph 7.13.3 *'Development of the land at Bishop Terrace is required to accommodate the core path and its connection to the wider core path network'* to reflect the settlement boundary excluding this site.

Mike Thomson (10092/1/001): Support requirement for development of the land at Bishop Terrace to retain access to the public path.

A & J Stephen (Builders) Ltd (03068/4/001), Councillor Michael Barnacle (02633/1/055): Support for the Plan.

Kinross-shire Civic Trust (06950/1/021): Support identification and retention of important open spaces in Kinnesswood.

Wester Balgedie

Portmoak Community Council (00638/2/008): Supports the Plan generally. Opposes change to Wester Balgedie settlement boundary (S4_Doc_367).

David Birrell (00545/1/001): Opposes change to Wester Balgedie settlement boundary (S4_Doc_367) as it could allow for further development. Settlement has lack of public waste water treatment, poor access and further development could affect the landscape value of the area.

Scottish Natural Heritage (05211/25/023): In the interest of good practice, suggests that the Infrastructure Considerations section for Wester Balgedie (paragraph 7.18.3) should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_746).

Alistair Smith (09011/2/002); Councillor Michael Barnacle (02633/1/064): Support for the Plan.

New Landward Sites

D Stewart & T Pedersen (00528/1/001): Proposal for an upmarket self-catering chalet complex and a management house (S4_Doc_039). Kinross area has a shortfall of quality holiday accommodation to support the many year round tourist attractions. Development would be sustainable in design and would help boost the local economy through increased tourism.

Mr & Mrs A McLaren (09128/6/001): Proposal for residential development site at Gairney Bank (S4_Doc_038). Site is agricultural land with defined boundaries on two sides and development could reflect development on the opposite side of the road. Access would be determined in conjunction with PKC Roads Service and appropriate drainage

mitigation would be provided allowing connection from existing properties creating a net improvement to the Loch Leven Catchment. Gairney Bank is close to Kinross and site has no infrastructure constraints. Site is within a pipeline safeguarding zone but appears that necessary requirements could be met. Site is deliverable and would contribute to the housing land requirement in Kinross Housing Market Area.

Scripture Union Scotland (09289/7/001): Lendrick Muir (S4_Doc_036) is operated by a charity and is used as a multi-purpose activity and residential centre with significant benefits for the local rural economy. Its continued success will require further investment, in particular extending the range and quality of on site activities and promoting further development to service these activities. Such investment will depend on available funding but planning policy support for the long term aspirations (10-15 years) contained in the masterplan which has been developed would be best addressed by a site specific policy in the Local Development Plan.

Shand Partnership (09010/3/001): Site proposed at Blairforge for small scale (S4_Doc_037) sustainable residential development and community room/hub. It is brownfield land on the edge of Blairforge and development would reflect the existing settlement pattern. Due to its position out with the Loch Leven Catchment would be suitable for providing a range of choice in the Kinross Housing Market Area. It has clearly defined boundaries and access could be taken through existing routes. There are no known infrastructure constraints and development would contribute to the existing community of Blairforge.

Modifications sought by those submitting representations:

Carnbo

R T Hutton Planning Consultant (09539/4/001): Modify the settlement boundary to include land for residential development (S4_Doc_362).

Scottish Natural Heritage (05211/25/020): Suggest updating the text for the first sentence of the Infrastructure Considerations section (paragraph 7.5.3, page 215) to read: *'The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area.'*

Cleish

Catriona Culley (10074/2/001); Cleish & Blairadam Community Council (00048/1/007); Kinross-shire Civic Trust (06950/1/025): Policy CF1: Open Space Retention and Provision (S4_Doc_414) should be applied to the land and open spaces within Cleish Conservation Area (S4_Doc_363).

Cleish & Blairadam Community Council (00048/1/001): Insert following to the end of paragraph 7.6.1: *'The wider agricultural ground forms part of the overall setting of the village and helps maintain the rural feel.'*

Cleish & Blairadam Community Council (00048/1/002): Modify second line in paragraph 7.6.2 to read: *'Cleish and its environs are within a Conservation Area designation which seeks to protect the character, setting within the wider agricultural grounds and the historic integrity of the area. Any development within the Conservation Area would severely jeopardise the unique character of the area.'*

Scottish Natural Heritage (05211/25/021): Suggested updated text for the first sentence of the Infrastructure Considerations section (paragraph 7.6.3, page 216): *'The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area.'*

Cleish New Sites

Messrs A & J Bayne (09128/11/001): Modify Cleish settlement boundary to include site to the south of the primary school for residential development (S4_Doc_363).

Crook of Devon

Alan A Harper (00333/1/002); Kevin Borthwick (09777/1/004): Designate Waulkmill Road play area as open space (S4_Doc_036).

Crook of Devon New Sites

R T Hutton Planning Consultant (09539/1/001): Modify settlement boundary to include site at Back Crook for residential development (S4_Doc_036).

G S Brown Construction Ltd (09817/13/001): Modify settlement boundary to include site at Naemoor Road for residential development (S4_Doc_036).

Shand Partnership (09010/1/001): Modify settlement boundary to include site adjacent to Scout camp for residential development (S4_Doc_036).

Joe Kennedy (00948/1/001): Modify settlement boundary to include site south of the A977 for residential development (S4_Doc_036).

Drunzie

C A Baillie (09405/1/001): Modify settlement boundary to reflect that in the current Kinross Area Local Plan (S4_Doc_364).

Glenlomond

Alistair Smith (09011/1/001); Kinross-shire Civic Trust (06950/1/019): Modify Paragraph 7.9.3 to read *'Drainage from all development should connect to Private Waste Water Treatment Works.'*

Portmoak Community Council (00638/2/004): Modify the settlement map to identify open space as per the Kinross Area Local Plan 2004 (S4_Doc_365).

Greenacres

Scottish Natural Heritage (05211/25/022): Suggested updated text for the first sentence of the Infrastructure Considerations section (paragraph 7.10.3, page 221): *'The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area.'*

Keltybridge and Maryburgh

Cleish & Blairadam Community Council (00048/1/004): Modify Maryburgh settlement boundary (S4_Doc_037) to exclude the area to the south designated as Garden and Designed Landscape.

George Pease (10115/1/010); Matthew Pease Architect (09125/1/004): Identify requirement to prepare a site development brief for Maryburgh.

Keltybridge and Maryburgh New Sites

Mr & Mrs J Adam (09166/15/001): Modify settlement boundary to the west of Keltybridge reflecting submitted plan (S4_Doc_037).

Mr & Mrs J Adam (09166/15/002): Modify settlement boundary to the north and south of Maryburgh reflecting submitted plan (S4_Doc_037).

Lomond Land (09415/5/001): Modify settlement boundary to include site for residential development (S4_Doc_037).

Kinnesswood

Gary & Dr Jane Gibson (00704/1/001 & 00704/1/002); Alison Robertson (00717/1/002 & 00717/1/003); Dave Morris (00708/1/001 & 00708/1/002); Charlotte McKinnon (00794/1/001 & 00794/1/002); Chris Vlasto (00795/1/001 & 00795/1/002); Teresa Breslin (00796/1/001 & 00796/1/002); Joe Breslin (00797/1/001 & 00797/1/002); Audrey Harrison (00798/1/001 & 00798/1/002); Anne Macintyre (00799/1/001 & 00799/1/002); Rory Sillar (00800/1/001 & 00800/1/002); Mike Thomson (10092/2/001 & 0092/2/002); Miranda Jane Maxton (00801/1/001 & 00801/1/002); Neil Gardner (00846/1/001 & 00846/1/002): Modify settlement boundary at Bishop Terrace (S4_Doc_366) to reflect the boundary in the Kinross Area Local Plan 2004.

Remove second sentence in Paragraph 7.13.2 beginning '*Adjacent to Bishop Terrace...Single dwellinghouse.*'

Remove last sentence at paragraph 7.13.3 '*Development of the land at Bishop Terrace is required to accommodate the core path and its connection to the wider core path network.*'

Wester Balgedie

Portmoak Community Council (00638/2/008); David Birrell (00545/1/001): Modify the settlement boundary to exclude the area identified on submitted plan (S4_Doc_367).

Scottish Natural Heritage (05211/25/023): Suggested updated text for the first sentence of the Infrastructure Considerations section (paragraph 7.18.3, page 236): '*The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area.*'

New Landward Sites

D Stewart & T Pedersen (00528/1/001): Identify land at Gellybank Farm shown on submitted plan for tourism development (S4_Doc_039).

Mr & Mrs A McLaren (09128/6/001): Identify land north of Gairney Bank shown on the submitted plan for residential development (S4_Doc_038).

Scripture Union Scotland (09289/7/001): Modify the Plan to include site specific policy support for the continued expansion of onsite activities (S4_Doc_036).

Shand Partnership (09010/3/001): Identify land west of Blairforge shown on the submitted plan for residential development (S4_Doc_037).

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

R T Hutton Planning Consultant (09539/4/001): Carnbo lies within the Local Leven Catchment Area and has no services or connection to public drainage infrastructure. The provision of suitable drainage has long been an issue within the settlement and in recent years the settlement has seen significant expansion. The settlement boundary provides further scope for this to continue through small scale infill development. No further development sites are required through the lifetime of the Plan.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/020): It is considered that amending paragraph 7.5.3 to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_157) would provide greater clarity and transparency for applicants in terms of highlighting that the provisions of Policy EP7: Drainage within the Loch Leven Catchment Area (S4_Doc_491) apply to development proposals at this settlement, in order to ensure no adverse effects on the Natura 2000 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 Infrastructure Considerations at paragraph 7.5.3.

Cleish

Catriona Culley (10074/2/001); Cleish & Blairadam Community Council (00048/1/007); Kinross-shire Civic Trust (06950/1/025): Policy HE3: Conservation Areas (S4_Doc_508) provides sufficient protection from inappropriate development within conservation areas. The areas of land which are being suggested for designation under Policy CF1: Open Space Retention and Provision (S4_Doc_414) are in agricultural use and this policy relates to functional open space in public use. The Council does not consider the identification of this land under Policy CF1 to be appropriate or required.

No modification is proposed to the Plan.

Cleish & Blairadam Community Council (00048/1/001): While the Council considers the current wording in paragraph 7.6.1 to be sufficient it does not object to the suggested modification.

If the Reporter was so minded no issue is raised with the Plan being modified appropriately.

Cleish & Blairadam Community Council (00048/1/002): Policy HE3: Conservation Areas (S4_Doc_508) applies within the conservation area boundary and any new development proposals should be considered against this policy through the planning application process. The proposed modification is considered to be overly negative and is it inaccurate to state that any development would severely jeopardise the unique character of the area. The proposed modification is not accepted by the Council.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/021): It is considered that amending paragraph 7.6.3 to incorporate mitigation measures as set out in the Habitats Regulations Appraisal

(Including Appropriate Assessment) (S4_Doc_158) would provide greater clarity and transparency for applicants in terms of highlighting that the provisions of Policy EP7: Drainage within the Loch Leven Catchment Area (S4_Doc_491) apply to development proposals at this settlement, in order to ensure no adverse effects on the Natura 2000 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 Infrastructure Considerations at paragraph 7.6.3.

Cleish New Sites

Messrs A & J Bayne (09128/11/001): Due to the historic nature of Cleish further growth is not encouraged and the settlement boundary has been drawn to reflect this position. The settlement is within the Loch Leven Catchment Area and Cleish has no public drainage provision.

No modification is proposed to the Plan.

Crook of Devon

Alan A Harper (00333/1/002); Kevin Borthwick (09777/1/004): The land at Waulkmill Road (S4_Doc_036) is the main recreation ground in Crook of Devon and is identified in the Plan as open space under Policy CF1: Open Space Retention and Provision (S4_Doc_414). It has not previously been suggested for residential development through either the Main Issues Report or the Proposed Plan.

No modification is proposed to the Plan.

Crook of Devon New Sites

R T Hutton Planning Consultant (09539/1/001): The strategy for the Kinross Housing Market Area is to direct the majority of residential development in the Fossoway Area to Powmill. This site (S4_Doc_036) does not easily reflect the settlement pattern of Crook of Devon. This area of land was considered through the David Tyldesley and associates Landscape Capacity Study which identifies it as '*Open, rising ground in the Devon Valley detached from the villages, (with a) strong rural character*' and developing it '*Would detract from the linear form of Drum and Crook of Devon and the settlement pattern between them.*' (S4_Doc_747) The size of site proposed and the possible scale of development which it could accommodate is not required during the lifetime of the Plan. No evidence has been provided that the site is a viable development opportunity.

No modification is proposed to the Plan.

G S Brown Construction Ltd (09817/13/001): This site (S4_Doc_036) has previously been identified for residential development but was not included as it was not required during the lifetime of the Plan (S4_Doc_686). The strategy for the Kinross Housing Market Area is to direct the majority of residential development in the Fossoway Area to Powmill, regenerating an area of brownfield land and taking pressure off Crook of Devon infrastructure as it has seen expansion over recent years. The Council requires identifying sites which are viable and are likely to come forward during the lifetime of the Plan. When this site was considered through the last Local Plan review (S4_Doc_748) the high cost of servicing the site was identified as a constraint. The upfront cost to construct a new bridge over the river Devon, uncertainty whether suitable land is within the control of the developer and the drainage infrastructure costs all remain issues. Notwithstanding the statement through the representation that the site is viable no evidence

has been provided to this effect.

No modification to the Plan is proposed.

Shand Partnership (09010/1/001): This site (S4_Doc_036) may be capable of supporting small scale infill development. The eastern edge of the site is within the SEPA 1:200 year indicative flood area (S4_Doc_036) and it may be in conflict due to noise with the Scout Camp to the north.

If the Reporter was so minded the Council would not consider it appropriate to designate this land as a new site due to the unresolved issues relating to flooding and noise but would raise no objection to the land being included within the settlement boundary.

Joe Kennedy (00948/1/001): This site (S4_Doc_036) occupies a prominent position adjacent to the A977. The land was considered through the David Tyldesley and associates Landscape Capacity Study which identifies '*ground conditions*' being a physical constraint and the site having '*no link to the settlement pattern and (would) further blur the separation of Crook of Devon and Drum.*' (S4_Doc_747). If further land is required for future development in Crook of Devon this site would not be considered acceptable.

No modification is proposed to the Plan.

Drunzie

C A Baillie (09405/1/001): This land (S4_Doc_364) is within the pipeline consultation zone and an objection has previously been raised by the Health and Safety Executive (HSE) to development at this site in relation to planning application 08/01393/OUT (S4_Doc_749). In light of this advice from the HSE the council does not consider it appropriate to modify the settlement boundary as suggested.

No modification is proposed to the Plan.

Glenlomond

Alistair Smith (09011/1/001); Kinross-shire Civic Trust (06950/1/019): The identification of the sewerage works in Glenlomond as public is a drafting error and the Council supports a correction to provide clarity and transparency for applicants.

If the Reporter is so minded the Council would be comfortable with paragraph 7.9.3 being corrected to '*Drainage from all development should connect to Private Waste Water Treatment Works.*'

Portmoak Community Council (00638/2/004): The area of open space identified in the Kinross Area Local Plan 2004 (S4_Doc_750) is mainly a private car park associated with the nursing home. The Council considers that it would not meet the requirement of Policy CF1: Open Space Retention and Provision (S4_Doc_414) and does not require to be identified as open space.

No modification is proposed to the Plan.

Greenacres

Scottish Natural Heritage (05211/25/022): It is considered that amending paragraph 7.10.3 to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_744) would provide greater

clarity and transparency for applicants in terms of highlighting that the provisions of Policy EP7: Drainage within the Loch Leven Catchment Area (S4_Doc_491) apply to development proposals at this settlement, in order to ensure no adverse effects on the Natura 2000 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 Infrastructure Considerations at paragraph 7.10.3.

Keltybridge and Maryburgh

Cleish & Blairadam Community Council (00048/1/004): The settlement boundary excludes the majority of the Garden and Designed Landscape but it is noted that it includes a small area to the south. Policy HE4: Garden and Designed Landscapes (S4_Doc_512) provides suitable protection from inappropriate development in this area.

If the Reporter was so minded the Council would consider a modification to the settlement boundary as identified in the attached map acceptable.

George Pease (10115/1/010); Matthew Pease Architect (09125/1/004): The settlement boundary allows future development to reflect the form and layout of the existing planned settlement. Any development which takes place is unlikely to be of a scale to warrant the development of a development brief. In the event a large scale development is proposed Policy PM2: Design Statements (S4_Doc_515) would apply. Policy PM1: Placemaking (S4_Doc_396) and the future Placemaking Supplementary Guidance provides guidance on the layout and design of development across Perth and Kinross and is considered to be sufficient when determining planning applications within this settlement.

No modification is proposed to the Plan.

Keltybridge and Maryburgh New Sites

Mr & Mrs J Adam (09166/15/001): Keltybridge is a small settlement with no services which has seen expansion over recent years. The settlement boundary allows for some further small scale infill development. The proposed site contains a steading building and appropriate small scale development with associated infill development may be appropriate when considered under Policy RD3: Housing in the Countryside (S4_Doc_418).

No modification is proposed to the Plan.

Mr & Mrs J Adam (09166/15/002): The settlement boundary provides adequate scope for future development within this settlement. The suggested extension of the boundary (S4_Doc_037) to the north creates a site which has a water course running through it. The site to the south is within the Historic Gardens and Designed Landscapes where the Council will seek to protect and enhance its integrity. Neither of the proposed boundary modifications have been satisfactorily justified or would create areas of land within the settlement boundary which the Council would consider suitable for development.

No modification is proposed to the Plan.

Lomond Land (09415/5/001): Keltybridge is a small settlement with no services which has seen expansion over recent years. The settlement boundary allows for some further small scale infill development. The proposed site (S4_Doc_037) is in a prominent position at the edge of the settlement and has no defensible boundary to the east. It is considered

that it would not fit the settlement pattern and residential development of this scale is not required during the lifetime of the Plan.

No modification is proposed to the Plan.

Kinnesswood

Gary & Dr Jane Gibson (00704/1/001 & 0704/1/002); Alison Robertson (00717/1/002 & 00717/1/003), Dave Morris (00708/1/001 & 00708/1/002); Charlotte McKinnon (00794/1/001 & 00794/1/002); Chris Vlasto (00795/1/001 & 00795/1/002); Teresa Breslin (00796/1/001 & 00796/1/002); Joe Breslin (00797/1/001 & 00797/1/002); Audrey Harrison (00798/1/001 & 00798/1/002); Anne Macintyre (00799/1/001 & 00799/1/002); Rory Sillar (00800/1/001 & 00800/1/002); Mike Thomson (10092/2/001 & 10092/2/002); Miranda Jane Maxton (00801/1/001 & 00801/1/002); Neil Gardner (00846/1/001 & 00846/1/002): These Representations seek the modification of the settlement boundary at Bishop Terrace (S4_Doc_366) to reflect the boundary in the Kinross Area Local Plan 2004. This issue has previously been considered through the Inquiry into the Kinross Area Local Plan 2004 (S4_Doc_808) where the settlement boundary was adjusted to remove this area of land. Notwithstanding the previous Reporter decision the Council considers that the settlement boundary as defined is appropriate. It may allow for the development of a single dwelling at Bishop Terrace as the land can be satisfactorily accessed and it is considered that a well designed development would not substantially detract from the village setting. The topography of the site sits lower than the existing housing at Bishop Terrace to the north west which would enable a new house to be integrated reasonably well with the existing built and natural features of the area. Any future development at this site requires improvements to the core path which runs to the south of the land providing benefit to local access.

No modification is proposed to the Plan.

Wester Balgedie

Portmoak Community Council (00638/2/008); David Birrell (00545/1/001): The settlement boundary was defined including a small area of scrub land east of Carsehall Farm (S4_Doc_367). The inclusion of this land serves no specific purpose and the Council raises no issue with the proposed modification.

If the Reporter is so minded the Council would have no issue with the settlement boundary reflecting that shown on the attached Plan.

Scottish Natural Heritage (05211/25/023): It is considered that amending paragraph 7.18.3 to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_746) would provide greater clarity and transparency for applicants in terms of highlighting that the provisions of Policy EP7: Drainage within the Loch Leven Catchment Area (S4_Doc_491) apply to development proposals at this settlement, in order to ensure no adverse effects on the Natura 2000 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 Infrastructure Considerations at paragraph 7.18.3.

New Landward Sites

D Stewart 7 T Pedersen (00528/1/001): Policy ED4: Caravan Sites, Chalets and Timeshare Developments (S4_Doc_390) defines the criteria to be considered through a

planning application. The Plan does not seek to identify new specific proposals and these should be brought forward through a planning application. This proposal is within the Loch Leven Catchment Area and no evidence has been submitted that it is an effective site in terms of suitable drainage mitigation to allow it to be identified through the Local Development Plan.

No modification is proposed to the Plan.

Mr & Mrs A McLaren (09128/6/001): The site (S4_Doc_038) is being promoted for development in the landward area (being out with a settlement boundary) so would not be allocated in the Local Development Plan. Reference to schedule 4 no 08b Settlement Boundaries is highlighted for further information on this issue. It will be assessed against Policy RD3: Housing in the Countryside (S4_Doc_418) through the planning application process.

No modification is proposed to the Plan.

Scripture Union Scotland (09289/7/001): Policy ED3: Rural Business and Diversification (S4_Doc_395) supports the expansion of existing businesses in rural areas. The Local Development Plan does not seek to identify specific proposals of this nature and any development proposal will be assessed through the planning application process.

No modification is proposed to the Plan.

Shand Partnership (09010/3/001): The site (S4_Doc_037) is being promoted for development in the landward area (being out with a settlement boundary) so would not be allocated in the Local Development Plan. Reference to schedule 4 no 08b Settlement Boundaries is highlighted for further information on this issue. It will be assessed against Policy RD3: Housing in the Countryside (S4_Doc_418) through the planning application process.

No modification is proposed to the Plan.

Reporter's conclusions:

Carnbo

1. Carnbo is a small settlement which lacks mains drainage or other services. It is therefore suitable for very limited development, providing the infrastructure considerations set out in paragraph 7.5.3 of the Proposed Plan can be addressed satisfactorily. The settlement boundary reflects the existing settlement pattern, and leaves scope for modest infill development. There is no need or justification to extend the village boundary along the unbuilt northern side of the A91.

2. Because of its position in the Loch Leven Catchment Area, the infrastructure considerations should be updated as suggested by Scottish Natural Heritage (SNH).

Cleish

3. The conservation area designation, supported by Policy HE3: Conservation Areas of the Proposed Plan, enables the council to ensure that the historic village of Cleish and its environs are protected from unsuitable development. There is a statutory duty to ensure that any development preserves or enhances the character or appearance of the

conservation area. The application of the open space policy (CF1) to agricultural land surrounding the village would be inappropriate and unnecessary. Nor is it necessary to expand the terms of paragraph 7.6.2 to explain the implications of the conservation area designation.

4. However, due to Cleish's position in the Loch Leven Catchment Area, the infrastructure considerations should be updated as suggested by SNH.

Cleish new site

5. This site of 0.23 hectares forms the lower part of a gently rising field on the southern edge of the settlement. The representation seeks to include this land within the settlement boundary, and to allocate the site for residential and related uses. As discussed above, the agricultural land surrounding Cleish gives the village its attractive landscape setting. To allow development on its southern fringe would erode the character of the conservation area which the Proposed Plan seeks to protect. The settlement boundary should remain tightly defined around the historic village, and should not be extended as suggested.

Crook of Devon

6. There is no need to modify the Proposed Plan to safeguard the playing field at Waulkmill Road, as the land is already shown as open space on the settlement map on page 218 and is protected from development by policy CF1A: Existing areas.

Crook of Devon new sites

7. Crook of Devon is a relatively large village with a good range of facilities including a primary school, church, village hall, shop and a pub. Although the Proposed Plan does not specifically allocate sites for housing development in the village, there is scope for limited infill within the settlement boundary as defined.

8. The proposed site to the north of the village (09539/1/001) is an extensive, undulating arable field on the edge of the settlement. It is poorly related to the village centre and services (except the primary school). The development of this area for housing would detract from the countryside setting of Crook of Devon, and would be at odds with the linear form of the village.

9. The Monarch Deer Farm site at Naemoor Road is better related to the village centre. The site covers a substantial area of land (7.4 hectares) on the north side of the River Devon, and is accessed via a narrow stone bridge over the river. It was included within the settlement boundary in the adopted Kinross Area Local Plan, which acknowledged its potential for housing development.

10. However unresolved concerns remain about the effectiveness and deliverability of the site – in particular the cost, feasibility and timescale for constructing a new river crossing, and the cost of remedying the drainage infrastructure constraint. With those uncertainties it would not be appropriate for the Proposed Plan to allocate the site at Naemoor Road for residential development.

11. The site at Schiehallion lies on the north west edge of the proposed settlement boundary. The land of 0.9 hectares is partly a brownfield site, with the remainder being a small paddock. It is well contained, with housing to the east and trees and vegetation on

the other boundaries, including the bank of the adjoining River Devon. The proposal to build six sustainable houses on the site would not detract from the surroundings of Crook of Devon, or conflict with the development pattern.

12. The council's concern about noise from the neighbouring scout camp is not substantiated. The camping area is some distance from the proposed housing site, which suggests that a noise problem is unlikely to arise. However the western edge of the site is within the Scottish Environment Protection Agency (SEPA) 1:200 year indicative flood area, and a flood risk assessment would be required to establish whether any development of the site could be affected by flooding. Given that the site is at a higher level it seems unlikely that flooding would be an impediment to development, but in the absence of a flood risk assessment it would be unwise to allocate the site for housing. Meanwhile the site should be included within the settlement boundary, to allow for the matter to be resolved by submitting a planning application.

13. The development of the substantial open field to the east of the village hall would erode the countryside gap between Crook of Devon and the outlying hamlet of Drum, and would be prominent on the approach to the village from the east. Even if there were a need for further housing in the village this site would not be suitable.

Drunzie

14. In the light of the previous objection to development on this site from the Health and Safety Executive due to its proximity to a major pipeline the settlement boundary should not be expanded as requested.

Glenlomond

15. In the interests of accuracy, the text at paragraph 7.9.3 should be corrected to confirm that drainage from all development should connect to the 'private', not 'public', waste water treatment works. However it would be inappropriate to designate the unbuilt area within the nursing home complex as an open space, as it is predominantly a car park.

Greenacres

16. Because of its location within the Loch Leven Catchment Area, it would be consistent to incorporate the mitigation measures which are set out in the Habitats Regulations Appraisal (HRA), to ensure no adverse effects on the Special Protection Area (SPA).

Keltybridge and Maryburgh

17. It would be advisable to adjust the settlement boundary to exclude all of the area designated as a Garden and Designed Landscape (associated with Blair Adam House) which separates Keltybridge from Maryburgh.

18. There is no need for the Proposed Plan to require the preparation of a site development brief for Maryburgh. Any development proposal is likely to be small scale, and would have to comply with Policies PM1: Placemaking and PM2: Design Statements and the associated supplementary guidance. It would also have to take account of the designated historic landscape to the west and south of the settlement.

19. Keltybridge is an attractive small village which lacks services but has recently had to

absorb a substantial new development at Middleton Park. In order to retain the historic character of Keltybridge it is right to draw a tight settlement boundary around the existing extent of the village. The proposal to extend the boundary to include an area of 3 hectares on the east side of the settlement for the development of 15-20 houses is not justified in that context. It would represent a major incursion into an open field, with no natural boundaries on its east side, which forms a valuable element of the rural setting of the village.

20. Any development proposed at the steading to the west of the village would be assessed against Policy RD3 of the Proposed Plan which supports appropriate development in the countryside. There is therefore no need to extend the settlement boundary to the west, as suggested.

21. The site on the south west edge of Maryburgh is located within the Garden and Designed Landscape. Although this part of the designed landscape is on the opposite side of the M90 from Blair Adam House, it still forms part of the attractive countryside setting of the village and is protected by Policy HE4 of the Proposed Plan. Development of the sloping site on the north east edge of Maryburgh would extend the ribbon of houses northwards. Neither proposal is desirable or necessary, as there is already ample scope for small scale infill development within the settlement boundary.

Kinnesswood

22. The settlement boundary for Kinnesswood generally follows the existing edge of the village. However the boundary includes an area of land adjacent to Bishop Terrace which the council considers may be suitable for the development of a single house.

23. At present the road at this section of Bishop Terrace forms a clear divide between the housing estate which it serves and the rising countryside beyond. This break in development on the east side of the road allows open views towards the hillside which lends Kinnesswood its distinctive character. The land is used for informal recreation, and a core path giving access to White Craigs, Bishop Hill and the nearby Michael Bruce Way traverses the site. As such the land contributes to the attractive countryside setting of the village, and the construction of a house on the land would detract from amenity, even if the core path were retained as proposed. The settlement boundary should be therefore be modified to exclude the land concerned.

Wester Balgedie

24. The council agrees that there is no point in including the triangular area in dispute within the settlement boundary – the boundary should be modified accordingly.

25. Because Wester Balgedie lies within the Loch Leven Catchment Area, the mitigation measures which are set out in the HRA should be specified in the Proposed Plan, to ensure no adverse effects on the SPA.

New Landward sites

26. It would be inconsistent to identify the site at Gellybank Farm for a chalet proposal, as the Proposed Plan does not allocate sites in the countryside for tourism developments. Any planning application for a tourism development at Gellybank Farm would require to be assessed against the relevant policies of the Plan, including Policy EP7 to ensure no adverse effects on Loch Leven Special Protection Area.

27. Gairneybank is not identified as a settlement in the Proposed Plan, so the site at the north end of the hamlet cannot be allocated for housing development and any proposal would be assessed against the housing in the countryside policy (Policy RD3).

28. Lendrick Muir is an activity centre for children and young people, which is set in some 50 hectares of grounds in the countryside west of Crook of Devon. The charity's long term aspirations for the site are appreciated, but it is not necessary to modify the Proposed Plan to pursue them. They are best tested by submitting a planning application, which would be assessed against Policy ED3: Rural Business and Diversification. Policy ED3 supports the expansion of existing businesses, and indicates that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. Lendrick Muir would appear to qualify for favourable consideration under the policy.

29. Blairforge is a small group of cottages and bungalows on the east side of the B996. It is not identified as a settlement in the Proposed Plan, so there is no scope to allocate a housing site at Blairforge. The proposal to construct 15 houses on a site of 1.7 hectares to the east of the B996 would require to be assessed against the council's development in the countryside policy (Policy RD3) and the associated supplementary guidance.

Reporter's recommendations:

Carnbo

1. Amend the first sentence of the Infrastructure Considerations section (paragraph 7.5.3, page 215) as follows: *"The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area."*

Cleish

2. Amend the first sentence of the Infrastructure Considerations section (paragraph 7.6.3, page 216) as follows: *"The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area."*

Crook of Devon

3. The site at Schiehallion, north west of Crook of Devon, should be included within the settlement boundary.

Glenlomond

4. The text at paragraph 7.9.3 should be corrected to *"Drainage from all development should connect to Private Waste Water Treatment Works."*

Greenacres

5. Modify the first sentence of the Infrastructure Considerations section (paragraph 7.10.3, page 221) as follows: *"The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in*

line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area.”

Keltybridge and Maryburgh

6. The settlement boundary on page 224 should be adjusted to exclude the area which is designated as a Garden and Designed Landscape.

Kinnesswood

7. Modify the settlement boundary to exclude the area of land at Bishop Terrace referred to in paragraphs 7.13.2 and 7.13.3 of the Proposed Plan.

8. Delete the second sentence of paragraph 7.13.2 of the Proposed Plan beginning *“Adjacent to Bishop Terrace...”*, and the final sentence of paragraph 7.13.3 beginning *“Development of the land at Bishop Terrace...”*.

Wester Balgedie

9. Modify settlement boundary to exclude triangular area shown on S4_Doc_367.

10. Modify the first sentence of the Infrastructure Considerations section (paragraph 7.18.3, page 236) as follows: *“The settlement lies within the Loch Leven Catchment Area and drainage from all development should provide appropriate mitigation measures in line with the requirements of Policy EP7 so as to ensure no adverse effects on Loch Leven Special Protection Area.”*

Issue 37	Strathearn Area - Auchterarder	
Development plan reference:	8.2 – Auchterarder, 245-247 E25 – Auchterarder, page 246 OP20 - Auchterarder Development Framework Site 3, page 246	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Stewart Milne Homes (00659) Scottish Environment Protection Agency (03194) CALA Homes East Ltd (07302) The Gleneagles Hotel (09004) Muir Homes Ltd (09035) W Robertson (09142) Iain Houston (09371)		David Homewood (09602) Mr & Mrs Mann (09616) Keith Harding (09663) Keryn Evely (09900) Mary McGregor (09928) Lee Oliver (09999) King Group (10230)
Provision of the development plan to which the issue relates:	Representations relating to sites in the Strathearn housing market area, sites in Auchterarder only	
Planning authority's summary of the representation(s):		
<p><u>Auchterarder Settlement</u> CALA Homes East Ltd (07302/2/001): Amend settlement boundary to include the area of land currently subject to planning application at Abbey Park (S4_Doc_040) and reaffirm that a long term defensible settlement boundary could be provided at this identified site. PKC planning application 12/00285/FLM granted 15/05/2012 (S4_Doc_705).</p> <p>David Homewood (09602/2/001 & 09602/3/001): There is insufficient off-road parking in the centre of Auchterarder; this should be clearly identified in the LDP and developer contributions should be sought in this respect. In particular, a solution must be found to the problem prior to the building of additional housing, especially the 800 houses in the Auchterarder Development Framework (Core_Doc_056) plan otherwise traffic chaos will result in the town centre. Money to provide a solution should come from developer contributions and this must be clear in the LDP.</p> <p><u>E25</u> Mr & Mrs Mann (09616/1/001); Keith Harding (09663/1/001 & 09663/1/002): De-allocation of site E25, continuation of existing agricultural use. Concern over issues such as loss of agricultural land, adverse visual impact of proposal; loss of privacy and amenity; adverse impact on wildlife and biodiversity.</p> <p>Keryn Evely (09900/1/001): De-allocation of site E25, reinstatement of employment land allocation at Auchterarder Development Framework Site 2 (S4_Doc_040). No proven market demand; greater adverse impact on residents in the area in comparison with original allocation at the Auchterarder Development Framework Site; and concerns at adverse impact of proposed development on traffic.</p> <p>Lee Oliver (09999/1/001): De-allocate site E25; and reinstate the employment land allocation at Auchterarder Development Framework Site 2 (S4_Doc_040). The proposal</p>		

does not '*maintain a separation distance between the town and the A9 trunk road*'; concerns over adverse visual impact; not thought important to be deliverable earlier when other employment sites in the area remain available; adverse visual impact of development of site E25 would be greater than that of original site; the developable area may offer very little extra in comparison with the site at north west Kirkton once the requirements not to develop near the waste water treatment works, the Ruthven Water, and residential properties at the northern edge are met; there is no need to relocate the employment land allocation to free up land for housing, since these additional housing units are not needed.

Keith Harding (09663/1/003): A more appropriate employment site would be adjacent to or within the large-scale housing development on the north side of Auchterarder (S4_Doc_040). This would solve traffic problems, reduce visual impact, and alleviate concerns over the Scottish Water waste water treatment plant to the south of site E25. It would be closer to the town centre and reduce vehicular congestion in the town.

Mary McGregor (09928/1/001): De-allocate site E25; and reinstate the employment land allocation at Auchterarder Development Framework Site 2 (S4_Doc_040); or alternatively reduce size and scale of development at site E25, include a green buffer alongside existing homes, restrict uses to office-type and small business low impact commercial usage, and avoid impact on natural spring watercourse and drainage at the site. The proposal would be an unnecessary burden on Auchterarder's infrastructure, especially the A824, which regularly floods and is hazardous; the proposal not actually required; Respondent opposes proposed development of agricultural land; concerned at effects of proposed development at edge of town on the town centre; and there is unoccupied employment land on offer in a more preferable location and not yet taken up at Aberuthven, which is in the local area.

David Homewood (09602/1/001): Amend Plan to identify both site E25, and the 4 hectare employment site that had previously been identified as part of the Auchterarder Development Framework Site 2 (S4_Doc_040). This will provide more room for the bus company to relocate from the town centre to the outskirts together with new industry so as to provide a solution to an infrastructure capability gap - that of inadequate off-road parking provision in the centre of the town, which must be solved prior to the build of additional housing.

Stewart Milne Homes (00659/8/001); King Group (10230/1/001): Support for Proposal E25.

Op20

Scottish Environment Protection Agency (03194/51/001): This site is located in or adjacent to the functional flood plain or an area of known flood risk. As such, a flood risk assessment should be included as a site specific developer requirement, and part of the site may not be suitable for development. Two watercourses are associated with this site - along the south eastern and south western boundaries. According to Table C8 in the Environmental Report (S4_Doc_706) we understand that this site already has planning permission. The site specific developer requirement should be expanded to state that a flood risk assessment will be required to inform the scale, layout and form of development. This is consistent with the other sites and will ensure that flood risk is taken into consideration if an alternative development scheme is proposed that differs from the existing planning permission, or the existing permission lapses. Flood Risk Management (Scotland) Act 2009 (Core_Doc_059); National Planning Framework (Core_Doc_020).

Open Space Site at North of Settlement

Muir Homes Ltd (09035/1/002): The Plan for Auchterarder (after page 246) misrepresents the area which should be allocated for sports facilities. The stated area is adjacent to the north western corner of 'Development Framework Site 1' but is different in terms of its boundaries and scale when compared to both the area defined in Supplementary Guidance (Auchterarder Expansion Townhead and North East Development Framework (S4_Doc_056)) and the terms of the draft Section 75 Agreement with PKC, which is about to be signed (it is inferred that this could be made available on request). The plan should match either a) the Auchterarder expansion Townhead and North East Development Framework Supplementary Guidance; or b) the draft planning agreement relating to the Framework sites

Iain Houston (09371/1/001): The respondent argues that firstly no Open Space Strategy or Audit has been undertaken to support the information contained within the Proposed Plan, which is contrary to Scottish Planning Policy (S4_Doc_323) and PAN 65 Planning and Open Space (Core_Doc_111); and the Supplementary Guidance (Auchterarder Expansion Townhead and North East Development Framework (S4_Doc_056)) at Plans B and C in Appendix 1 shows that, despite a change required in the extent of open space required for the developments proposed at Auchterarder North, respondent's land was not included at that time. The respondent argues that the Council has allocated land for open space without their consultation; that the purpose of this allocation is not explained and that no plans or proposals for a functional open space use or otherwise have been discussed with the respondent; but the land will now fall within the terms of Policy CF1 (S4_Doc_414). The respondent argues that the Council has chosen to allocate the respondents land for open space without giving advance notice prior to publication of the proposed plan. This is suggested to be contrary to Circular 1/2009 paragraphs 53 and 54 (S4_Doc_708). The respondent disagrees with the Council's view that the previous allocation of 'countryside' is the same as the proposed allocation of 'open space'. The respondent considers that allocating open space could prejudice residential development in the future on respondent's land which is considered to be appropriate given the change in the settlement boundary to include Castleton and compatibility with adjacent and surrounding uses. Consequently, the land should be de-allocated as open space.

Iain Houston (09371/1/002): Respondent requests deallocation of open space on identified site at Castleton (S4_Doc_040), and new allocation for housing or 'white land' because the open space allocation is not necessary and unjustified. Residential development would add to range and choice of housing in the area.

New sites

Stewart Milne Homes (00659/2/001): A housing allocation at Ruthvenvale Mill (S4_Doc_040) would reuse a brownfield site and would be compatible with the residential nature of neighbouring land. Intensification of Ruthvenvale Mill for employment uses as suggested by the proposed Plan would lead to conflict with the adjoining residential area and is considered no longer suitable as a location for employment use. A combination of access and other constraints question its marketability. The benefits of a housing allocation outweigh employment; and with alternative appropriate employment land allocations proposed in the area, there is no need for the site's retention for employment. Reference is made to SPP paragraph 40 (S4_Doc_324)

Stewart Milne Homes (00659/4/001): Settlement boundary should be amended to include land to the east of Ruthvenvale Mill (S4_Doc_040) and its allocation for a residential development of approximately 50 units. This would be sympathetic to the adjacent proposal for housing allocation at Ruthvenvale Mill (separate representation) and in

keeping with the growing residential character of the area around the Mill. Reference is made to SPP paragraph 40 (S4_Doc_324)

Stewart Milne Homes (00659/5/002): Additional development in Auchterarder could be accommodated by an increase in allocations to Auchterarder Development Framework Site 2 (S4_Doc_040) and also by development on brownfield sites. Development in Auchterarder would not be detrimental to its landscape setting nor result in the loss of significant areas of prime quality land. Development would assist in meeting demand for housing, enhance the local economy, and help support infrastructure provision including A9 trunk road upgrades. It would maximise the use of existing land supply and avoid greenfield development by using brownfield sites in the settlement.

Stewart Milne Homes (00659/8/002): In respect of the Auchterarder Development Framework Site 2 (S4_Doc_040), support is given for the reallocation of the employment land from Kirkton to E25; however it is requested that the level of housing proposed as part of the Development Framework Site 2 is increased by 100 units of housing to take account of this transfer. The proposed Plan advises that Kirkton should wholly be developed for residential purposes but, fails to increase its allocation. The site could comfortably accommodate an additional 100 units of housing.

The Gleneagles Hotel (09004/1/002): A site immediately north of Easter Greenwells, west of the junction of the A824 with the A9 trunk road (S4_Doc_040) is currently in use as Gleneagles Hotel's Turf Field. The site's owner seeks an allocation (after the 2014 Ryder Cup event) for key worker housing for the Gleneagles Hotel. The site should therefore be identified on the Auchterarder settlement plan for key worker accommodation with a corresponding amendment to the settlement boundary. Reference is made to PKC Main Issues Report consultation response: Gleneagles Hotel 'turf field' submission (Core_Doc_207); and letter from Colliers to D Littlejohn dated 9 Nov 2011 promoting the 'turf field' site (S4_Doc_738).

W Robertson (09142/7/001): Amend Plan to allocate an identified site at Kingswells (S4_Doc_040) for housing or mixed use, including supermarket, and amend settlement boundary. The site would facilitate a natural settlement extension and the sites to the north and east are proposed for housing and employment development.

Modifications sought by those submitting representations:

Auchterarder Settlement

CALA Homes East Ltd (07302/2/001): Amend settlement boundary at Abbey Park (S4_Doc_040).

David Homewood (09602/2/001): Amend plan to generally require developer contributions to remedy insufficient off-road parking in the centre of Auchterarder.

David Homewood (09602/3/001): Amend plan to require a developer contribution from Auchterarder Development Framework (Core_Doc_056) sites 1 and 2 and from Site Op20 to be used for off-road parking in the town.

Employment site E25 and suggested alternative employment sites

Mr & Mrs Mann (09616/1/001); Keith Harding (09663/1/001): Removal of site E25, and continuation of existing agricultural use.

Keith Harding (09663/1/002): Amend Auchterarder settlement boundary to exclude site E25.

Keryn Evely (09900/1/001); Lee Oliver (09999/1/001); Keith Harding (09663/1/003): De-allocate site E25; and reinstate the employment land allocation at Auchterarder Development Framework Site 2 (S4_Doc_040).

Mary McGregor (09928/1/001): De-allocate site E25; and reinstate the employment land allocation at Auchterarder Development Framework Site 2 (S4_Doc_040); or alternatively reduce size and scale of development at site E25.

David Homewood (09602/1/001): Amend plan to identify both site E25, and the 4 hectare employment site that had previously been identified as part of the Auchterarder Development Framework Site 2 (S4_Doc_040).

Op20

Scottish Environment Protection Agency (03194/51/001): Amend developer requirements to include a requirement for a flood risk assessment, and to specify that no built development should take place on the functional flood plain or within an area of known flood risk.

Open Space Site at North of Settlement

Muir Homes Ltd (09035/1/002): Amend boundary of open space to north of Auchterarder Development Framework Site 1; two alternatives suggested and plans supplied.

Iain Houston (09371/1/001 & 09371/1/002): De-allocation of open space on identified site at Braeside, Castleton Road, (S4_Doc_040); allocate for housing or 'white land'.

New sites

Stewart Milne Homes (00659/2/001): Amend Plan to remove employment allocation from identified site at Ruthvenvale Mill (S4_Doc_040) and instead allocate for housing (40 units).

Stewart Milne Homes (00659/4/001): Amend Plan to allocate identified site east of Ruthvenvale Mill (S4_Doc_040) for housing, around 50 units.

Stewart Milne Homes (00659/5/002): Increase housing allocation to Auchterarder by increasing capacity at Development Framework site 2; and by developing brownfield sites.

Stewart Milne Homes (00659/8/002): Amend Plan to specifically allocate a new site for housing at Auchterarder Development Framework site 2 (S4_Doc_040) (the former employment land component of the site allocation having been relocated elsewhere); amend its total allocation to 725 units.

The Gleneagles Hotel (09004/1/002): Amend Plan to allocate an identified site known as the 'Turf Fields' (S4_Doc_040) for key worker accommodation and amend settlement boundary.

W Robertson (09142/7/001): Amend Plan to allocate an identified site at Kingswells (S4_Doc_040) for housing or mixed use including supermarket and amend settlement boundary.

Summary of responses (including reasons) by planning authority:Auchterarder Settlement

CALA Homes East Ltd (07302/2/001): Planning permission has been granted for this proposal. If the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification because it would not have any implications on other proposals or policies within the LDP.

David Homewood (09602/2/001 & 09602/3/001): Contributions towards public transport or community facilities may be acceptable provided the requirements are directly related to the development proposal and the need for them arises from its implementation. While it is acknowledged that parking problems in Auchterarder are of concern to the respondent, the *existing* problem described in the representation cannot be held to wholly arise from the *proposed* developments in the LDP. In addition, the matter of developer contributions in respect of Auchterarder Development Framework sites 1 and 2 and Site Op20 are covered in Supplementary Guidance (Auchterarder Expansion Townhead and North East Development Framework section 4.8 (S4_Doc_709)), and more generally in Supplementary Guidance (Core_Doc_069). The Supplementary Guidance notes that a contribution to community facilities has been agreed by way of a commuted payment per house *'to improve the wider community assets as demand on these facilities increases'* which would include parking. In addition, paragraph 19 of Circular 1/10 (S4_Doc_074) makes clear certain relevant situations and circumstances where planning agreements should not be used.

No modification is proposed to the Plan.

Employment site E25 and suggested alternative employment sites

Mr & Mrs Mann (09616/1/001); Keith Harding (09663/1/001, 09663/1/002 & 09663/1/003); Keryn Evely (09900/1/001); Lee Oliver (09999/1/001); Mary McGregor (09928/1/001); David Homewood (09602/1/001): It is considered important that employment land is provided alongside the provision of new housing in Auchterarder. The Supplementary Guidance (Auchterarder Expansion Townhead and North East Development Framework (Core_Doc_056)), which proposed an employment site at the location suggested by some of the Respondents, was considered and adopted by the Council some time ago. However the framework allows for an alternative employment site within the Auchterarder area to be brought forward instead of the planned 4ha at north west Kirkton. Proposal E25 is considered a better option for the following reasons: it is flatter land, which is more critical for employment uses because larger building floorplates could be accommodated; it will have better road access to Shinafoot junction, which will make it more marketable and therefore more likely to come forward earlier; and it has less visual impact than the north west Kirkton site originally proposed.

Its visual impact on, and compatibility with neighbouring residential properties should be considered at the planning application stage. Matters relating to impact on wildlife and biodiversity, including the adjacent burn, and the need for a Transport Assessment, are already covered in the Developer Requirements. In respect of maintaining separation from the A9 Trunk Road, it is considered that an adequate separation distance will remain.

Proposal E25 is deliverable earlier than the original employment site, and is therefore considered to be a more effective site.

No modification is proposed to the Plan.

Op20

Scottish Environment Protection Agency (03194/51/001): The question of whether a Flood Risk Assessment would be needed was considered prior to submission of the current and previous planning applications at this site but neither SEPA nor the Council's flooding team made such a request since the site was not thought to be at risk of flooding. The issue is noted and accepted, If the Reporter is so minded to recommend that the proposed modification is adopted, the local authority would be comfortable with this modification because it would not have any implications on other proposals or policies within the LDP.

Open Space Site at North of Settlement

Muir Homes Ltd (09035/1/002); Iain Houston (09371/1/001 & 09371/1/002): The Supplementary Guidance (Auchterarder Expansion Townhead and North East Development Framework (Core_Doc_056)), which proposed open space at the location suggested by Muir Homes, was previously considered and adopted by the Council.

While it is correct that no plan-wide open space strategy or audit exists, valuable work was done as part of the Auchterarder Expansion Townhead and North East Development Framework Supplementary Guidance, which carried out an audit of existing community infrastructure, including sports facilities, play areas, bowling greens, golf courses, parks, paths and playing fields (see paragraph 2.13 and figure 32 of the Framework).

Landscape design guidelines were adopted, which included '*Sports provision ... will be located to the north of Castlemains*' (see paragraph 3.4.6 on page 37 (S4_Doc_710), and figure 42 on page 30 (S4_Doc_711) of the Framework for full details, including location, amount and type of open space and playing fields needed. More detail is also provided in section 4.1 Community Infrastructure and 4.2 Landscape Infrastructure (S4_Doc_712). The Supplementary Guidance recognises that Castleton would be an appropriate location to provide open space and associated facilities that are to be provided in line with the residential development. To be developed in a parkland setting north of Castlemains together with landscaping, readily accessible from new residential areas of the town and the existing community, the open space and associated facilities would be linked to the town centre and the nearby Community School of Auchterarder by a path network.

In the future it may be appropriate to improve and enlarge the area of open space and associated facilities to be provided at Castleton to accommodate its requirements to serve future development in the town. Enhanced provision and consolidation at this location would be preferable. Therefore the Council seeks to reserve an additional area of open space at the same location north of Castlemains which, although not needed at present, could be brought forward for development in a future LDP. For this reason, it is important that the area be protected from inappropriate development. Alternatively, should the Reporter see merit in excluding the additional area of open space from the settlement boundary, the local authority would be comfortable with this modification because it achieves a similar objective in preventing development on this land, which would compromise the ability to further enhance play provision in Auchterarder.

No modification is proposed to the Plan.

New sites

Stewart Milne Homes (00659/2/001, 00659/4/001, 00659/5/002 & 00659/8/002): In line with the TAYplan (Core_Doc_099) hierarchical approach, the LDP seeks to concentrate the majority of development within principal settlements, of which Auchterarder is one. It is recognised however, that Auchterarder in particular has a significant supply of effective housing land, which is more than adequate to meet demand until beyond the plan period.

Therefore the scope for additional housing allocations in Auchterarder is limited and the Plan reflects this.

Reallocation of the former employment site for housing is supported in principle but the additional units would be for identification as a proposal in a future LDP, not this Plan period. It is considered that the provision of new employment land elsewhere in the settlement is not a reason to replace existing employment land at this location.

No modification is proposed to the Plan.

The Gleneagles Hotel (09004/1/002): This proposal is for key worker housing for hotel staff, which falls within the terms of Policies RD1 (S4_Doc_405) and RD6 (S4_Doc_713). However the site is poorly accessible because it is located on the golf course and linked to Gleneagles and the hotel by a network of golf course paths. The site is remote from Auchterarder town centre and the southern part of the site is located next to a busy trunk road junction. A specific allocation in the Plan is not appropriate.

No modification is proposed to the Plan.

W Robertson (09142/7/001): In line with the TAYplan (Core_Doc_099) hierarchical approach, the LDP seeks to concentrate the majority of development within principal settlements, of which Auchterarder is one. It is recognised however, that Auchterarder in particular has a significant supply of effective housing land, which is more than adequate to meet demand until beyond the plan period. Therefore the scope for additional housing allocations in the area is limited and the Plan reflects this. In respect of the suggestion for retail use, the LDP identifies Auchterarder's town centre where policies seek to encourage the retention of town centre uses to ensure its continued vitality and viability. While the significant level of growth planned in the area is likely to increase demand for improved retail provision in the town, the LDP does not identify a site for a supermarket in the Plan period. Instead it proposes that options for sites in or alternatively on the edge of the town centre may be needed in the future. Accordingly, a retail study of Auchterarder has been commissioned, which will inform a future LDP.

No modification is proposed to the Plan.

Reporter's conclusions:

Auchterarder Settlement

1. In relation to the settlement boundary at Abbey Park, the council agrees to the inclusion of the area of land for which planning permission for housing has been granted.
2. In relation to the issue of off-road parking in the centre of Auchterarder, there are no proposals to provide additional car parking in Auchterarder town centre in the Proposed Plan. However, the Auchterarder Expansion, Townhead and North East Development Framework notes that the development consortium responsible recognises that the housing proposals in Development Framework sites 1 and 2 and site Op20 will impact on the level of existing service provision provided by community facilities as well as a wide range of other resources such as parking provision and footpath networks. Consequently, it has been agreed that a contribution to community facilities should be made by way of a commuted payment per house to be used by the local authority to improve the wider community assets over the life of the development. It is considered, in the light of the concerns raised that an appropriate reference to this important principal

should be made in paragraph 8.2.2 of the Proposed Plan.

E25

3. Paragraph 8.22 of the Proposed Plan indicates that site E25 has been brought forward as a better option than the four hectare site identified in the Auchterarder Development Framework (see Schedule 4 document 711). The planning authority points out that the Development Framework draws attention to the perceived disadvantages of the site identified in the framework and allows for an alternative employment site elsewhere in Auchterarder (see page 47 of document Core_Doc_56). The planning authority considers that the new site is deliverable earlier, has less visual impact and a larger developable area. The relocation of the employment site may allow an increased number of houses to be delivered within Development Framework Site 2 but this is not required within the life of the Proposed Plan.

4. There are obvious constraints to the development of the site on the north side of the A824, identified in the Auchterarder Development Framework, due to topography. Site E25 is flatter, a critical factor for the development of employment land, and is less visually intrusive in the overall landscape. In relation to the concerns expressed by respondents regarding the impact of any development on the amenity of neighbouring residential properties, the impact on wildlife habitats and biodiversity, and the requirements to maintain an adequate separation from the Ruthven Water, the Waste Water Treatment Works (WWTW) and the A9, these are matters covered by the site-specific developer requirements listed. These require a flood risk assessment in relation to the small watercourse through the site, the production of a landscape framework that would include a green buffer along Ruthven Water and extend and retain existing planting, and a transport assessment. Reference is also made in the description of the site to the need to maintain a separation distance from the WWTW.

5. It is considered that site E25 is more suitable as employment land than the site identified in the Auchterarder Development Framework. It would provide the opportunity for a range of industrial, business and commercial uses, both large-scale and small-scale. In view of the location and size of the site and to avoid piece-meal development, it is considered that the production of a masterplan should also be a pre-requisite site-specific developer requirement. This should set out in more detail the layout and phasing of development, design guidance and the landscaping requirements, including a green buffer alongside existing houses, to ensure that the layout and built form of the development is appropriate to its surroundings.

Op20

6. Site Op20 forms part of the approved Auchterarder Development Framework. Although two small watercourses are associated with this site, neither the Scottish Environment Protection Agency (SEPA) nor the council's flooding team requested a flood risk assessment in connection with current or previous planning applications and planning permission has been granted for housing development on the site. The planning authority acknowledges, however, that the addition of a site-specific developer requirement for a flood risk assessment would be desirable to ensure that flood risk is taken into account in any subsequent planning proposals should the existing scheme be amended or an alternative scheme be proposed for the site.

Open space north of settlement

7. The area designated as open space to the north of the access road to Castle Mains covers a larger area than that shown in the Auchterarder Development Framework and in the draft Section 75 Agreement between the prospective developers of Castlemains / Kirkton and the planning authority. The council has clarified the position regarding the progress on the draft obligation, and has suggested an appropriate modification to the settlement boundary at Castlemains (see plan submitted in response to further information request 4ii). It is considered that exclusion of the additional area from the settlement boundary, as suggested by the council, would be the appropriate action to take.

8. In relation to the request that land at Castleton included in the open space designation should be allocated for housing, it is considered that further housing development in this location would not be appropriate. The ridge along which the access road to Castle Mains is aligned forms a definable northern boundary to the built-up area of Auchterarder. Castleton is essentially a ribbon of houses along the road to Tullibardine and housing on the land to the rear would not be well related to the existing form of Castleton. Furthermore, there is a generous supply of housing land in Auchterarder and there is no justification for allocating further housing land.

9. As regards the retention of this area within the settlement boundary as 'white land', inclusion within the settlement boundary would provide the potential for small-scale housing development in accordance with policy RD1. This would run counter to the decision not to designate the site for housing and the most appropriate way of retaining this area as countryside is to exclude it from the settlement boundary. Should there be a need to enlarge the area designated as open space in the future, this would be a matter for consideration in a review of the local development plan.

New sites

10. In relation to the request that additional housing be allocated to Auchterarder through an increase in the housing capacity of Development Framework site 2 following the relocation of the employment land component, and by developing brownfield sites, as indicated in paragraph 3 above, the relocation of the employment land to site E25 may allow an increased number of houses to be delivered within Development Framework Site 2 but this is not required within the life of the Proposed Plan. In relation to the re-use of brownfield land, the Proposed Plan indicates that the availability of brownfield sites is extremely limited in Perth and Kinross. Nevertheless, the Proposed Plan anticipates that 10% of the housing land requirement in Strathearn HMA (180 units) will be met from windfall sites, which will include brownfield land as well as infill housing on greenfield sites.

11. In relation to the request that Ruthvenvale Mill, designated as employment land in the Proposed Plan, and land to the east of the mill be allocated as housing land, there is a generous supply of housing land in Auchterarder and there is no justification for allocating further housing land within this Plan. The council supports in principle the re-allocation of the former mill site for housing but not within the Plan period. However, the existing building is largely unused and derelict and it is considered that its continued designation as employment land is inappropriate. As stated by the respondent, the existing building cannot be readily adapted to modern standards and redevelopment for employment use would be inappropriate in this mainly residential area. It is considered, therefore, that the employment land designation should be removed from Ruthvenvale

Mill with the site being retained within the settlement boundary. The potential redevelopment of the site for housing would be a matter for the council to evaluate in terms of policies PM1 and RD1.

12. As regards the land to the east of Ruthvenvale Mill, there is no justification for including the steading of Eastmill Farm and associated fields within the settlement boundary. The boundary on the Auchterarder Settlement Map follows the clearly defined boundary of Ruthvenvale Mill and the only justification for extending the boundary would be to allow a housing development on the additional land. As indicated above, there is a generous supply of housing land in Auchterarder and there is no justification for allocating further greenfield land for housing.

13. In relation to the request to allocate land at Kingswells, which is located west of site E25, for housing or mixed use, as indicated above, there is a generous supply of housing land in Auchterarder and there is no justification for allocating further greenfield land for housing. As regards the suggestion that the site be identified for a supermarket, paragraph 8.1.16 of the Proposed Plan indicates that a town centre or edge of town centre location would be preferable for any new supermarket development. This approach reflects Scottish Planning Policy (SPP) guidance on retail development and it would not be appropriate to identify an out of town centre site for retail development in the Proposed Plan.

14. In relation to the request to identify a site north of Easter Greenwells, currently in use as Gleneagles Hotel's Turf Field, for development after the 2014 Ryder Cup for key worker housing, this site is detached from the existing built-up area of Auchterarder and a considerable distance outwith the settlement boundary. A specific allocation for housing outwith an established settlement would not be appropriate. However, policy RD3 of the Proposed Plan provides the opportunity for the consideration of housing in the countryside for key workers (see Section 3 of the Housing in the Countryside Guide).

Reporter's recommendations:

Auchterarder Settlement

1. Modify the settlement boundary on the Auchterarder Settlement Map to include the area of land at Abbey Park referred to in representation number 07302/2/001 (see Schedule 4 document 040).

2. In the note included in paragraph 8.2.2, add the following words:

"The development consortium responsible recognises that the housing proposals in the Development Framework will impact on the level of existing service provision provided by community facilities as well as a wide range of other resources such as parking provision and footpath networks. Consequently, it has been agreed that a contribution to community facilities should be made by way of a commuted payment per house to be used by the local authority to improve the wider community assets over the life of the development".

E25

3. Insert the following requirement at the beginning of the list of site-specific developer requirements:

"Masterplan to be submitted to ensure built form and layout respond appropriately to the landscape and to neighbouring residential property". Modify the third site-specific

developer requirement to read: *“Landscape framework, including green buffer to neighbouring residential property, green buffer to Ruthven Water, extend and retain riparian planting”*.

Op20

4. Add *“Flood Risk Assessment”* to the list of site-specific developer requirements.

Open space north of settlement

5. On the Auchterarder Settlement Map, remove the open space designation from the area identified on the plan submitted in response to further information request 4ii and described as *“additional area of open space that planning authority suggests should be excluded from settlement boundary”*. Also, exclude this area from the settlement boundary on the Auchterarder Settlement Map.

New sites

6. On the Auchterarder Settlement Map, remove the employment land designation from Ruthvenvale Mill.

Issue 38		Strathearn Area - Crieff	
Development plan reference:	8.1.6 – Strathearn Area Employment Strategy, page 239 8.1.12 – Strathearn Area Housing Strategy, page 240 8.3 – Crieff, page 249-253 E26 - Bridgend, Crieff, page 250 E27 - Broich Road, Crieff, page 250 H55 - Laggan Road, Crieff, page 251 H57 - Wester Tomaknock, Crieff, page 251 MU7 - Broich Road, Crieff, page 252 OP21 - Broich Road, Crieff, page 252	Reporter: Douglas Hope	
	Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Ray McMaster (00206) Moyra Turnbull (00297) Mr & Mrs T McNutt (00298) Charles Campbell-Crawford (00315) Isabel Campbell (00338) Oakbank (Crieff) Ltd (00350) Professor David Sloan (00351) Margaret Sloan (00352) Malcolm Hicks (00353) Gordon Campbell (00354) S D Millar (00355) G & S C Hookham (00379) L J Laird (00395) Simon Barnes (00396) L G Banks (00401) John McDonald (00408) Mr & Mrs C Nairn (00410) Stella Ferguson (00411) Ailsa Campbell (00459) Susan Stevens (00475) Blazon Developments Ltd (00478) Mr & Mrs P Callander (00495) E A Powell (00503) Mr & Mrs A J P Leaver (00515) Vicki Renwick (00517) Mr & Mrs A P Milroy (00561) Donald Smith (00565) Ian Barr (00575) Helen Barr (00576) Ruth Stone (00592) Graeme Robertson (00600) Mike & Pam Ross (00605) Isobel McCallum (00607) John Watson Scott (00608) Joan Dyer (00615/1)		Jamie Burns (00660) Ewan Burns (00661) David Burns (00662) Louise Burns (00663) Mr & Mrs S Mckay (00705) Ann Grodzicka (00706) Allan Downie (00713) Susan Carter (00715) Graham Carter (00716) Mr & Mrs K Russell (00791) Jonathan Poore (00792) Benjamin Foster (00815) Joshua Foster (00816) Morgan Foster (00817) Henry Foster (00818) Jane Foster (00819) Maureen Pennie (00820) Mr & Mrs Neil Watters (00833) Crieff Community Trust Steering Group (00859) Mr & Mrs Mark Cumming (00866) Fiona Struthers (00871) Lesley La Hay (00910) Dr Ken Arton (00927) Crieff & Upper Strathearn Partnership (00928) Dr & Mrs J L Graham (00929) Sasha Brunton (00935) Alan Brunton (00936) Robert Whyte (00937) Robert Lauchan (00938) Scottish Environment Protection Agency (03194) Christian & David Stewart (07693/10) Drummond Estates (07693/13 & 07693/14) Taylor Wimpey UK Ltd (09004)	

Residents of Ritchie Place & Rintoul Avenue (00615/2) Tom & Mandy Guthrie (00621) Karen Brown (00625) Gordon Taylor (00628) Philip Dyer (00635)	Ken Russell (09193) William Thompson Rimmer & Co (09285) Robert Simpson & Son (09313) Crieff Community Council (09327) John Champion (10287)
Provision of the development plan to which the issue relates:	Representations relating to sites in the Strathearn housing market area, sites in Crieff only.
Planning authority's summary of the representation(s):	
<p><u>Settlement Boundary North of Horseshoe Drive</u> Oakbank (Crieff) Ltd (00350/1/001): A change to the settlement boundary north of Horseshoe Drive (S4_Doc_378) has resulted in Site H17 from the adopted Strathearn Area Local Plan 2001 (S4_Doc_714) appearing to be partly in and partly out of the settlement. The site has been gradually developed over the past 10 years and to date 13 units are complete, two are under construction and planning consent has been received for a third. The respondent intends to build a further two houses and then extend Horseshoe Drive northwards to develop up to 9 more houses. To facilitate the completion of the site within the LDP an amendment to the settlement boundary is requested.</p> <p><u>New Community Facility</u> Ken Russell (09193/4/001): There is little if any opportunity to site new community developments in Crieff. The school and supermarket are already catered for. During the life of the LDP further improved/new community facilities will be needed. There are insufficient opportunities for new community developments in Crieff and more should be identified in the plan.</p> <p>Ken Russell (09193/5/001): [Referring to paragraph 8.3.2] should emphasise that better community facilities should include 'new' facilities. Ken Russell (09193/3/002): There is little if any opportunity to site a community development in Crieff although there is no shortage of land available. Requests that paragraph 8.1.6 be amended to permit mixed use development to include a community development. Refers to paragraph 7.2.2 (S4_Doc_715), which allows for mixed use development on opportunity sites where proposals include improved employment land.</p> <p><u>New Employment Site</u> Mr & Mrs S McKay (00705/1/002): Consideration should be given to two fields either side of the Muthill Road beyond the 30 mile limit heading towards Muthill. Both fields could easily accommodate a sizeable Industrial Estate if so required as the fields are flat making groundworks a bit easier. No specific site has been identified in the representation.</p> <p><u>Cumulative Impact of Proposed Development on Crieff's Transport Network</u> Scottish Government (00092/9/001): Transport Scotland is generally supportive of the spatial strategy for the Strathearn area. However, in relation to the housing allocations in Crieff, it will be required to demonstrate through an appropriate transport assessment, that the A85 trunk road through Crieff can accommodate the level of development proposed. Should mitigation measures be required, then they should be agreed with Transport Scotland.</p>	

Crieff & Upper Strathearn Partnership (CUSP) (00928/1/003): The A85 trunk road through Crieff is congested and dangerous. A relief route would reduce traffic flow, congestion and pollution; and improve safety. Independent traffic consultants should be appointed as per the recommendation made by CUSP in their Preliminary Recommendations Report forwarded to the Council in January 2011 - ref 4.4 (included in the representation).

Crieff Community Trust Steering Group (00859/1/002): Seeking a much greater emphasis in the Plan on the requirement for significant infrastructure improvements in relation to roads, traffic management, parking and public transportation network. The LDP is at odds with the views of residents and Scottish Government policy, which expects infrastructure to foster the right conditions for growth and community cohesion, including good transport and digital connectivity. There are significant problems with traffic flow in the town centre, with no information in the Proposed Plan about how this will be addressed and tackled in the future. Scottish Government, 2011 "Achieving a Sustainable Future" Annex A (S4_Doc_716).

Crieff Town Centre

Ray McMaster (00206/1/002): The proposed supermarket poses a threat to the vitality and viability of Crieff town centre.

Mr & Mrs A J P Leaver (00515/1/002): The proposal for a supermarket will be insufficient to improve Crieff town centre and will contribute to its destruction. Population has increased but the town has few services and the town centre is ailing.

Gordon Taylor (00628/1/001): Retail development outside the town centre will accelerate decay in the town centre therefore it should be a firm condition of the granting of planning permission for residential development that a concurrent town centre development should take place by that developer on a brownfield or similar decaying site. Several streets, particularly Dollerie Terrace and Broich area, are already strained and will not be able to cope with increased traffic volume. A bypass is needed for south Crieff to manage this traffic. Reference made to University of Dundee Town & Regional Planning Department, "Crieff town study report" (S4_Doc_717).

Crieff Community Trust Steering Group (00859/1/004): Seeks a commitment not to use land outside the town centre (High Street/King Street) for retail. Highlights local concerns that the focus for town centre development has shifted to Broich Road at the expense of the town centre (High Street and King Street). Highlights that town and high streets act as a focal point for social and economic indicators. Requests support for the economy, particularly other non-tourism sectors. Concerned that the Proposed Plan will not contribute towards a strong local economy, apart from specific mention of tourism and the Crieff Hydro, refers to Scottish Government, 2011 "Achieving a Sustainable Future" (Core_Doc_208).

Crieff Community Trust Steering Group (00859/1/005): A much greater emphasis should be placed on the regeneration and improvement of Crieff's historic town centre. The LDP is expected to contribute towards a strong local economy, a thriving town and high street, where communities have a positive appearance and are places where people want to live, work and invest. The LDP should address vacant and derelict land and property, should preserve heritage/built environment for productive use; and should contain details of how Crieff's Conservation Area will be enhanced and protected. Refers to Scottish Government, 2011 "Achieving a Sustainable Future" (Core_Doc_208).

Deallocation of Open Space at site south of West March, Turretbank Road

Blazon Developments Ltd (00478/1/001): Seeking removal of Open Space allocation at identified site south of West March, Turretbank Road, Crieff (S4_Doc_378). The site of some 0.507 Ha forms the main part of the private garden ground of West March, a property owned by Blazon Developments Ltd. and tenanted by Mrs.D.P. Wadhams, the former owner. Comprising a relatively flat area of land bounded by the river to the west and south and separated from the adjacent footpath by a small belt of scrub woodland, access to the site is via the private driveway of Turretbank and there is no public access to the property. The site is private ground and has never been used as open space; there is adequate public open space in the immediate local area; and the part of the site not at flood risk may be potentially developable, subject to planning consent. A letter from Blazon Investments as site owner and seven further letters referring to the site are included in the Representation.

Crieff Masterplan

John Champion (10287/1/001): A master plan is needed for Crieff because infrastructure improvements are needed before increases in housing and employment sites take place. Congestion and pollution requires to be alleviated. Limits on building heights are required to protect Crieff's character. The south Crieff hub needs to be linked to the town centre to create one centre and avoid creating competing islands of activity. The Style of Crieff is said to have been a locally-important feature.

Crieff & Upper Strathearn Partnership (00928/1/001); (00928/1/002): Crieff's infrastructure is already strained and would not be able to cope with significant additional development unless a comprehensive town master plan is prepared in respect of current and future infrastructure, development, growth and regeneration needs of the town. A stipulation should be made that any buildings arising from new development, whether for employment or residential usage, be limited in their height to no more than that of the Strathearn Community Campus.

Crieff Community Trust Steering Group (00859/1/003): A commitment to developing brownfield sites and disused buildings within the existing town boundary for employment and residential use is needed. The prioritisation of brownfield site development before the development of greenfield sites outwith the existing town boundary. Alternatively, developers should be required to make a contribution to the development of derelict and disused land as a condition of any future development of greenfield land. The LDP is at odds with the views of residents and Scottish Government policy, which expects communities to have a positive appearance and be of quality design with measures to address any vacant and derelict land and property. The LDP contains no information about how this will be addressed and tackled in the future. Refers to Scottish Government, 2011 "Achieving a Sustainable Future" (Core_Doc_208).

E26 Bridgend

Mr & Mrs K Russell (00791/2/001); Mr & Mrs Neil Watters (00833/1/001): Request deallocation of site because the proposal would represent overdevelopment and would have an adverse landscape impact. The site is especially sensitive to development and the representation suggests that alternative sites exist with less visual impact, although none are identified.

E A Powell (00503/1/001): Deallocation of site to the north of Alichmore Lane and south of Strowan Road because its steep topography makes it unsuitable for development, and concerns about traffic safety on Strowan Road.

Mr & Mrs S McKay (00705/1/001): No objection to existing employment site however concerns at how practical development would be at proposal E26 north of Alichmore Lane, which has a very steep embankment. Concerns are raised over drainage and access.

Ken Russell (09193/6/001 & 09193/7/001): The area already has mixed use development and there are few opportunities to site new community developments in Crieff. Improved or new community facilities are needed during the life of the LDP. Concerns that new employment sites have been identified in excess of the forecast need. There are mixed uses adjacent to the site (pottery, garden centre, fencing manufacturer, bus depot, shop, restaurant and child's play area) and therefore mixed uses should be allocated for site E26, to accord with paragraph 3.7.2 of the Proposed Plan, which states that '*recreation facilities contribute to cultural identity*'.

Drummond Estates (07693/13/001): Calculates that there is no need for employment land in this area because demand and take up in the area has been low. Removal of the part of site E26 (north) would still leave an over-provision of employment land in the Plan. In any case, concerns that employment use would not be appropriate at this location because it is adjacent to an existing housing site (S4_Doc_718); identification of the site as a housing site would assist square off the existing settlement and help meet the plan's housing requirement, improving competition and choice. Refers to comments in previous submissions pre-MIR (S4_Doc_720) and MIR comments (S4_Doc_719).

Drummond Estates (07693/14/001): Requests that there is no need for site E26 (south) to be restricted for employment use. Despite marketing, it has not been taken up and there is little demand for solely employment use. A range of uses including business, storage and tourist/retail uses should be promoted, which could help deliver employment land and would benefit the area and Crieff as a whole. Alternatively, a mixed use allocation is sought,

Crieff & Upper Strathearn Partnership (00928/1/004): The site is near the junction of the South Comrie Road and the A822, and concerns are raised in respect of road safety.

Scottish Environment Protection Agency (03194/29/001): This site is located in or adjacent to the functional flood plain or an area of known flood risk. As such, part of the site may not be suitable for development. A small watercourse flows through the middle of the development site. Site developer needs to be made aware of risk of flooding, and take this into account when considering development. Precautionary approach required in accordance with Flood Risk Management (Scotland) Act 2009 (Core_Doc_059) and National Planning Framework 2009 (Core_Doc_020).

E27 Broich Road

Ken Russell (09193/6/002): The area already has mixed use development, with a school and supermarket proposed in the area, and there are few opportunities to site new community developments in Crieff. Improved or new community facilities are needed during the life of the LDP. Concerns that new employment sites have been identified in excess of the forecast need.

Crieff & Upper Strathearn Partnership (00928/1/005): The site is not in Crieff's retail core and retail development would be inappropriate; the listed building was recently listed (2002) and should remain protected. The farm and outbuildings could be sympathetically restored for housing, holiday accommodation or 'micro' business purposes - possibly a mix of all three.

Crieff Community Council (09327/1/002 & 09327/1/004): Concerns that the area will be developed in a piecemeal way without any coherence or cohesion. Concerns that the Plan promotes retail use at the site. Any retail use would not comply with Policy RC1; would have an adverse effect on Crieff's High Street; would be contrary to Scottish Government Regeneration Strategy; would have an adverse impact on road safety at the nearby schools; and an adverse operational impact on the nearby fire station. More appropriate alternative vacant sites exist within the town centre such as at Penny Lane.

John Champion (10287/1/001): Farm house is a Category B listed building and should be retained for housing or office use.

H55 Laggan Road

Charles Campbell-Crawford (00315/1/001): Site is in agricultural use and should not be developed; Laggan Road forms part of the Laggan Valley and Lady Mary's Walk circular walks with views to the north over countryside, which should be preserved; safety concerns regarding access from Laggan Road and Laggan Lane.

Moyra Turnbull (00297/1/001): Concerns that Laggan Road would be unsuitable for the increased traffic volume; parked vehicles make passing hardly possible, particularly for the community bus; no need for the proposed development while houses remain unbuilt and unsold at an adjacent site.

Mr & Mrs T McNutt (00298/1/001): Concerns at loss of view from own property; loss of privacy; decrease in property value; increase in noise from new residents and vehicles; loss of agricultural and recreational land; adverse impact on deer habitat; inadequate and unsafe access along Laggan Road and in local area, particularly at Turretbank Road; objection to public funding of any necessary roads or traffic work to accommodate the proposal; adverse impact on pedestrians using Laggan Road; alternative better-located sites exist in Crieff, and Broich Road is particularly highlighted. Supplementary letter continues: proposal has inadequate justification; existing settlement boundary is appropriate and should be retained to allow access to the countryside and Lady Mary's Walk and Curroch's Walk; opposed to building on greenfield land; concern that the proposal would lead to further encroachment in the future to the north and west; proposed population increased cannot be accommodated unless social issues are also addressed; relatively stagnant property market; town's sole petrol filling station cannot realistically cope with the proposal.

L G Banks (00401/1/001): There are unfinished developments in the area; adverse impact of additional traffic on Laggan Road; poor access to Crieff town centre across single track roads in places; adverse impact on tourism in the area.

Stella Ferguson (00411/1/001): Concerns at access; traffic safety and adverse impact of development on peaceful countryside walk.

Isabel Campbell (00338/1/001): Avoid peripheral development; avoid destruction of agricultural land at the start of a beautiful walk; concerns raised in respect of poor access with traffic choke points and overspill parking from Macrosty Park; concerns also raised should a Compulsory Purchase Order be used to secure access.

Professor David Sloan (00351/1/001): Proposal will have an adverse impact on local beauty and landscape; concerns about viability of the proposal linked to Crieff's relatively static housing market; concerns about adverse impact on tourists using McCrosty Park and Lady Mary's Walk; inadequacy of existing car parks in the area meaning that Laggan

Road becomes used for linear overspill parking; adverse impact of construction traffic on road safety at Laggan Road and on tourism.

Margaret Sloan (00352/1/001): Adverse impact on Area of Outstanding Natural Beauty; adverse effect on tourism; reduced access (particularly disabled access) to Lady Mary's Walk during construction; conflict between parked cars and construction traffic on Laggan Road.

Gordon Campbell (00354/1/001): Need for additional housing has not been demonstrated and may not exist; access would be inadequate, dangerous and could prove intolerable; adverse environmental impact; potential adverse impact on tourism.

S D Millar (00355/1/001): Concerns at adverse impact of construction traffic along Laggan Lane during lengthy construction period.

G & S C Hookham (00379/1/001): Proposal would be detrimental to the environment and to eco systems, particularly higher levels of run-off from hard standing surfaces and structures; loss of high quality agricultural land in food production, which should be retained; adverse impact on town's utilities, particularly treatment of sewage and surface water; increased risk in local area to traffic and pedestrians caused by parked cars; site would be remote from town facilities, schools and shops creating demand for public transport and car journeys; adverse impact of increased traffic from the proposed site travelling through Crieff town centre.

Susan Stevens (00475/1/001): Concern at loss of arable land; adverse impact on route to Lady Mary's Walk; possible disruption or damage to mains water supply for Ardarroch House, Field House and Curroch Cottage during construction; the representation suggests that alternative sites exist although none are identified.

Mr & Mrs P Callander (00495/1/001): Adverse impact on the character of the rural environment; adjoining building site should be finished before any further development in the area takes place; adverse impact on walkers on way to Lady Mary's Walk; no obvious vehicular access from the road in to the site; local road network would be inadequate and at risk from flooding; adverse impact on the biodiversity of the local area, which is well used for recreation; the alternative access to Lady Mary's Walk elsewhere in the town is impractical; proposed high density is not in keeping with the surrounding area; concerns at service provision to the site, such as telephone, sewage and water; adverse impact on local community facilities including schools, doctor, hospital, supermarket, petrol filling station. East side of Crieff is suggested would be a better location for development.

Ruth Stone (00592/1/001): Further traffic congestion would have an adverse impact on a valuable amenity area; existing access at Milnab Street would be narrow in places and dangerous, particularly at the two bridges and the hill to the rear of the park; adverse impact on views to Laggan Hill and open countryside; suggest town centre regeneration should be prioritised

Mike & Pam Ross (00605/1/001): Vehicular access on local road network would be unreasonable for proposed traffic volume with potential problem areas identified; concerns about adverse impact on public safety for users of Lady Mary's Walk, Curroughs Walk, and Laggan Hill Walk.

John Watson Scott (00608/1/001): Concerns expressed over size of development; it would be outside current settlement boundary, and on greenfield land while existing

brownfield land in the town is undeveloped; concerns at sewerage capacity and road safety in the area.

Mr & Mrs A P Milroy (00561/1/001): Existing road network and car park would be inadequate and would not cope with increased traffic to MacRosty Park; photographs attached to illustrate hazards; inadequate access to the site for the potential increase in vehicle numbers; proposal would have an adverse impact on views west from Crieff to Laggan Wood, Turrleum Hill and Bairds Monument; proposed density is too high; proposed mix of housing types and styles including 25% affordable homes will have an adverse impact on property value in the area; concerns at distance from schools; adverse impact on access to Lady Mary's Walk for wheelchair and pram users and the infirm.

Tom & Mandy Guthrie (00621/1/001): Inadequate road access; increase in traffic; likelihood of traffic accidents increased; increased risk to public safety using Lady Mary's Walk, Laggan Hill Walk, and Curroughs Walk

Karen Brown (00625/1/001): The site makes an important contribution to the wider landscape setting. It is an important foreground to the wider setting of the River Earn valley, including views to west including Bairds Monument and beyond to the hills of Glen Artney. It is visible in the landscape from various walks: The Knock, Laggan Rd, Laggan Hill, Bairds Monument, Knock Mary and Torlum. Development would have significant adverse impact on this highly attractive landscape setting to the west of town.

Susan Carter (00715/2/001); Graham Carter (00716/1/001): Concerns at loss of agricultural land while alternative brown field land exists in and around Crieff; suggested that development would be better located at the south of the town; local road network would be inadequate; concerns at adverse impact of affordable housing on the surrounding area; no apparent need for housing at this location.

Dr Ken Arton (00927/1/001): Concerns that enough new housing has been built or planned in Crieff to meet the needs of the community; development could lead to an increase in parked cars in the local area, which would have an adverse impact on access to Laggan Road via Horseshoe Drive and Turretbank Road; adverse impact on the area's attraction to tourists on local walks and beauty spots such as Lady Mary's Walk.

Dr & Mrs J L Graham (00929/1/001): The road network in the area would be inadequate for the size of development; concerns at distance from schools; concerns that traffic congestion will increase accident risk; adverse visual and landscape impact of development on the countryside setting of Lady Mary's Walk and Laggan Woods.

Sasha Brunton (00935/1/001); Alan Brunton (00936/1/001): There is no proven need for the development; South Crieff would be a better location for development and both locations are not needed; concerns at access difficulties and increase in traffic congestion; loss of agricultural land; alternative brown field development sites exist elsewhere in the town.

Robert Whyte (00937/1/001): Concerns at adverse impact on access to Lady Mary's Walk; loss of green land; local road network could be inadequate for both construction and future residents' traffic; wider access to the site through the local road network would be inadequate, concerns raised about road safety. Alternative location suggested to south of Crieff in the Broich Road area.

Mr & Mrs Mark Cumming (00866/1/001): Concerns at adverse impact on natural environment and habitats; increase in noise, light and waste pollution; adverse impact on

residents and local walkers views; insufficient capacity in road network; retail facilities to support additional population; Adverse impact on quiet and tranquil area and Crieff's tourism industry by introducing development to the area.

Fiona Struthers (00871/1/001): Concerns that adverse impact on scenery and natural habitat would occur; local road network would be inadequate and development would lead to accidents; lack of amenities at this location, no need identified for the proposal and alternative development locations nearer the town centre are identified as Crown Hotel, Drummond Hotel.

Lesley La Hay (00910/1/002): Taking the town as a whole, Crieff has many green sites which should not be developed; concerned at visual impact of housing development; no need generally for additional housing in Crieff; infrastructure cannot accommodate development.

Malcolm Hicks (00353/1/001): Concerns raised over problems at junctions in the local road network would be exacerbated by additional traffic generated by the construction of, and subsequent occupation of an additional 50 houses.

Maureen Pennie (00820/1/001): Concerns raised over access; need for additional housing development; loss of agricultural land; waste water infrastructure capacity; removal of hedges and trees from the landscape; adverse impact on Lady Mary's Walk; adverse impact of construction noise, dust and road traffic on the area and tourism.

Crieff & Upper Strathearn Partnership (00928/1/006): Concerns at capacity and effectiveness of the area's waste water treatment system; and concerns that development would be unacceptable without road widening.

John McDonald (00408/1/001): Site should not be developed for housing because there is demand for allotments in the town and this site could secure their long-term provision.
Mr & Mrs T McNutt (00298/1/002): Site should be developed for allotment use and a play area.

Robert Simpson & Son (09313/7/001): Site is available, effective and there are no constraints to its development. It is anticipated that it can start delivering new housing development by 2014.

H57 Wester Tomaknock

L J Laird (00395/1/001); Simon Barnes (00396/1/001): Development is unnecessary while other more suitable sites remain undeveloped in Crieff, especially the south of the town; concerns at sewerage capacity; increased traffic congestion along Dollerie Terrace; adverse impact on biodiversity and habitat of birds including yellow hammers, woodpeckers, siskins and wrens.

Mr & Mrs A J P Leaver (00515/1/001): Concerns raised regarding inadequate road network, lack of paths, congestion on Dollerie Terrace; unspecified safety, environmental issues and over population of Crieff relative to services available.

Vicki Renwick (00517/1/001): Site is boggy; concern at adverse impact of increased traffic, particularly Madderty Road and Dollerie Terrace. More generally, Crieff has been overdeveloped and residents who live on the outskirts of the town do not wish to lose green space and feeling of living semi-rural.

Ian Barr (00575/1/001); Helen Barr (00576/1/001): The site collects water and is poorly drained and therefore development of this site would increase flood risk to nearby houses; concerns that the existing road network is inadequate and congested; alternative sites exist closer to services including site MU7; concerns about sewerage capacity; adverse impact on biodiversity and habitats of wild birds, ducks, oyster catchers, buzzards, herons, and frogs. Mrs Barr also raises concerns about the proposal's impact on the viability of the town centre.

Ruth Stone (00592/1/002): Concerns about adverse impact on existing housing and traffic congestion; site collects water and is poorly drained; alternative brownfield sites exist.

Donald Smith (00565/1/001): Concerns that site is wet and marshy. If built, this proposal would cause flooding of the burn, and place Ritchie Place at flood risk; traffic problems predicted at the top 180 metres of Dollerie Terrace.

Ann Grodzicka (00706/1/001): Concerns regarding potential increase in traffic congestion; spreading of Crieff into the countryside; adverse environmental impact; increased risk of flooding.

Robert Lauchan (00938/1/001): Site is unsuitable for development because it is permanently flooded or waterlogged because it lies at a lower level than the adjacent burn; concerns at length of walk to schools; adverse impact on road network and traffic safety, particularly at Dollerie Terrace.

Fiona Struthers (00871/1/002): Concern at adverse impact on natural environment.

Lesley La Hay (00910/1/002): Taking the town as a whole, Crieff has many green sites which should not be developed; concerned at visual impact of housing development; no need generally for additional housing in Crieff; infrastructure cannot accommodate development.

Jamie Burns (00660/1/001); Ewan Burns (00661/1/001); David Burns (00662/1/001); Louise Burns (00663/1/001): Concerns at capacity of road network; distance from services; alternative sites identified in the town centre; concerns at impact on biodiversity and habitats for kite, heron, deer, oyster catcher and bats; potential displacement of water from the burn and boggy land may increase flood risk; no demonstrated need for the proposal; concerns at sewerage capacity and lack of local employment opportunities.

Joan Dyer (00615/1/001): This proposal would not be needed while other developments remain uncompleted; alternative site at MU7 suggested; concerns at the use of greenbelt land while numerous brownfield sites remain undeveloped; increased flood risk; adverse impact on biodiversity and habitats for herons, ducks, oyster catchers, woodpecker, garden birds, frogs, buzzards and roe deer; adverse impact of increased traffic; and lack of amenities.

Jane Foster (00819/1/001); Benjamin Foster (00815/1/001); Joshua Foster (00816/1/001); Morgan Foster (00817/1/001); Henry Foster (00818/1/001): Concerns at capacity of road network; alternative sites exist MU7 and town centre suggested; poorly located for amenities and active travel opportunities; no demonstrated need for the proposal; concerns that development may displace water from the burn and boggy land and increase flood risk; concerns at adverse impact on biodiversity and habitats for heron, deer, wild birds, oyster catcher, buzzard; concerns at impact on sewer capacity

and water supply.

Residents of Ritchie Place & Rintoul Avenue (00615/2/001): Petition with concerns that the site is boggy and if drained may increase flood risk; adverse impact of increased traffic; few amenities; other brown field sites should be developed first; housing is too far from school; adverse impact on biodiversity including herons, frogs, ducks, oyster catchers, buzzards and roe deer; adverse impact on sewage capacity.

Mr & Mrs C Nairn (00410/1/001): Concerns at flood risk; adverse impact on biodiversity including Mallard duck, Grey heron, Roe deer, Buzzard, nesting Oyster Catchers, frogs; adverse impact on traffic and road network particularly at Dollerie Terrace and A85 junction; inadequate sewerage capacity.

Philip Dyer (00635/1/001): Concerns at drainage and flood risk; road safety; alternative town centre sites identified that should be developed first to support the town's viability; concerns about distance from schools and poor facilities in the area; sewerage capacity; adverse impact on biodiversity and habitats for grey heron, duck, oyster catcher, buzzard, roe deer, bats, owls and woodpecker.

Graeme Robertson (00600/1/001); John Champion (10287/1/001): Concerns at increase in traffic levels on existing road network, which would be exacerbated by development of site H57.

Isobel McCallum (00607/1/001): Identifies a blind spot at South Crieff Road in the area of site H57.

Allan Downie (00713/1/001): Comments that the existing access at Dollerie Terrace is of inadequate width; the alternative route via Highlandman's Loan is also unsuitable unless improved.

Crieff & Upper Strathearn Partnership (00928/1/007): Concerns raised about road safety; drainage and sewerage capacity; flood risk.

Taylor Wimpey UK Ltd (09004/20/001 & 09004/21/001): The boundary of site H57 as proposed does not account for site specific characteristics (constraints and opportunities) nor does it accurately reflect the land in control of TWUK Ltd nor the third party owners to the east. The site area could be expanded and the capacity of the site increased without compromising the Proposed Plan's strategy. Supporting information submitted; appropriate levels of landscaping and open space could be provided; proposals have taken account of topography, infrastructure requirements, water courses and path networks in the area. Adequate landscape capacity would exist for a larger, higher density development.

Christian & David Stewart (07693/10/001): Site H57 as proposed is in a sensitive landscape setting. An alternative area is proposed that the writer considers will have a reduced impact on the wider landscape, will maintain Tomaknock's status as a building group in the open countryside, and will be a sustainable and complementary extension to Crieff. Pre-MIR representations were submitted in June 2009 (S4_Doc_722); MIR representations were submitted in January 2011 (S4_Doc_721).

MU7 Broich Road

Ailsa Campbell (00459/1/001): Concern at potential impact on the town centre, recommends existing town centre sites should be developed before green field land;

concern that development is drawing vitality out of the centre and to the southern edge of the town, contrary to Scottish Government regeneration strategy.

Lesley La Hay (00910/1/001 & 00910/1/002): Concerns that development would take away land that is currently peaceful and tranquil and is used for walking. Taking the town as a whole, Crieff has many green sites which should not be developed; concerned at visual impact of housing development; no need generally for additional housing in Crieff; infrastructure cannot accommodate development.

Crieff Community Council (09327/1/005 & 09327/1/001): Site should be deleted because it is a greenfield site and is not needed, alternative sites exist in elsewhere in the town such as at Inchbrakie, E26, the Crioich and other brown field sites not identified; concern that residential development on this site would not protect and enhance environmental and landscape quality (see Proposed LDP paragraph 3.5.2 (S4_Doc_501)) and would contravene government policy and legislation on the natural environment (see paragraph 3.9.3 (S4_Doc_723)). There are concerns that the area will be developed in a piecemeal way without any coherence or cohesion.

John Watson Scott (00608/1/002): Support for site MU7 as a better development option than site H55 because it is closer to amenities such as schools, proposed supermarket and town centre.

Louise Burns (00663/1/002); Jamie Burns (00660/1/002); Ewan Burns (00661/1/002); David Burns (00662/1/002): Support for site MU7, however wish to increase capacity by 60 units. This is to facilitate the separate request to delete site H57, which is dealt with elsewhere within this form.

Broich Road Farm (09285/3/001): Support the proposed masterplanning of the site however the masterplan should determine the extent of land to the east of the site which will be required to protect the Scheduled Monument and its setting

Isobel McCallum (00607/1/002): Concerns at increased traffic volume at the junction of South Crieff Road and Highlandman Loan

Jonathan Poore (00792/1/001): A heritable right of access from Broich Steading to Broich Road is claimed and should therefore be excluded from the site plan. Concerns that three access points to Broich Road will increase traffic; and that new access points will require tree felling, which will adversely impact on bat habitat.

Crieff & Upper Strathearn Partnership (00928/1/008): Concerns about the size of the proposed development, and that it won't provide a sense of place unless Plan is changed to ensure a mix of building styles is developed and that quality of build is maintained; concerns about the narrow B8062, which will require widening because it is already of inadequate width.

John Champion (10287/1/001): Development should be of good quality with a variety of styles and suitably wide access roads.

Robert Simpson & Son (09313/8/001): An amendment is requested to site MU7 to reflect the boundary set out in the MIR (S4_Doc_229). While it is understood that the Proposed Plan site boundary was drawn with input from Historic Scotland and Perth & Kinross Heritage Trust, other areas are suggested for inclusion in the masterplanned area without necessarily being developed to ensure that the protection and setting of the scheduled monument is maintained.

Op21 Broich Road

Crieff Community Council (09327/1/003 & 09327/1/006): There are concerns that the area will be developed in a piece meal way without coherence or cohesion. The infrastructure requirements in respect of sites MU7, E27 and Op21 should be considered together. A coherent and cohesive Development Brief should be prepared for site Op21 taking the neighbouring sites' infrastructure requirements into consideration.

Modifications sought by those submitting representations:**Settlement Boundary**

Oakbank (Crieff) Ltd (00350/1/001): Amend settlement boundary north of Horseshoe Drive (S4_Doc_378) to match site H17 of the Strathearn Area Local Plan 2001 (S4_Doc_714).

New Community Facility

Ken Russell (09193/4/001): Amend paragraph 8.1.12 of the Plan to include provision of new opportunity sites and/or new mixed use developments in Crieff for further improved/new community facilities. Site E26 is referred to in the representation.

Ken Russell (09193/5/001): Insert the words '*new and*' to paragraph 8.3.2 to read '*...The provision of new and better community and commercial facilities in the town...*'

Ken Russell (09193/3/002): Amend paragraph 8.1.6 to reallocate Crieff's employment sites as opportunity sites where mixed use development will be supported.

New Employment Site

Mr & Mrs S McKay (00705/1/002): Amend Plan to allocate fields either side of the Muthill road beyond the 30 mile limit heading towards Muthill for employment use.

Cumulative Impact of Proposed Development on Crieff's Transport Network

Scottish Government (00092/9/001): Amend Plan to require an appropriate transport assessment to demonstrate whether the A85 trunk road through Crieff can accommodate the level of development (particularly housing) proposed. Should mitigation measures be required, then they should be agreed with Transport Scotland.

Crieff & Upper Strathearn Partnership (00928/1/003): Amend Plan to remove through-traffic from Crieff town centre by providing a relief route from Gilmerton, along the Highlandman Road, the B8062, Broich Road, and A822.

Crieff Community Trust Steering Group (00859/1/002): Amend Plan to require significant roads, traffic management, parking and public transport improvements

Crieff Town Centre

Mr & Mrs A J P Leaver (00515/1/002): Although not explicitly requested, it is inferred that the respondent wishes the Plan amended to include proposals to improve Crieff town centre or to require that Supplementary Guidance be prepared to this effect.

Gordon Taylor (00628/1/001): Amend Plan to require development of brownfield and decaying sites in Crieff town centre; and to improve roads infrastructure in the town.

Crieff Community Trust Steering Group: (00859/1/004): Amend Plan to prevent retail use outwith Crieff town centre (High Street/King Street).

Crieff Community Trust Steering Group (00859/1/005): Amend Plan to put a greater emphasis on the regeneration and improvement of Crieff's historic town centre; and include details of how Crieff's Conservation Area will be enhanced and protected.

Deallocation of Open Space at site south of West March, Turretbank Road

Blazon Developments Ltd (00478/1/001): Removal of Open Space allocation at identified site south of West March, Turretbank Road, Crieff.(S4_Doc_378)

Crieff Masterplan

John Champion (10287/1/001): The Plan should also be amended to require a master plan for the whole of Crieff that will require improvements to the town's infrastructure before any new development takes place; will emphasise the need for investment and the redevelopment of brownfield sites in Crieff town centre; will limit building heights to no higher than the Strathearn Community Campus; will provide a new Crieff relief road and will improve capacity at Dollerie Terrace; will ensure the retention and reuse of the listed buildings at Site E27 as part of a housing development; will require the south Crieff hub to be linked to the town centre; and will provide an opportunity to recreate the Style of Crieff feature at site MU7.

Crieff & Upper Strathearn Partnership: (00928/1/001 & 00928/1/002): No large scale development to proceed in Crieff in advance of a Crieff-wide masterplan. Amend Plan to limit the height of any new buildings to no more than the height of the Strathearn Community Campus.

Crieff Community Trust Steering Group: (00859/1/003): Amend Proposed Plan to require the development of Crieff's brownfield sites and disused buildings for employment and housing uses before any development of greenfield sites. Alternatively, developers should be required to make a contribution to the development of any derelict and disused land as a condition of any future development of greenfield land.

E26 Bridgend

Mr & Mrs K Russell (00791/2/001); Mr & Mrs Neil Watters (00833/1/001): Amend Plan to remove site.

E A Powell (00503/1/001); Mr & Mrs S McKay (00705/1/001): Amend Plan to remove part of site north of Alichmore Lane.

Ken Russell (09193/6/001 & 09193/7/001): Amend Plan from employment to mixed uses.

Drummond Estates (07693/13/001 & 07693/14/001): Amend Plan in respect of site E26 (north) from employment to housing, and in respect of site E26 (south) from employment to opportunity site suitable for a mix of employment and tourist/retail uses.

Crieff & Upper Strathearn Partnership (00928/1/004): Amend Plan to include a site specific developer requirement to assess any increase in traffic on local road network and core path network due to the proposal.

Scottish Environment Protection Agency (03194/29/001): Amend Plan to include a site specific developer requirement for a flood risk assessment; and to avoid development on the functional flood plain or in an area of known flood risk.

E27 Broich Road

Ken Russell (09193/6/002): Amend Plan from employment to mixed uses

Crieff & Upper Strathearn Partnership (00928/1/005): Amend Plan to prevent retail use; avoid destruction of listed building; and include housing, holiday accommodation or micro business and potential uses for the listed buildings.

Crieff Community Council (09327/1/004 & 09327/1/002): Amend Plan to ensure necessary infrastructure is in place before development takes place; and to prevent retail use.

John Champion (10287/1/001): Amend Plan to reuse the farm house as a dwelling or alternatively for office use.

H55 Laggan Road

Charles Campbell-Crawford (00315/1/001); Moyra Turnbull (00297/1/001); Mr & Mrs T McNutt (00298/1/001); L G Banks (00401/1/001); Stella Ferguson (00411/1/001); Isabel Campbell (00338/1/001); Professor David Sloan (00351/1/001); Margaret Sloan (00352/1/001); Gordon Campbell (00354/1/001); S D Millar (00355/1/001); G & S C Hookham (00379/1/001); Susan Stevens (00475/1/001); Mr & Mrs P Callander (00495/1/001); Ruth Stone (00592/1/001); Mike & Pam Ross (00605/1/001); John Watson Scott (00608/1/001); Mr & Mrs A P Milroy (00561/1/001); Tom & Mandy Guthrie (00621/1/001); Karen Brown (00625/1/001); Susan Carter (00715/2/001); Graham Carter (00716/1/001); Dr Ken Arton (00927/1/001); Dr & Mrs J L Graham (00929/1/001); Sasha Brunton (00935/1/001); Alan Brunton (00936/1/001); Robert Whyte (00937/1/001); Mr & Mrs Mark Cumming (00866/1/001); Fiona Struthers (00871/1/001): Amend Plan to remove site H55

Lesley La Hay (00910/1/002): Amend Plan to remove proposals for housing development on previously undeveloped (green) sites in Crieff.

Malcolm Hicks (00353/1/001): Amend Plan to include a site specific developer requirement for road safety improvements to the local network, specifically Laggan Road, Turret Bridge, Lade Bridge, and the junction of Milnab Road and Sauchie Road.

Maureen Pennie (00820/1/001): Amend Plan to give further consideration to the need for additional houses in the area; loss of prime agricultural land; site specific developer requirements for capacity improvement at waste water treatment works; access to Lady Mary's Walk; and adverse impact on local road network.

Crieff & Upper Strathearn Partnership (00928/1/006): Amend Plan to include a site specific developer requirement for capacity improvement at waste water treatment works; and wider access road.

John McDonald (00408/1/001); Mr & Mrs T McNutt (00298/1/002): Amend Plan to remove site H55 and allocate for allotment use.

Robert Simpson & Son (09313/7/001): No change to the Plan.

H57 Wester Tomaknock

L J Laird (00395/1/001); Simon Barnes (00396/1/001); Mr & Mrs A J P Leaver (00515/1/001); Vicki Renwick (00517/1/001); Ian Barr (00575/1/001); Helen Barr (00576/1/001); Ruth Stone (00592/1/002); Donald Smith (00565/1/001); Ann Grodzicka (00706/1/001); Robert Lauchan (00938/1/001); Fiona Struthers (00871/1/002): Amend Plan to remove site H57.

Lesley La Hay (00910/1/002): Amend Plan to remove proposals for housing development on previously undeveloped (green) sites in Crieff.

Jamie Burns (00660/1/001); Ewan Burns (00661/1/001); David Burns (00662/1/001); Louise Burns (00663/1/001); Joan Dyer (00615/1/001); Jane Foster (00819/1/001); Benjamin Foster (00815/1/001); Joshua Foster (00816/1/001); Morgan Foster (00817/1/001); Henry Foster (00818/1/001): Amend Plan to remove site H57, reallocate 60 units to site MU7.

Residents of Ritchie Place & Rintoul Avenue (00615/2/001): No specific changes, however requests amend Plan to address concerns expressed regarding flood risk; traffic; few amenities; settlement boundary; distance from school; access; disturbance to wildlife in the area; and sewerage capacity.

Mr & Mrs C Nairn (00410/1/001): No specific changes, however requests amend Plan to take account of flood risk, biodiversity and habitats; traffic issues and sewerage capacity.

Philip Dyer (00635/1/001): No specific changes however requests amend Plan to take account of concerns in respect of site H57.

Graeme Robertson (00600/1/001); John Champion (10287/1/001); Isobel McCallum (00607/1/001); Allan Downie (00713/1/001): No specific changes however requests amend Plan to take account of concerns raised about traffic safety. Mr Downie requests amend Plan to prevent access to H57 via Dollerie Terrace.

Crieff & Upper Strathearn Partnership (00928/1/007): Amend Plan to address concerns regarding road safety and flood risk and drainage.

Taylor Wimpey UK Ltd (09004/20/001 & 09004/21/001): Amend proposal H57: change site capacity from 60 units to 100-120 units; change site size from 5.6Ha to 10.2Ha; change site specific developer requirements from '*Significant landscaping requirements including a woodland strip will reduce its developable area to 4Ha or approximately 60 units*' to '*Appropriate landscaping requirements including a woodland strip will reduce its developable area to 6.4Ha or approximately 100-120 units*'.

Christian & David Stewart (07693/10/001): Amend Plan with alternative to site H57 proposed.

MU7 Broich Road

Ailsa Campbell (00459/1/001); Lesley La Hay (00910/1/001 & 00910/1/002): Amend Plan to remove site MU7.

Crieff Community Council (09327/1/005 & 09327/1/001): Amend Plan to remove site MU7. Alternatively, should the site not be removed from the Plan, request that the plan be amended to ensure necessary infrastructure is in place before development of site MU7.

John Watson Scott (00608/1/002): Support for site MU7, instead of site H55.

Louise Burns (00663/1/002); Jamie Burns (00660/1/002); Ewan Burns (00661/1/002); David Burns (00662/1/002): Amend Plan to increase capacity by 60 units (reallocation from site H57 to site MU7).

Broich Road Farm (09285/3/001): Amend Plan to specify that the masterplan should determine the extent of land to the east of the site that will be required to protect the Scheduled Monument and its setting.

Isobel McCallum (00607/1/002): Amend Plan to include site specific developer requirement for improvements to the South Crieff Road/Highlandman Loan junction.

Jonathan Poore (00792/1/001): Amend Plan to exclude access drive between Broich Road and Broich Steading from site MU7; and to include site specific developer requirements for alternative access points to the east and west of the drive avoiding adverse impact on bat habitat at Crow Wood.

Crieff & Upper Strathearn Partnership (00928/1/008); John Champion (10287/1/001): Amend Plan to include site specific developer requirements that ensure a mix of building styles and quality of build is maintained; and suitably wide access roads (including B8062) are provided.

Robert Simpson & Son (09313/8/001): Amend Plan to reflect suggested revised boundaries for site MU7.

Op21 Broich Road

Crieff Community Council (09327/1/003 & 09327/1/006): Amend Plan to ensure necessary infrastructure is in place before development of site Op21. Amend Plan to require a development brief for Op21 that considers infrastructure requirements for the whole development area.

Summary of responses (including reasons) by planning authority:

Settlement Boundary

Oakbank (Crieff) Ltd (00350/1/001): This is drafting error of a minor nature which, if corrected, could resolve this issue. The issue raised is noted and accepted. Map 3 of the Strathearn Area Local Plan (Core_Doc_007) identified the housing site with an open space allocation at the north of the site. The Plan proposed a new settlement boundary that only included the part of the larger site that is completed.

If the Reporter is so minded to recommend that the proposed modification is adopted, the Council would be comfortable with this modification because it would not have any implications on other aspects of the Plan.

New Community Facility

Ken Russell (09193/4/001): The Plan already provides for new and improved community and commercial facilities. In the case of Crieff, these will be provided in three sites, MU7, H57 and H55 that collectively have the potential to provide housing land incorporating new and improved community facilities (see paragraph 8.1.12). Furthermore, the general residential Policy RD1 (S4_Doc_405) allows for community facilities where they are compatible with residential amenity. In addition, there are several underutilised buildings in central Crieff that could be suitable for community facilities. No modification is proposed to the Plan.

Ken Russell (09193/5/001): The proposed addition of the words '*new and*' are not necessary since the Plan implicitly allows for new community facilities in the sites mentioned in the paragraph above.

No modification is proposed to the Plan.

Mr Ken Russell (09193/3/002): The reason given for requesting this change is so that a community development can be sited in Crieff. It is unclear what description and extent of new facilities are sought and whether it would be appropriate to reallocate valuable employment land for such uses. The Plan already provides for new community facilities in the sites mentioned in the paragraph above.

No modification is proposed to the Plan.

New Employment Site

Mr & Mrs S McKay (00705/1/002): The issue of whether there is enough employment land in Crieff is considered to be covered by Policy ED1 (S4_Doc_483) and sites E26, E27 & MU7 elsewhere in the LDP. No location plan is supplied. The Council does not wish the Plan amended to include the sites suggested because it is clear that both of the sites would impinge on the Garden and Designed Landscape at Drummond Castle, and one of the sites would be at risk of flooding from the nearby River Earn.

No modification is proposed to the Plan.

Cumulative Impact of Proposed Development on Crieff's Transport Network

Scottish Government (00092/9/001); Crieff Community Trust Steering Group (00859/1/002): The issues raised are considered to be covered where appropriate in the infrastructure considerations section for each LDP Proposal and in particular sites H57 and MU7 already have a requirement for a Transport Assessment, backed up by Policy TA1 (S4_Doc_387). Transport Assessments generally look at any wider impact on the road network and this would be covered more appropriately in any required Transport Assessment at the planning application stage.

If the Reporter is so minded to recommend that the proposed modification is adopted, the Council would be comfortable with this modification as it would not have any implications for any other aspect of the Plan.

Crieff & Upper Strathearn Partnership (00928/1/003): The identification of a relief route is not considered a proportionate response to the problems identified, namely congestion in central Crieff. Furthermore, the A85 is a trunk road and this project was not identified in Transport Scotland's Strategic Transport Projects Review (Core_Doc_050). Should a study of the cumulative impact of proposed development on Crieff's transport network identify a relief route is necessary then this would be considered for inclusion in a future LDP.

No modification is proposed to the Plan.

Crieff Town Centre

Mr & Mrs A J P Leaver (00515/1/002); Gordon Taylor (00628/1/001); Crieff Community Trust Steering Group (00859/1/004 & 00859/1/005): The issues raised are considered to be covered in the Plan's retail section and at paragraph 8.3.2 where it deals with Crieff town centre. Transport improvements are also covered in the Plan's infrastructure considerations section for each proposal. The Council is working with local community groups to improve the town centre. The Plan does support reuse of brownfield land however it requires a willing developer. In the current economic climate development of brownfield land presents severe challenges in terms of viability. The issue of concurrent development proposed by Mr Gordon Taylor (00628/1/001) is not considered to be legally

enforceable.

No modification is proposed to the Plan.

Deallocation of Open Space at site south of West March, Turretbank Road

Blazon Developments Ltd (00478/1/001): The open space allocation is considered appropriate. It is not intended to signify public access to the site. The site and trees contained in the site are considered valuable to the landscape setting of the area.

No modification is proposed to the Plan.

Crieff Masterplan

John Champion (10287/1/001); Crieff & Upper Strathearn Partnership: (00928/1/001 & 00928/1/002); Crieff Community Trust Steering Group: (00859/1/003): The issues raised are considered to be covered where appropriate in the Crieff spatial strategy considerations section and in the infrastructure considerations section for each LDP Proposal. The suggestion to place a height restriction on buildings in an area of varying topography is considered inappropriate.

Turning to the prioritisation of brownfield sites, whilst there are brownfield opportunities available, some of which are being promoted through this LDP, for the most part these too have issues and constraints. In particular it is generally recognised that brownfield sites often come with abnormal development costs, i.e. demolition, cleaning up of contamination etc. These additional burdens may affect the viability of sites, particularly in the current economic climate.

No modification is proposed to the Plan.

E26 Bridgend

Mr & Mrs K Russell (00791/2/001); Mr & Mrs Neil Watters (00833/1/001); E A Powell (00503/1/001); Mr & Mrs S Mckay (00705/1/001); Ken Russell (09193/6/001); (09193/7/001); Drummond Estates (07693/13/001 & 07693/14/001); Crieff & Upper Strathearn Partnership (00928/1/004): The issue of whether there is enough employment land in Crieff is considered to be covered by Policy ED1 (S4_Doc_483) and sites E26, E27 and MU7 here and elsewhere in the Plan. It is important that a supply of employment land remains available in the area and the suggested alternative uses such as housing and mixed use tourist/retail uses are not considered appropriate, particularly tourist and retail uses that would be better located nearer the town centre. There is already a site specific developer requirement in respect of roads and access improvement. The issue of topography may limit the use of part of the site but the remainder should be developable. It is recognised that not all the land identified is likely to be developed and this is partly why an oversupply of employment land is identified. A suitably safe road access can be provided to this site through the existing employment land and this is reflected in the site specific developer requirements. In respect of compatibility between employment and residential uses, it is considered that there are many employment uses (particularly Class 4 uses) that are compatible with residential uses. An adequate supply of long term housing land is identified at other sites closer to community facilities. This site lies between existing employment land and an intensive chicken rearing unit in agricultural use.

No modification is proposed to the Plan.

Scottish Environment Protection Agency (03194/29/001): The issue raised is noted. Part

of the site, particularly the neighbouring employment land and possibly that part of E26 nearer the River Earn, may not be suitable for development because it is at risk of flooding. Further investigation or an amendment to the site specific developer requirement may be appropriate.

If the Reporter is so minded to recommend that the proposed modification is adopted, the Council would be comfortable with this modification because it would not have any implications on site E26 or other aspects of the Plan.

E27 Broich Road

Ken Russell (09193/6/002); Crieff & Upper Strathearn Partnership (00928/1/005); Crieff Community Council (09327/1/004 & 09327/1/002); John Champion (10287/1/001): The issue of whether there is enough employment land in Crieff is considered to be covered by Policy ED1 (S4_Doc_483) and sites E26, E27 and MU7 here and elsewhere in the Plan. It is important that a supply of employment land remains available in the area and the suggested alternative uses such as housing and holiday accommodation would prevent employment use at the site. Retail and/or residential uses are not proposed. Development that may affect the listed farmhouse building at the site or its setting would be assessed as part of any application for planning permission and/or listed building consent. In addition, the developer requirement to implement an approved development brief will ensure the site is developed in a masterplanned way with appropriate consideration of listed buildings.

No modification is proposed to the Plan.

H55 Laggan Road

Charles Campbell-Crawford (00315/1/001); Moyra Turnbull (00297/1/001); Mr & Mrs T McNutt (00298/1/001); L G Banks (00401/1/001); Stella Ferguson (00411/1/001); Isabel Campbell (00338/1/001); Professor David Sloan (00351/1/001); Margaret Sloan (00352/1/001); Gordon Campbell (00354/1/001); S D Millar (00355/1/001); G & S C Hookham (00379/1/001); Susan Stevens (00475/1/001); Mr & Mrs P Callander (00495/1/001); Ruth Stone (00592/1/001); Mike & Pam Ross (00605/1/001); John Watson Scott (00608/1/001); Mr & Mrs A P Milroy (00561/1/001); Tom & Mandy Guthrie (00621/1/001); Karen Brown (00625/1/001); Susan Carter (00715/2/001); Graham Carter (00716/1/001); Dr Ken Arton (00927/1/001); Dr & Mrs J L Graham (00929/1/001); Sasha Brunton (00935/1/001); Alan Brunton (00936/1/001); Robert Whyte (00937/1/001); Mr & Mrs Mark Cumming (00866/1/001); Fiona Struthers (00871/1/001); Lesley La Hay (00910/1/002); Malcolm Hicks (00353/1/001); Maureen Pennie (00820/1/001); Crieff & Upper Strathearn Partnership (00928/1/006); John McDonald (00408/1/001); Mr & Mrs T McNutt (00298/1/002): While the MIR acknowledged that there may be some development on brownfield land in Crieff, it noted at paragraph 5.5.10 (S4_Doc_230) that *'the majority of development is likely to be on greenfield land'*. The reason for this is related to the poor viability of brownfield land in Crieff, which is an issue to be addressed separately, and additionally to offer a choice of sites.

The MIR sought views on development options on a larger area than is proposed at H55. The potential for adverse impacts on views and landscape has been considered by SNH and its comments have been taken into account in proposing the size of the site and scale of development at H55. The site's capacity for development has also been limited by the capacity of the surrounding road network of minor roads. It is acknowledged that while there may be some adverse impact on habitats these can be mitigated. It is not considered that there is a lack of community facilities in Crieff. A new community campus has been developed with a new primary school proposed; and there are modern health

care facilities in the town. There is capacity in Crieff's community facilities to cope with increased pressure and the Plan requires drainage to connect to Public Waste Water Treatment Works. The site would connect to the core path network.

An alternative use for the site as allotments and a play area is proposed however the site is near open space at MacRosty Park and the Council is already working with a local allotment association to identify a suitable allotment site. There is no landowner support for allotment and play area use.

The alternative development site suggested at Broich Road is a much longer-term development option and it is considered important that another site such as H55 be available for development in the shorter term.

No modification is proposed to the Plan.

H57 Wester Tomaknock

L J Laird (00395/1/001); Simon Barnes (00396/1/001); Mr & Mrs A J P Leaver (00515/1/001); Vicki Renwick (00517/1/001); Ian Barr (00575/1/001); Helen Barr (00576/1/001); Ruth Stone (00592/1/002); Donald Smith (00565/1/001); Ann Grodzicka (00706/1/001); Robert Lauchan (00938/1/001); Fiona Struthers (00871/1/002); Lesley La Hay (00910/1/002); Jamie Burns (00660/1/001); Ewan Burns (00661/1/001); David Burns (00662/1/001); Louise Burns (00663/1/001); Joan Dyer (00615/1/001); Jane Foster (00819/1/001); Benjamin Foster (00815/1/001); Joshua Foster (00816/1/001); Morgan Foster (00817/1/001); Henry Foster (00818/1/001); Residents of Ritchie Place & Rintoul Avenue (00615/2/001); Mr & Mrs C Nairn (00410/1/001); Philip Dyer (00635/1/001); Graeme Robertson (00600/1/001); John Champion (10287/1/001); Isobel McCallum (00607/1/001); Allan Downie (00713/1/001); Crieff & Upper Strathearn Partnership (00928/1/007); Taylor Wimpey UK Ltd (09004/20/001 & 09004/21/001); Christian & David Stewart (07693/10/001): As mentioned above, while the MIR acknowledged that there may be some development on brownfield land in Crieff, it noted at paragraph 5.5.10 (S4_Doc_230) that *'the majority of development is likely to be on greenfield land'*. The reason for this is related to the poor viability of brownfield land in Crieff, which is an issue to be addressed separately.

The MIR sought views on development options on a larger area than is proposed at H57. The potential for adverse impacts on views, habitats and landscape has been considered by SNH and its comments have been taken into account in proposing the reduced size of the site and scale of development at H57. A flood risk assessment and transport assessment are also required as part of the site specific developer requirements and these will address flooding concerns and access issues along Dollerie Terrace. Furthermore a masterplan will be required to ensure that any built form and layout respond appropriately to the landscape. There is a watercourse in the vicinity of the site that may preclude development on a small proportion of the site however this is reflected in the total number of units proposed at the site, which at 60 is relatively low. It is acknowledged that while there may be some adverse impact on habitats, these can be mitigated.

It is not considered that there is a lack of community facilities in Crieff. A new community campus has been developed relatively nearby with a new primary school proposed; and there are modern health care facilities in the town. There is capacity in Crieff's community facilities to cope with increased pressure and the Plan requires drainage to connect to Public Waste Water Treatment Works. Concerning the comments in respect of the town centre, it is considered that additional housing would support the viability of the town

centre, in tandem with the identification of employment land elsewhere in the town. It is acknowledged that this proposal extends the boundary of Crieff however expansion beyond this would raise concerns in respect of adverse impact on the landscape and visual containment of the settlement.

Three representations propose an extension to the site's boundary to the north and south of the identified site. Whilst it is noted that the site boundaries do not reflect the total landholdings of the various landowners, this is not considered to be a justification to extend the boundary where other agencies suggest this would be inappropriate. As has been noted above, larger scale allocations were considered at MIR stage however these attracted significant opposition due to landscape impact, impact on Dollerie Terrace and particularly its junction with the A85 trunk road. In the case of the extension to the south, there is potential for flooding from the burn on the east boundary.

It is considered that H57 would offer choice in the housing market in Crieff.

No modification is proposed to the Plan.

MU7 Broich Road

Ailsa Campbell (00459/1/001); Lesley La Hay (00910/1/001 & 00910/1/002); Crieff Community Council (09327/1/005 & 09327/1/001): As mentioned above, while the MIR acknowledged that there may be some development on brownfield land in Crieff, it noted at paragraph 5.5.10 (S4_Doc_230) that *'the majority of development is likely to be on greenfield land'*. The reason for this is related to the poor viability of brownfield land in Crieff, which is an issue to be addressed separately.

The MIR sought views on development options on a larger area than is proposed at MU7. The potential for adverse impacts on environmental quality, habitats and landscape has been considered by SNH and its comments have been taken into account in proposing the size of the site and scale of development at MU7. A masterplan approach will avoid piecemeal development and ensure that any necessary infrastructure is given consideration in advance of development taking place. The Broich Road area to the south of Crieff already includes the Community Campus and a supermarket and primary school are proposed together with employment land. It is therefore considered that this area is an appropriate long term location for a large scale mixed use development site. It is acknowledged that there are issues with capacity at the junction at the western end of Broich Road and suitable mitigation measures will be a matter for the Transport Assessment that forms part of the developer requirements.

No modification is proposed to the Plan.

Louise Burns (00663/1/002); Jamie Burns (00660/1/002); Ewan Burns (00661/1/002); David Burns (00662/1/002): Although not explicitly stated, it is inferred that the respondents' sole reason for increasing the density at MU7 is so that H57 can be removed from the Plan. There appears no wish to independently increase density at MU7. As noted above in discussions on H57, the Council would prefer to retain H57 to offer choice and would not suggest an increase to the density at MU7 at this point in time. It is recognised that the masterplan process may identify opportunities for this site to accommodate a higher level of density however if this was the case it would be for a future review of the LDP to identify such a longer term opportunity.

No modification is proposed to the Plan.

Broich Road Farm (09285/3/001): The area around the Scheduled Monument that should be reserved for landscaping or left undeveloped has been identified in conjunction with Historic Scotland.

No modification is proposed to the Plan.

Isobel McCallum (00607/1/002); Jonathan Poore (00792/1/001); Crieff & Upper Strathearn Partnership (00928/1/008); John Champion (10287/1/001): These suggested changes to the Plan would be best considered as part of the masterplanning of the site, including whether works should be necessary to the road network to make the development acceptable, and whether the Broich Steading access should be excluded from the site. The Transport Assessment generally looks at any wider impact on the road network including Highlandman Loan, and this would be covered more appropriately in any required Transport Assessment as part of the masterplanning of the site.

No modification is proposed to the Plan.

Robert Simpson & Son (09313/8/001): The options for development at this site were set out in the MIR however it was specified at paragraph 5.1.9 (S4_Doc_724) that '*at this stage site boundaries have not been precisely identified*' and the text and maps in the MIR were intended to draw comments from developers, landowners, key agencies and other consultees as to what should and should not be included in the Proposed LDP. Following consideration of all comments in respect of the site's boundary, and with particular input from Historic Scotland and Perth & Kinross Heritage Trust, a proposed site boundary was published that meets their approval. It is considered that further expansion to the south east of the site may limit the continued operation of the North Forr waste management site by the introduction of potentially incompatible mixed uses in the vicinity of this important facility.

No modification is proposed to the Plan.

Op21 Broich Road

Crieff Community Council (09327/1/003 & 09327/1/006): The issues raised are considered to be covered where appropriate in the Crieff spatial strategy considerations section and in the infrastructure considerations section for each LDP Proposal. The masterplanning for MU7 will require to take account of the wider area including E27, Op21 and the supermarket site.

No modification is proposed to the Plan.

Reporter's conclusions:

Settlement boundary north of Horseshoe Drive

1. The settlement boundary shown on the Crieff Settlement Map does not accurately reflect the boundary of the site under development at Horseshoe Drive. This is a drafting error and the settlement boundary should be re-instated as shown on Map 3: Crieff in the adopted Strathearn Area Local Plan.

New community facility

2. In relation to the concerns expressed regarding the provision of community facilities in Crieff (rep. nos. 09193/3/001, 09193/4/001 & 09193/5/001), the Proposed Plan makes

provision for better community and commercial facilities, which includes new facilities, in the Broich Road development to the south of the town. Paragraph 8.1.12 of the Proposed Plan refers to this provision and paragraph 8.3.2 restates the position. There is no need for any further clarification. In addition, Policy RD1 supports improvements to community facilities within established residential areas.

New employment site

3. In relation to the suggestion that the fields either side of Muthill Road beyond the 30mph limit should be considered for employment use, any development in this area would impinge on the Drummond Castle Garden and Designed Landscape. Furthermore, sufficient employment land is available in the existing employment sites and in proposed sites E26, E27 and MU7.

Cumulative impact of proposed developments on transport network

4. In relation to the request for much greater emphasis on the requirement for infrastructure improvements in relation to roads, traffic management, parking and public transport, the planning authority points out that Policy TA1 requires the preparation of Transport Assessments and the implementation of appropriate mitigation measures for individual development proposals, where appropriate. Transport Assessments are developer requirements for proposed sites H57 and MU7.

5. In relation to the concerns expressed regarding the cumulative impact of proposed developments, particularly housing development, on the A85 through Crieff, the planning authority agrees that the Transport Assessments required for individual developments should establish the impact of those developments on the A85 and that any mitigation measures required should be agreed with Transport Scotland. It is considered that an appropriate reference to this requirement should be made in the spatial strategy considerations in paragraph 8.3.2.

6. In relation to the request that independent traffic consultants should be appointed to examine traffic issues on the A85 through Crieff and the possibility of a partial relief route around the town centre, the planning authority points out that this project is not identified in Transport Scotland's Strategic Transport Projects Review. Should the impact of proposed developments at Broich or elsewhere identify a relief route as necessary, through the preparation of Transport Assessments, this would be a matter for the planning authority to consider in determining the scale of housing development that is acceptable. Any proposal for a relief route would be a matter for a review of the local development plan.

Crieff town centre

7. In relation to the concerns expressed regarding the impact of retail development outwith the town centre and the request that more emphasis be put on the regeneration and improvement of Crieff's historic town centre, the planning authority points out that paragraph 8.3.2 draws attention to the need to retain town centre uses to ensure the continued vitality and viability of the town centre. Policy RC1 encourages a range of uses in town centres, providing they contribute to the character, vitality and viability of the retail area. The Proposed Plan supports the re-use of brownfield land. The impact of traffic from proposed developments on the town centre is a matter for assessment through the preparation of Transport Assessments for major developments. As indicated in paragraph 5 above, it is considered that the requirement to assess the impact of

proposed developments on the A85, and identify any mitigation measures required, should be emphasised in paragraph 8.3.2 of the Proposed Plan. Such assessments should also encompass other relevant town centre roads.

Crieff Masterplan

8. The issues raised under this heading are covered in general terms by the spatial strategy considerations in paragraph 8.3.2 of the Proposed Plan. Infrastructure considerations are covered in paragraph 8.3.3, and infrastructure improvements, where necessary, are required under the site-specific developer requirements specified for each proposed development. Furthermore, Policy PM1 of the Proposed Plan requires all development to contribute, positively, to the quality of the surrounding built and natural environment. Policy PM1B specifies more specific criteria in relation to design and materials. Policy TA1 requires the preparation of Transport Assessments and the implementation of appropriate mitigation measures for individual development proposals, where appropriate. It is considered that, together, the considerations and requirements outlined above are sufficient to guide the development of Crieff over the next decade.

Open space at West March, Turretbank Road

9. The contested area comprises scrub woodland fenced off from the immediate garden ground of the property 'West March'. Nevertheless, it forms part of the curtilage of 'West March' and is in private use. The area is separated from the adjacent public park and playing fields by a fence and hedge and its value as recreational open space is extremely limited. However, the wooded area is considered valuable to the landscape setting of the area. In relation to Issue 11: Community facilities, Sport and Recreation, it is concluded that the scope of policy CF1A should be extended to protect open space which has amenity value as well as those areas of recreational value. Ownership of the land is not a determining issue but it is the value of the land to the community either as a recreational or an amenity resource that is important. Accordingly, it is concluded, in this case, that incorporation into the open space designation to which policy CF1A applies is appropriate.

E26 Bridgend

10. Site E26 comprises two areas of ground situated north and south of Alichmore Lane. That part of site E26 south of Alichmore Lane would be accessed through the existing employment land. It is allocated for general business, industrial and distribution uses in the adopted Strathearn Area Local Plan. Site-specific developer requirements include road and access improvements and a landscaping framework, including a woodland buffer to the southern boundary and the mitigation of the potential impact on the Drummond Castle Garden and Designed Landscape. The council does not object to the addition of "Flood risk assessment" to the list of site-specific developer requirements. In relation to the request that the range of uses be broadened to include business, storage and tourist/retail uses reflecting existing uses on the existing estate, the planning authority considers that tourist and retail uses would be better located nearer the town centre. It is considered that, on balance, the 'General employment use', which provides the opportunity for a range of light industrial, business, office and storage/distribution uses, is appropriate, notwithstanding the wider range of uses in the existing estate.

11. That part of site E26 north of Alichmore Lane is of a different character and is overlooked by residential property to the west. The northern part slopes steeply to Strowan Road. A site previously identified for housing development in the adopted

Strathearn Area Local Plan (site H54) lies between the site and existing housing to the east. Any development on this site would be much more prominent and access and road safety issues have been identified. Accordingly, it is considered that this site is not appropriate for identification as employment land. Other sites in Crieff, sites E27 and MU7, have been identified to meet the employment land requirements of the Proposed Plan. In relation to the request to re-allocate the site for housing, there is no need for additional housing land in Crieff and it is considered, therefore, that the employment designation should be removed from the northern part of E26 and the settlement boundary returned to that in the adopted Strathearn Area Local Plan.

E27 Broich Road

12. Site E27 comprises the farmhouse, a wide-range of steading buildings and a small field forming part of Duchlage Farm. It adjoins the site for a new supermarket to the west and is adjacent to a site to the east identified for the provision of a new primary school (Op21). In relation to the need for the site, the Proposed Plan identifies a requirement for some 20 hectares of employment land in Strathearn during the 14 year period 2010-2024. Sites in Auchterarder, Crieff and Aberuthven have been identified to meet the need in Strathearn. The Main Issues Report (MIR) indicated that, given the significant housing expansion proposed for Crieff, there was a need for approximately 5 hectares of additional employment land to maintain an adequate supply and offer choice. Site E26, as modified, would provide land for the continued expansion of the Bridgend Industrial Area and site MU7 includes the provision of a minimum of 5 hectares of employment land as part of the comprehensive development of the Broich Road area.

13. Site E27, sandwiched between the proposed supermarket and the site for a new primary school, would offer a choice of location for small-scale businesses that are compatible with the neighbouring retail, residential and education uses, and the description of the site rightly points out that any business use must be compatible with neighbouring uses. The designation would not allow further retail or commercial uses. Any development on the site would be required to conform to the development brief approved by the council in 2006 that covers the whole area between Market Park and the new Secondary School. Policy HE2 of the Proposed Plan would ensure that the interests of the Category B listed farmhouse are taken into account in any development proposal.

MU7 Broich Road

14. In relation to the principal of this comprehensive development, the Proposed Plan identifies a requirement for 1,820 houses in the Strathearn Housing Market Area during the period 2010-2024, in order to accommodate the population increase projected by TAYplan. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan seeks to concentrate the majority of the housing development in Auchterarder and Crieff, the principal settlements in Strathearn. Auchterarder has a significant supply of effective housing land and the vast majority of housing development during the Plan period will be concentrated in Auchterarder. Taking account of expected windfall sites, land for only some 265 additional housing units is required to meet the 2010-2024 housing requirement and the majority of the additional housing land allocations are located in Crieff. Site MU7 will make a significant contribution to the housing requirement, phased over the lifetime of the Proposed Plan.

15. This site was thoroughly examined through the MIR process, which points out that it is unlikely that significant numbers of houses can be accommodated on brownfield land within Crieff. It is considered that the Broich Road area, which is the location of the

Community Campus, supermarket and primary school, is the appropriate long-term location for the expansion of Crieff. A Masterplan is proposed to guide the future development of this area and site-specific developer requirements include the need for a Transport Assessment; the provision of a mix of housing types and sizes; the retention of the existing woodland framework, hedge lines and woodland corridors; the protection of the Scheduled Ancient Monument; the protection of habitats and the enhancement of biodiversity. It is considered that these developer requirements address the various concerns of respondents, including the design and layout of the development, the requirement for specific access improvements and the impact on the wider road network, and the avoidance of any adverse impact on bats.

16. As regards the capacity of the site and its extent, an area of ground between site MU7 and North Bridge Street, located to the south-west of the Arnbro Caravan Site, is not included in the site, although it lies within the settlement boundary. This area of land was included within MIR site B and there would seem to be no logical reason for not including this area within site MU7 to ensure that any proposed development on this area of land is fully integrated with the masterplanning of the whole Broich Road area. The estimated capacity of site B in the MIR was 330 dwellings but whether or not an enlarged site MU7 could provide a higher number of housing units within the Plan period than the 300 units proposed in the Plan would be a matter for the masterplan to determine.

17. Site MU7 also excludes land to the south and east of Broich Road Farm. An area of land to the west of Broich Road Farm is designated as open space, ostensibly to protect the nationally important scheduled monument at Broich. However, this designation covers only the northern half of the Scheduled Area and it would be logical to include the whole of the Scheduled Area in site MU7, as shown in the MIR and in the Broich Road Development Proposals and Site Analysis. The designation of the whole of the Scheduled Area as open space would enable it to be fully incorporated into the framework of the master plan for the Broich Road development.

18. The area to the east of Broich Road Farm was considered as an alternative employment site in the MIR (site E). This area is omitted from the Proposed Plan, following the consideration of comments from Historic Scotland and Perth & Kinross Heritage Trust, and the employment land proposed on it has been subsumed into a reduced site MU7. An archaeological study shows that there are five known sites within the boundaries of the whole developable area, which includes the field to the east of Broich Road Farm (see Rep. No. 09313/8 supporting document). The developer is aware of the implications of the presence of these sites and it is considered that the whole of the developable area has potential for development subject to the carrying out of an agreed programme of archaeological investigation and the implementation of appropriate mitigation measures. Any development on the land to the east of Broich Road Farm would also be required to take account of the proximity of the North Forr waste management facility. Nevertheless, the inclusion of this area of land in the masterplanning of the Broich Road area would allow greater flexibility in the provision of housing, employment and community facilities, open space and a landscape framework.

19. It is concluded, therefore, that site MU7 should encompass the whole area as shown on the plan following paragraph 3.10 of the supporting document accompanying rep. no. 09313/8 to allow a comprehensive and co-ordinated master plan approach to the development of this southern expansion area of Crieff.

Op21 Broich Road

20. The issues raised in relation to site Op21, the site for a proposed primary school, should be addressed through the implementation of the development brief approved by the council in 2006 that covers the whole area between Market Park and the new Secondary School, which includes site E27 and Op21. The master plan for site MU7 will be required to take account of the requirements of other developments in the vicinity, including infrastructure requirements.

H55 Laggan Road

21. There is overwhelming opposition to this site from residents of the surrounding area on a number of grounds. In particular, many respondents question the adequacy of the local road system connecting the site to the centre of Crieff; Laggan Road, Turretbank Road and Milnab Street, including the pinch points at the bridges over the Turret and the Lade, to accommodate the increased flow of traffic likely to be generated by an additional 50 houses. Many voice concerns about the potential impact on road and pedestrian safety along this steep, narrow and twisting route. Reference is made to the severe parking problems on Laggan Road following the up-grading of McRosty Park, which further reduces the capacity of this road to provide access to a further 50 houses. Respondents question whether Laggan Road is capable of being widened at its western end to accommodate an access to any housing development on the site. Concerns are also expressed regarding the loss of prime agricultural land, and the adverse impact of a housing development on habitats and the surrounding landscape and on the attractiveness of the circular Laggan Valley / Lady Mary's Walk, a Crieff tourist attraction, which is well used by walkers, runners and cyclists.

22. The planning authority acknowledges that the site is served by a network of minor roads with limited capacity and the maximum capacity of the site has been set at 50 houses. However, the Proposed Plan does not include a requirement for a Transport Assessment as part of any development proposal. The Transport Statement submitted on behalf of the landowner, based on a development proposal for 30-60 housing units, does not include any assessment of the traffic impact of the proposed development on the surrounding road system but suggests that this would form part of a submission in support of any future planning application.

23. In relation to the concerns expressed regarding the adverse impact of a housing development on the surrounding landscape, the planning authority recognises that the site is located in a prominent position on the edge of Crieff and the area designated in the Proposed Plan has been reduced to roughly half the size of that considered in the MIR. The northern boundary of the site is drawn about half way up the slope of the field.

24. There is no doubt that site H55 constitutes a significant incursion into open countryside in an area of high landscape value. However, similar considerations apply to much of the periphery of Crieff and development on greenfield land is inevitable if the housing requirement for the Strathearn HMA set out in TAYplan is to be met. Although there is land for housing at Broich Road (MU7) with a capacity for some 300 houses, more than the additional housing requirement for the Strathearn HMA, another site such as H55 would provide choice in the housing market. Site H57 at Wester Tomaknock would also serve the purpose of providing choice and the designation of this site is considered below.

25. In conclusion, therefore, it is considered that any concerns regarding the impact of a housing development on site H55 on the amenity of neighbouring residential properties, wildlife and natural habitats, and the landscape, including the attractiveness of the Laggan Valley/Lady Mary's Walk could be addressed through the imposition of site-specific developer requirements. All development must also comply with policy PM1 of the Proposed Plan, which requires development to contribute positively to the quality of the surrounding built and natural environment. Policy PM1B sets out a number of criteria that must be met to ensure that any development complements its surroundings.

26. However, the adequacy of the existing road system to accommodate the additional housing development proposed on site H55 has not been substantiated. It is considered that an assessment of the potential impact of the traffic likely to be generated by the development on adjoining roads is essential to any assessment of the adequacy of the existing road system to accommodate the additional housing development proposed for site H55. The submission of a transport assessment could be a site-specific developer requirement but it is considered that, in view of the legitimate road safety concerns raised, it would be premature to designate site H55 for housing development until the adequacy of the tortuous local road system to accommodate the development has been determined.

H57 Wester Tomaknock

27. There is opposition to this site from residents of the neighbouring residential areas, and others, on a number of grounds. The MIR sought views on the development of a much larger area, largely focussed on land south of Dollerie Terrace/Madderty Road with an estimated capacity of some 450 houses (site D). Site H57 is restricted to the northern side of Madderty Road and to the area south of Wester Tomaknock farm and steading and has a capacity of 60 houses. There is no doubt that site H57 constitutes a significant incursion into open countryside in an area of high landscape value. However, similar considerations apply to much of the periphery of Crieff and development on greenfield land is inevitable if the housing requirement for the Strathearn HMA set out in TAYplan is to be met.

28. The Proposed Plan identifies a requirement for 1,820 houses in the Strathearn HMA during the period 2010-2024, in order to accommodate the population increase projected by TAYplan. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan seeks to concentrate the majority of the housing development in Auchterarder and Crieff, the principal settlements in the Strathearn HMA. Auchterarder has a significant supply of effective housing land and the vast majority of housing development during the Plan period will be concentrated in Auchterarder. Taking account of expected windfall sites, land for only some 265 additional housing units is required to meet the 2010-2024 housing requirement and the majority of the additional housing land allocations are located in Crieff. Although there is land for housing at Broich Road (MU7) with a capacity for some 300 houses, another site such as H57 would provide choice in the housing market.

29. The report prepared by the prospective developer, which accompanies rep. no. 09004/20/01, assesses the impact of a larger site that extends beyond the northern boundary of site H57, which is somewhat arbitrarily drawn across the land associated with West Tomaknock Farm. The enlarged site would measure 10.2 hectares in total with a developable area of 6.4 hectares, which could accommodate 100-120 houses. The enlarged site is well contained within established field boundaries, and would provide more opportunity for planting and landscaping to integrate the site into the landscape.

The potential for adverse impacts on the landscape, habitats and views has been assessed. The enhancement of biodiversity and the protection of habitats is a site-specific developer requirement. The proposed development framework illustrates how the site might be developed taking account of the topography of the site and the requirements for a landscape and open space framework and the provision of a sustainable urban drainage system. Foul drainage would be required to be connected to the public drainage system. A flood risk assessment would be required to address any flooding concerns from the small watercourses that abut and cross the site.

30. In relation to the issues raised about the increased risk to road and pedestrian safety on Dollerie Terrace and the capacity of Dollerie Terrace and the junction with the A85 to accommodate additional traffic, the site-specific developer requirements include the need for a Transport Assessment, which would be required to address these issues and identify appropriate mitigation measures, including off-site measures should they be required. Such an assessment would also assist in determining the specific number of houses that could be developed on the site.

31. It is considered, therefore, that there are merits to enlarging the size of site H57 as proposed by the prospective developer. The development framework illustrates how a housing development on the enlarged site could be laid out and designed to provide a mix of house types and tenures within a landscape framework of planting and open space. There are no infrastructure constraints that would suggest the site is ineffective and could not contribute to the 2010-2024 housing requirement. It would provide choice in the housing market in Crieff and the Strathearn HMA generally.

32. The extended site H57 would incorporate a small area of land not included in MIR Site D that has not been considered in the SEA or the HRA of the Proposed Plan. However, the proposed inclusion of this small area within site H57 does not raise any issues that have not already been raised either by consultees or the public and there is no evidence to suggest that the proposed modification would introduce any new environmental concerns.

33. In relation to the request to include land to the south of Madderty Road within site H57, the burn and tree belt along the eastern boundary of the Inchbrakie Drive development forms a defensible boundary to the settlement. Further development to the east of this boundary would be particularly prominent in views from Madderty Road and would constitute an inappropriate intrusion into the countryside. Furthermore, there is potential for flooding from the burn on the eastern boundary.

Reporter's recommendations:

Settlement boundary north of Horseshoe Drive

1. Amend settlement boundary north of Horseshoe Drive as shown on document Schedule 4 document 378.

Cumulative impact of proposed developments on transport network

2. Insert the following words in an appropriate part of paragraph 8.3.2 of the Proposed Plan: 'In relation to the housing allocations, it will be required to demonstrate through an appropriate transport assessment that the A85 trunk road through Crieff can accommodate the level of development proposed. Should mitigation measures be required, they must be agreed with Transport Scotland'.

E26 Bridgend

3. Delete employment designation E26 from that area of land situated north of Alichmore Lane and return settlement boundary to that shown in adopted Strathearn Area Local Plan 2001 (see Core_Doc_007). Make appropriate amendments to description of site E26 on page 250 of Proposed Plan. Make appropriate changes to table in paragraph 8.1.8.

MU7 Broich Road

4. Amend boundaries of MU7 on Crieff Settlement Map to reflect those shown on plan in supporting document attached to representation ref. no. 09313/8. Extend open space designation to include field to south.

H55 Laggan Road

5. Remove this site from Proposed Plan and make appropriate changes to the Crieff Settlement Plan and consequential modifications to the table under paragraph 8.1.14.

H57 Wester Tomaknock

6. Modify the boundaries of H57 on the Crieff Settlement Map to include the area of land shown in Figure 1 of the supporting document accompanying rep. no. 09004/20/01. Make appropriate adjustments to the size and description on page 251. Change the size of the site to 10.2 ha and capacity to 100-120 maximum. Modify the second sentence of the description to read: "*Appropriate landscaping requirements, including a woodland strip, will reduce its developable area to 6.4 ha*". Make consequential modifications to the table under paragraph 8.1.14.

Issue 39	Strathearn Area - Settlements with Proposals	
Development plan reference:	8.7 Comrie and Cultybraggan, page 260-262 H58 - Cowden Road, Comrie, page 260	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>William Dewar (00134) Crawford Wilson (00203) Caledonian Trust plc (00336) David Wilson (00340) Kathleen Wilson (00356) Francis H Hamilton (00359) David Liddell (00476) Iain Young (00491) Jenny Adams (00514) Kenneth & Janet Heiser (00581) David & Marion Scott-Angell (00589) June MacPhee (00593) Graham MacPhee (00596) John Cook (00617) David Pettigrew (00629) David Thomson (00630) Penelope Reith (00764) Ann Turner (00765) Christopher Reith (00766) Catriona Cleghorn (00767) Mr & Mrs David Thomson (00768)</div><div><div>Edith McIntyre (00769) Ian McIntyre (00770) Jean Davidson (00771) Joyce Moore (00772) Mary Paterson (00773) Robert Arnott (00774) Felicity Martin (00775) Donald & Mary McGillivray (00793) Christian Campbell (00827) Dr William MacIndoe (00932) Morag Aitken (00933) Neill Aitken (00934) A & J Stephen (Builders) Ltd (03068) David Adams (09420) Peter Bonham Carter (09421) John Turner (09644) Colin & Vanessa Davidson (09698) Mr & Mrs Derek Redfern (10053) Andrew Thompson (10278) Comrie Community Council (10361)</div></div></div></div>		
Provision of the development plan to which the issue relates:	Strathearn HMA, Comrie and Cultybraggan	
Planning authority's summary of the representation(s):		
<div>H58 William Dewar (00134/1/001); Crawford Wilson (00203/1/001); David Wilson (00340/1/001); Kathleen Wilson (00356/1/001); David Liddell (00476/1/001); Jenny Adams (00514/1/001); David Adams (09420/1/001); Kenneth & Janet Heiser (00581/1/001); David & Marion Scott-Angell (00589/1/001); June MacPhee (00593/1/001); Graham MacPhee (00596/1/001); Andrew Thompson (10278/1/001); John Cook (00617/1/001); David Pettigrew (00629/1/001); David Thomson (00630/1/001); John Turner (09644/1/001); Donald & Mary McGillivray (00793/1/001); Felicity Martin (00775/1/001); Robert Arnott (00774/1/001); Joyce Moore (00772/1/001); Jean Davidson (00771/1/001); Ian McIntyre (00770/1/001); Edith McIntyre (00769/1/001); Mr & Mrs David Thomson (00768/1/001); Catriona Cleghorn (00767/1/001); Christopher Reith (00766/1/001); Ann Turner (00765/1/001); Penelope Reith (00764/1/001); Christian Campbell (00827/1/001); Colin & Vanessa Davidson (09698/1/001); Mary Paterson (00773/1/001); Derek Redfern (10053/1/001 & 10053/1/003); Dr William MacIndoe (00932/1/001); Morag Aitken (00933/1/001); Neill Aitken (00934/1/001); Respondents raised the following concerns: proposal would be contrary to TAYplan spatial strategy (as</div>		

set out in LDP paragraph 4.2.2 (S4_Doc_734)); there would be no local need for the additional houses and the proposal would be an unnecessary over allocation beyond TAYplan's requirement for the Strathearn HMA; contrary to LDP Policy RD1 (S4_Doc_504) because it does not meet the policy's criteria; opposition to loss of productive agricultural land (LDP paragraph 4.3.12 (S4_Doc_492)); do not wish to see development outside the adopted settlement boundary (S4_Doc_725); site is reported to be inadequately drained, liable to flooding and would increase flood risk to other properties (LDP Policy EP3 (S4_Doc_428)); site is not well served by public transport (LDP Policy TA1B (S4_Doc_387)) and infrastructure such as gas and sewerage is reported to be unavailable; school and medical centre lack capacity for new development; adverse impact on open views from village and recreational use of the site (LDP Policies CF1A (S4_Doc_414) and NE4 (S4_Doc_415)); inadequate access to site along Cowden Road; adverse impact on capacity of A85 trunk road; Langside Drive and Cowden Road are reported to be unsuitable for access; lack of parking capacity in village; alternative sites reported to be available at Aberuthven and Abernethy (not identified); and adverse impact on Dalginross Conservation Area, highlighting that improved vehicular access infrastructure could compromise the conservation area characteristics especially at Top Square.

Peter Bonham-Carter (09421/1/001): Ownership issues at Cowden Road and Cowden Lane require to be addressed should Cowden Road be required for access. It is reported that Stephen Builders do not own Cowden Lane, which is the single track road extending south of the Cowden Road junction with Langside Drive

Francis Haig Hamilton (00359/1/001): Concerns that the contractor will damage a section of Cowden Road, which is privately maintained, during construction of the proposal.

Comrie Community Council (10361/1/001): The principal access to the site is via the unadopted Cowden Road, which could reasonably be expected to bear the additional traffic arising from the proposed site.

Iain Young (00491/1/001): If H58 is developed then Cowden Road should be adopted and raised to public road standard. In addition to tree protection on the east and south side, the existing tree/bush/fence screening and the west side should be improved to ensure South Cottage is screened.

A & J Stephen (Builders) Ltd (03068/10/001): Support for the proposal, logical extension to the village.

Tomperran Farm employment site

Caledonian Trust plc (00336/2/001 & 00336/2/002): Seek reallocation of employment site at East Tomperran Farm to housing with home working, Historic lack of demand for employment land at East Tomperran. Alternative supply of employment land is being developed at Cultybraggan Camp. The farm steading at East Tomperran already has planning permission for 12 dwellings (S4_Doc_727).

Modifications sought by those submitting representations:

H58

William Dewar (00134/1/001); Crawford Wilson (00203/1/001); David Wilson (00340/1/001); Kathleen Wilson (00356/1/001); David Liddell (00476/1/001); Jenny Adams (00514/1/001); David Adams (09420/1/001); Kenneth & Janet Heiser (00581/1/001); David & Marion Scott-Angell (00589/1/001); June MacPhee

(00593/1/001); Graham MacPhee (00596/1/001); Andrew Thompson (10278/1/001); John Cook (00617/1/001); David Pettigrew (00629/1/001); David Thomson (00630/1/001); John Turner (09644/1/001); Donald & Mary McGillivray (00793/1/001); Felicity Martin (00775/1/001); Robert Arnott (00774/1/001); Joyce Moore (00772/1/001); Jean Davidson (00771/1/001); Ian McIntyre (00770/1/001); Edith McIntyre (00769/1/001); Mr & Mrs David & Thomson (00768/1/001); Catriona Cleghorn (00767/1/001); Christopher Reith (00766/1/001); Ann Turner (00765/1/001); Penelope Reith (00764/1/001); Christian Campbell (00827/1/001); Colin & Vanessa Davidson (09698/1/001); Mary Paterson (00773/1/001); Derek Redfern (10053/1/001 & 10053/1/003); Dr William MacIndoe (00932/1/001); Morag Aitken (00933/1/001); Neill Aitken (00934/1/001): Amend plan to remove site H58.

Peter Bonham-Carter (09421/1/001); Francis Haig Hamilton (00359/1/001); Comrie Community Council (10361/1/001): Amend plan to include a site specific developer requirement that Cowden Road be brought up to adoptable standard; an assessment of road safety be carried out at the complex junction with the main road; and the junction of Cowden Road and Dalginross/South Crieff Road be improved.

Iain Young (00491/1/001): Amend plan to include a site specific developer requirement that the local road network be brought up to adoptable standard; and a tree belt provided/improved for screening on east, south and west sides.

Tomperran Farm employment site

Caledonian Trust plc (00336/2/001 & 00336/2/002): Removal of employment allocation from site and instead allocate as housing with home working.

Summary of responses (including reasons) by planning authority:

H58

William Dewar (00134/1/001); Crawford Wilson (00203/1/001); David Wilson (00340/1/001); Kathleen Wilson (00356/1/001); David Liddell (00476/1/001); Jenny Adams (00514/1/001); David Adams (09420/1/001); Kenneth & Janet Heiser (00581/1/001); David & Marion Scott-Angell (00589/1/001); June MacPhee (00593/1/001); Graham MacPhee (00596/1/001); Andrew Thompson (10278/1/001); John Cook (00617/1/001); David Pettigrew (00629/1/001); David Thomson (00630/1/001); John Turner (09644/1/001); Donald & Mary McGillivray (00793/1/001); Felicity Martin (00775/1/001); Robert Arnott (00774/1/001); Joyce Moore (00772/1/001); Jean Davidson (00771/1/001); Ian McIntyre (00770/1/001); Edith McIntyre (00769/1/001); Mr & Mrs David Thomson (00768/1/001); Catriona Cleghorn (00767/1/001); Christopher Reith (00766/1/001); Ann Turner (00765/1/001); Penelope Reith (00764/1/001); Christian Campbell (00827/1/001); Colin & Vanessa Davidson (09698/1/001); Mary Paterson (00773/1/001); Derek Redfern (10053/1/001 & 10053/1/003); Dr William MacIndoe (00932/1/001); Morag Aitken (00933/1/001); Neill Aitken (00934/1/001); Peter Bonham Carter (09421/1/001); Francis Haig Hamilton (00359/1/001); Comrie Community Council (10361/1/001); Iain Young (00491/1/001): The MIR (S4_Doc_735) suggested that for the Strathearn HMA, the majority of housing development should take place in the two largest settlements of Crieff and Auchterarder, with a smaller percentage of the additional allocation (over and above the effective supply and windfall sites) directed towards the landward area. An area east of Cowden Road, Comrie, was suggested as one of five landward site options for development (S4_Doc_736). Respondents to the MIR expressed some support for development in settlements in the landward area, while expressing concern that development in the landward area around Auchterarder area would place strain on that town's infrastructure. There is a limited supply of housing in the

Comrie area and the proposal, for up to 30 units over the Plan period, is relatively modest. The requirement in respect of the criteria of Policy RD1 (S4_Doc_405) should be addressed by the applicant at planning application stage. Although reported to be poorly drained, the site is not at risk of flooding. The village is linked by public transport to Crieff and Perth. The primary school in Comrie is not constrained by capacity, and neither is the relatively new secondary school at Crieff Community Campus. In terms of medical centre capacity, the NHS was represented as a Key Agency and raised no concerns. A well developed path network exists around the village. In response to questions raised over access rights via Langside Drive and/or Cowden Road, A&J Stephen (Builders) Ltd asserted ownership of Cowden Road in its pre-MIR submission (S4_Doc_737) and the LDP includes a site specific developer requirement that the site be accessed from the public road. In respect of concerns raised at the impact of the proposal on the capacity of the A85 trunk road, Transport Scotland was represented as a Key Agency and raised no concerns. The proposal is outside the conservation area and it is considered that matters of design and other potential impacts on the conservation area should be addressed at any planning application stage.

No modification is proposed to the Plan.

Tomperran Farm employment site

Caledonian Trust plc (00336/2/001 & 00336/2/002): With the availability of alternative employment land at nearby Cultybraggan Camp, and a history of poor demand for employment land at Tomperran, it is suggested that if the Reporter is so minded to recommend that the proposed modification to replace the employment allocation with a 'white land' allocation at the site is adopted, the local authority would be comfortable with this modification because it would not have any implications on the employment land supply in the LDP. Turning to the second change sought, namely allocation of the site for housing, there is already a site identified in Comrie with sufficient capacity for the Plan period and it is considered that there is no need to allocate another site. With insufficient evidence that the site is effective it would be inappropriate to identify it as a proposal.

No modification is therefore proposed to the Plan in respect of a housing allocation.

Reporter's conclusions:

H58 Cowden Road

1. There is overwhelming opposition to this site from residents of the surrounding area on a number of grounds. Many respondents suggest that the designation of further housing land in Comrie is inconsistent with the TAYplan spatial strategy. In relation to the principle of designating further land for housing in Comrie, the Proposed Plan identifies a requirement for 1,820 houses in the Strathearn Housing Market Area during the period 2010-2024, in order to accommodate the population increase projected by TAYplan. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan seeks to concentrate the majority of the housing development in Auchterarder and Crieff, the principal settlements in the Strathearn Area. Auchterarder has a significant supply of effective housing land and the vast majority of housing development during the Proposed Plan period will be concentrated in Auchterarder. Taking account of expected windfall sites, land for only some 265 additional housing units is required to meet the 2010-2024 housing requirement and the majority of the additional housing land allocations are located in Crieff.

2. Whilst land with a capacity in excess of 400 houses is designated for housing development in Crieff, the site for 300 houses at Broich Road (MU7) is a long-term phased development. In accordance with the TAYplan spatial strategy, the vast majority of the additional housing requirement of 1,820 houses, apart from the site for 30 houses in Comrie, is located within the two principal settlements. It is also the case that the TAYplan housing land requirement figure is not a maximum to be provided but a minimum to be achieved. It is difficult to argue, therefore, that the designation of site H58 for 30 houses is contrary to the TAYplan spatial strategy. Furthermore, Policy 1 of TAYplan indicates that local development plans may provide for some development in settlements that are not defined as principal settlements where this can be accommodated and supported by the settlement. Paragraph 4.22 of the Proposed Plan confirms that below the tiered settlements the local development plan strategy seeks to allocate limited growth to those settlements with a range of facilities capable of serving local needs. The proposal for an additional 30 houses in Comrie over the period 2010-2024 is relatively modest.

3. More specific objections relate to the impact of additional housing development on community facilities and infrastructure, the impact on the amenity of neighbouring residential properties, the loss of agricultural land, the effect on wildlife and biodiversity, increased flood risk to other properties and the provision of access to the site. Comrie is a local centre with a range of community facilities and a primary school that is not constrained by capacity. Secondary education and community health facilities are available in Crieff, which is linked to Comrie by public transport. All development must comply with Policy PM1 of the Proposed Plan, which requires development to contribute positively to the quality of the surrounding built and natural environment. Policy PM1B sets out a number of criteria that must be met to ensure that any development complements its surroundings. Other policies in the Proposed Plan seek to ensure the provision of appropriate areas of informal and formal open space in new development (Policy CF1B); the protection and enhancement of wildlife habitats (Policy NE3); and the provision of foul and surface water drainage systems (Policy EP3). Although reported to be poorly drained, the Scottish Environment Protection Agency (SEPA) has not identified the site as being at risk of flooding. Nevertheless, the site-specific developer requirements require a flood risk assessment as well as the protection and enhancement of the adjoining woodland and the enhancement of biodiversity and protection of habitats.

4. In relation to the provision of access, the prospective developer asserts ownership of Cowden Road. The neighbouring landowner has indicated that the prospective developer does not own Cowden Lane beyond the junction of Cowden Road and Langside Drive. The site-specific developer requirement requires access to be taken from the public road. Nevertheless, the uncertainty over the nature of the access to be provided is clearly a matter of concern to local residents and clarification will be required as to whether access is to be obtained from an up-graded and adopted Cowden Road or from the adopted Langside Drive. These are matters that will require to be resolved during the planning application process but are not sufficient to warrant removal of the site from the Proposed Plan. However, should development of the site be held up due to an inability to resolve this issue, the designation can be reconsidered in the subsequent review of the local development plan.

Tomperran Farm employment site

5. This site comprises waste land and lies between Comrie Holiday Caravan Park and Tomperran farmhouse and steading. Planning permission has been granted for the erection of 10 dwellinghouses on the site of the farmhouse and steading and it is

requested that the area of land between the caravan site and the farm steading be allocated for housing development rather than employment use. The respondent asserts that when originally identified for employment use there was a dearth of employment land in Comrie but the position has changed with the acquisition of Cultybraggan Camp by the Comrie Development Trust. The respondent indicates that the land has been marketed for employment use for 6 years without any interest.

6. The planning authority would be comfortable with the removal of the employment land designation but considers that there is sufficient housing land in Comrie and there is insufficient evidence that the site is effective to justify a housing designation. Retention of the site within the settlement boundary would allow future small-scale housing development to be considered subject to compliance with Policies PM1 and RD1 of the Proposed Plan. It would also allow other non-contentious uses to be considered and therefore provide more flexibility in this mixed use area. It is considered that this would be the more appropriate course to take in this instance.

Reporter's recommendations:

Tomperran Farm employment site

1. Remove the employment land designation on the Comrie Settlement Map.

Issue 40	Strathearn Area - Small Settlements and Landward Sites	
Development plan reference:	8.1.14 Landward Housing Sites Table, page 240 8.5 – Blackford, page 257-258 8.6 – Braco, page 259 8.7 – Cultybraggan, page 260-261 8.10 – Gilmerton, page 266 8.11 – Gleneagles, page 267-268 8.12 – Greenloaning, page 269 8.13 – Muthill, page 270-271 8.14 – St David's, page 272	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) John Blair (00339) Mr & Mrs G Haggart (00378) Stewart Milne Homes (00659) Keir & Cawder Estates (00785) Councillor Alan Jack (03030) A & J Stephen (Builders) Ltd (03068) Drummond Estates (07693)		The Gleneagles Hotel (09004) JWK Properties (09055) James Denholm Partnership (09061) Monzie Estate (09109) Ristol (09166) Strathallan Estate (09313) Comrie Development Trust (09507) Dawes Associates (09810)
Provision of the development plan to which the issue relates:	Representations relating to small settlements and landward sites in the Strathearn HMA	
Planning authority's summary of the representation(s):		
<p><u>Blackford</u> Keir & Cawder Estates (00785/1/001): Keir and Cawder Estates proposes a housing site (S4_Doc_042) on an area of privately owned open space inside the settlement boundary, currently used among other things for the Village's annual Highland Games event. Proposal would repair Blackford's urban fabric; is located between two existing housing allocations; would allow natural expansion of the village that would integrate the Ogilvie Mill tourism and retail development with the town; the site is in single ownership and is deliverable; its development could sustain local facilities and could strengthen the case for a rail halt at Blackford; and could meet a particular need for affordable housing and serviced plots; in response to concerns raised at Main Issues Report stage, an alternative games field is identified for the annual Highland Games event, located immediately to the north of the existing site. PKC Main Issues Report representations on site ref. 0761 (Core_Doc_209).</p> <p><u>Braco</u> A & J Stephen (Builders) Ltd (03068/5/001): Support for paragraph 8.6.2 and the Braco settlement boundary, particularly the amendment on the south side of the village. We infer that the reason for this comment is because allotment use is proposed or would be supported on the south side of the village.</p> <p>Scottish Government (00092/3/001): Local authorities have a statutory duty to provide allotments where there is proven demand. Scottish Planning Policy (paragraph 153) (S4_Doc_309) states 'Existing, and where relevant potential, allotment sites should be safeguarded in the development plan.' The Proposed Plan's settlement statement for</p>		

Braco says *'Although not identified as a specific proposal in the Plan, there is interest in developing land to the south of the settlement for allotments during this Plan period, this would be supported.'* In line with the SPP requirement we would request that the Braco site is identified and safeguarded in the Plan, including the proposals map, in order to comply with SPP.

Gilmerton

Monzie Estate (09109/2/001): A 0.7 Ha site north of Grahame Terrace (S4_Doc_043) is currently in use as grazing land but was allocated in the adopted Local Plan for housing (indicative capacity 10 units). The site has not come forward for development during the period of the current plan, because of the current economic downturn and lack of active marketing. Support is expressed for the revised settlement boundary, which includes the site. Gilmerton is not constrained by issues such as flooding, accessibility, topography, environmental protection or cultural heritage, and the site in question could be effective and suitable for development, as demonstrated by its allocation within the adopted Strathearn area local plan. A specific allocation for the development of up to 10 mainstream housing units is therefore requested.

Monzie Estate (09109/2/002): A site approx 0.7 Ha south of the A85 trunk road (S4_Doc_043) is currently in use as grazing land but could be suitable for residential development. It is located at lower level than the A85 adjacent to but currently outside the settlement boundary. There is an existing point of access from the A85 and key infrastructure/utility assessments demonstrate that the settlement is unencumbered by infrastructural constraints. The northern section of the site is suggested as particularly suitable for a residential development for up to five units and should be included as a specific housing allocation, or alternatively should be included within an amended settlement boundary.

Monzie Estate (09109/2/003): Land to the north of the settlement (S4_Doc_043) is suggested for residential development both during the Plan period (around 1.7 Ha) and beyond. Access could be achieved from two locations with primary access from the A822; and key infrastructure/utility assessments demonstrate that the settlement is unencumbered by infrastructural constraints. A landscape and visual assessment has been undertaken that concluded that any visual intrusion resulting from development would be minimal. The site in question could be effective and it is suggested would provide the settlement with a logical and defensible extended settlement boundary.

Monzie Estate (09109/2/004): Support amendment to Gilmerton settlement boundary to include single house site.

Gleneagles

Strathallan Estate (09313/2/001): Request allocation of a housing site east of Firhill, Orchil Road (S4_Doc_044). This would round off the existing settlement boundary and provide a local housing opportunity site with capacity for around four large house plots and associated tree planting and landscape improvements. Planning application 11/01818/IPL contains location plan (S4_Doc_726).

Stewart Milne Homes (00659/3/001): Request allocation of a housing site at Muirton Coachworks (S4_Doc_044). This is supported by paragraph 40 of SPP (S4_Doc_324); it would bring vacant and derelict brownfield land back into use; would bring beneficial environmental improvements; and improve choice.

The Gleneagles Hotel (09004/8/001): Support the spatial strategy.

Ristol (09166/11/001): Support the settlement boundary.

Greenloaning

John Blair (00339/1/001): An amendment to Greenloaning's settlement boundary is suggested (S4_Doc_379). The boundary should be amended to include all land north of the route of the Turret water main and south of the railway. A plan is supplied. No reasons are given apart from that it '*would give a more definitive and precise village boundary*'.

Dawes Associates (09810/1/001): Greenloaning settlement boundary should be amended to facilitate limited growth. Small scale development opportunities should be encouraged. A small scale housing development is suggested at the western edge of the village (S4_Doc_379). Comprising an area of rough open green field, extending to approximately 1 hectare, the site borders the existing settlement boundary of Greenloaning and is bounded by the A822 - Braco Road, and the A9 trunk road with an existing direct access from the A822. If developed for woodland and a sustainable development opportunity, this could improve the quality of the village environment

Muthill

Drummond Estates (07693/16/001): Housing site at Wardside proposed (S4_Doc_332), representing a logical expansion of the existing settlement boundary; with a strong and robust landscape framework; mitigation and enhancement measures suggested include access, woodland and hedge conservation.

Drummond Estates (07693/16/002): Housing site to rear of Station Road proposed (S4_Doc_332), representing a logical expansion of the existing settlement boundary; with defensible boundaries; access and parking improvements suggested at Station Road; improvement to play pitch and provision of allotment also suggested.

Drummond Estates (07693/16/003): Housing site at Golf Course Road proposed (S4_Doc_332) for future extension to village possible once old power line is removed (following construction of new Beaulay-Denny line). Small scale infill development suggested.

St David's

Mr & Mrs G Haggart (00378/1/001): Request extension to settlement boundary, no reasons supplied (S4_Doc_380).

New Landward Sites: New Fowlis

James Denholm Partnership (09061/1/001): Housing site for 6 or 7 houses suggested in New Fowlis (S4_Doc_381). It represents a logical extension of the existing settlement boundary, has a robust landscape framework and is well screened, access can be provided, it is close to bus stops, and the south facing aspect would allow incorporation of energy efficiency measures.

New Landward Sites: Craigend

JWK Properties (09055/1/001): Site at Craigend (S4_Doc_045) proposed for a 1,800 home mixed use new settlement. The site is effective and deliverable, and could be an exemplar of sustainable urbanism; could help contribute to infrastructure; supported by Policies ED3 (S4_Doc_395), RD4 (S4_Doc_489), RD6 (S4_Doc_713), CF1B (S4_Doc_414), ER1A (S4_Doc_392), EP1 (S4_Doc_413), and EP2 (S4_Doc_407).

Councillor Alan Jack (03030/1/003): Site at Craigend (S4_Doc_045) proposed for a 1,800 home mixed use new settlement. This has been discounted without giving it sufficient

consideration. Particularly since it may be needed as a fallback consideration in case other large proposals elsewhere in the LDP fail. The site is within a 25 minute driving time of Perth, children from the area go to Methven schools and it has a Methven postcode. The site is not at risk of flooding and has no land issues. More detailed information could be supplied to accompany an application for planning permission in principle than the synopsis attached, which suggests no cost to the Council, housing and jobs near by.

New Landward Sites: North of Cultybraggan Camp

Comrie Development Trust (09507/1/002): The former ammunition store to the north of Cultybraggan Camp should be designated for up to 5 low carbon houses. The site contains a redundant store building and would fall under Policy RD3 (S4_Doc_418) '*conversion or replacement of redundant non-domestic buildings*' and '*development on rural brownfield land*'.

Modifications sought by those submitting representations:

Blackford

Keir & Cawder Estates (00785/1/001): Amend plan to allocate a new housing site at Blackford Highland Games site (S4_Doc_042), and allocate a site to the north for open space.

Braco

Scottish Government (00092/3/001): Amend plan and proposals map to identify and safeguard Braco allotments site.

Gilmerton

Monzie Estate (09109/2/001): Amend plan to identify site at Grahame Terrace for 10 mainstream houses (S4_Doc_043).

Monzie Estate (09109/2/002): Amend plan to identify site south of A85 at Gilmerton as a housing site or alternatively amend settlement boundary to include this site (S4_Doc_043).

Monzie Estate (09109/2/003): Amend plan to identify site north of the settlement as a housing site or alternatively amend settlement boundary to include this site (S4_Doc_043).

Gleneagles

Strathallan Estate (09313/2/001): Amend plan to allocate a housing site east of Firhill, Orchil Road (S4_Doc_044).

Stewart Milne Homes (00659/3/001): Amend plan to allocate a housing site at Muirton Coachworks (S4_Doc_044).

Greenloaning

John Blair (00339/1/001): Amend plan to revise Greenloaning settlement boundary to include land north of the turret water main and south of the railway line, plan supplied (S4_Doc_379).

Dawes Associates (09810/1/001): Amend plan to promote limited growth in Greenloaning and amend settlement boundary, plan supplied (S4_Doc_379).

Muthill

Drummond Estates (07693/16/001): Amend Muthill settlement boundary to include site at Wardside (S4_Doc_332).

Drummond Estates (07693/16/002): Amend Muthill settlement boundary to include site to rear of Station Road; remove open space from adjacent field to south and west (S4_Doc_332).

Drummond Estates (07693/16/003): Amend Muthill settlement boundary to include site at Golf Course Road (S4_Doc_332).

St David's

Mr & Mrs G Haggart (00378/1/001): Amend St David's settlement boundary to include all or part of site to north of settlement (S4_Doc_380).

New Landward Sites: New Fowlis

James Denholm Partnership (09061/1/001): Amend plan to allocate a site for housing at New Fowlis (S4_Doc_381), or alternatively amend plan to include a settlement boundary for the village to incorporate site as a potential windfall.

New Landward Sites: Craigend

JWK Properties (09055/1/001; Councillor Alan Jack (03030/1/003): Amend plan to include new settlement at Craigend (S4_Doc_045).

New Landward Sites: North of Cultybraggan Camp

Comrie Development Trust (09507/1/002): The former ammunition store to the north of Cultybraggan Camp should be designated for up to 5 low carbon houses.

Summary of responses (including reasons) by planning authority:

Blackford

Keir & Cawder Estates (00785/1/001): This proposal was included in the MIR but received 31 adverse public comments and raised concerns from Key Agencies. Public comments focused on the potential loss of the recreational open space, traditionally used for the annual Highland Games event, with some concern over increased traffic in the village, and increased use of the trunk road junction and railway level crossing (adverse comments received from Network Rail). Key agencies confirmed that there is a historic record of flooding in Blackford near the site at Abercairney Place and Moray Place, and the site may therefore be at risk from flooding, which would be particularly likely at its north and west. SEPA would require a Flood Risk Assessment to be carried out. The proposed replacement playing field to the north of the site would also be at flood risk because the risk increases with proximity to the watercourses. It may not therefore provide an effective year-round alternative recreation space. For these reasons, the site was excluded from the Plan.

With a current effective housing site in Blackford (see Housing Land Audit (S4_Doc_728)), no new allocations are required in this village. In the surrounding area, Auchterarder in particular has a significant supply of effective housing land, which is more than adequate to meet demand until beyond the Plan period. Therefore the scope for additional development allocations in Blackford is limited.

No modification is proposed to the Plan.

Braco

Scottish Government (00092/3/001): The site is not in allotment use. While it is inferred that A & J Stephen (Builders) Ltd may wish to see allotments at this site, it is unlikely that the company would set up or run an allotments site itself. No other letters of representation were received from an allotment association or other body in respect of the site. For these

reasons, the Council considers it too early to identify and protect the site. Exclusion of any allotment site from the settlement boundary brings it under the protection of the Housing in the Countryside policy. There would be merit in a future LDP identifying and protecting a site should it be brought into allotment use.

No modification is proposed to the Plan.

Gilmerton

Monzie Estate (09109/2/001, 09109/2/002 & 09109/2/003): In line with TAYplan (Core_Doc_099) hierarchical approach, the Plan seeks to concentrate the majority of development in the principal settlements of Auchterarder and Crieff. With a generous supply of effective housing land in the Strathearn housing market area, which is more than adequate to meet demand until beyond the Plan period, including large allocations in nearby Crieff (see Housing Land Audit (S4_Doc_728)), and so for these reasons, no significant new allocations are required in Gilmerton. No evidence in respect of infrastructure or visual impact has been submitted.

The Grahame Terrace site (S4_Doc_043) remains within the settlement boundary where Policy RD1 allows for residential development; it was a proposal in the adopted Strathearn Area Local Plan (Site H33) (S4_Doc_729) but has been deleted from the housing land audit due to non-effectiveness.

The site referred to south of the A85 (S4_Doc_043) is divorced from the settlement by the A85 Trunk road and the significant differences in levels. It is likely that there would be significant access issues and the site is unlikely to be effective or viable until these are overcome. The existing access is poor and the significant difference in levels makes the provision of a satisfactory access a matter of principle.

This would represent a significant expansion of the village (around 1.7 ha), which at a medium density would be around 30 units. No evidence has been submitted that the site can be serviced, and furthermore it is considered that it would be contrary to the Plan's strategy.

No modification is proposed to the Plan.

Gleneagles

Strathallan Estate (09313/2/001): In line with TAYplan (Core_Doc_099) hierarchical approach, the Plan seeks to concentrate the majority of development in the principal settlements of Auchterarder and Crieff. With a generous supply of effective housing land in the Auchterarder area, which is more than adequate to meet demand until beyond the Plan period (see Housing Land Audit (S4_Doc_728)), no new allocations are required in Gleneagles and are unlikely to increase the effective supply. This site (S4_Doc_044) performs an important function in maintaining physical separation between the two settlements of Auchterarder and Gleneagles. While historic development may have already taken place along the south side of the road, the site represents the only break along the north side of the road. The tree cover on the site assists in preventing coalescence of the two settlements, and its removal may be contrary to Scottish Government's Control of Woodland Policy (S4_Doc_187).

No modification is proposed to the Plan.

Stewart Milne Homes (00659/3/001): The site (S4_Doc_044) was a proposal in the adopted Strathearn Area Local Plan (Site H31) (S4_Doc_730) but has been deleted from the

housing land audit due to non-effectiveness. It remains within the settlement boundary, where policy RD1 supports residential development.

No modification is proposed to the Plan.

Greenloaning

Dawes Associates (09810/1/001); John Blair (00339/1/001): In line with TAYplan (Core_Doc_099) hierarchical approach, the Plan seeks to concentrate the majority of development in the principal settlements of Auchterarder and Crieff. Greenloaning is located around eight miles south of Auchterarder along the A9 trunk road.

Planning consent has been granted for a relatively small residential scheme in the village (21 units - planning application ref 04/02581/FLL granted 12/1/10 (S4_Doc_731)) and in the surrounding area, Auchterarder in particular has a significant supply of effective housing land, which is more than adequate to meet demand until beyond the Plan period (see Housing Land Audit (S4_Doc_728)).

The scope for additional development allocations in Greenloaning is therefore limited mainly due to the Plan's strategy, but also because there is a relatively large existing supply in the area and there is a site in the village that has recently received permission for residential development.

The current settlement boundary is definitive and precise, and it is not clear how the suggested new boundary (S4_Doc_379) would improve on this because it traces the route of a water main, which is hidden underground. The land proposed to be brought within the settlement boundary would be a large and potentially inappropriate development site.

In respect of the southern site, environmental constraints, particularly noise from the immediately adjacent A9 trunk road, raise fundamental concerns in respect of the site's suitability for residential use.

No modification is proposed to the Plan.

Muthill

Drummond Estates (07693/16/001, 07693/16/002 & 07693/16/003): Muthill is not one of the areas where the Plan's strategy seeks to concentrate development; instead development is concentrated on the principal settlements of Auchterarder and Crieff. Muthill is located between these two settlements and the Plan intends only modest expansion, taking into account the Conservation Area designation within the settlement.

With a generous supply of effective housing land in the Auchterarder area and the majority of new allocations in nearby Crieff, these are more than adequate to meet demand until beyond the Plan period (see Housing Land Audit (S4_Doc_728)). There is already scope for infill development within the settlement boundary and therefore no new allocations are required in Muthill.

There may be merit in giving consideration to inclusion of two of the sites, at Golf Course Road and Wardside (S4_Doc_332) within the settlement boundary. They would be too small to identify as allocations and there may be some doubts about their effectiveness. With insufficient evidence that the sites are effective it would be inappropriate to identify them as proposals. However if the Reporter is so minded to recommend a change to the settlement boundary to incorporate land at Golf Course Road (07693/16/003) and Wardside (07693/16/001), the local authority would be comfortable with this modification because it

would not have any implications on other proposals or policies within the LDP.

The site to the rear of Station Road (S4_Doc_332) would result in the loss of open space and would adversely affect the setting of the nearby listed building and the Conservation Area. For this reason it is not supported.

St David's

Mr & Mrs G Haggart (00378/1/001): Following TAYplan's hierarchical approach (Core_Doc_099), the Plan seeks to concentrate the majority of development in the principal settlements of Auchterarder and Crieff. An extension to the settlement boundary of St David's would not be in accordance with this strategy.

The urban form of St David's village is unique in the Strathearn area and the settlement boundary has been drawn to limit growth in the village. With a generous supply of effective housing land in the Auchterarder and Crieff area, which is more than adequate to meet demand until beyond the Plan period (see Housing Land Audit (S4_Doc_728)), no new allocations are required in this village. The proposal would not conform with the unique character of St David's

No modification to the Plan is proposed.

New Landward Sites: New Fowlis

James Denholm Partnership (09061/1/001): In line with TAYplan (Core_Doc_099) hierarchical approach, the Plan seeks to concentrate the majority of development in the principal settlements of Auchterarder and Crieff. An allocation in New Fowlis, where there are few existing services, would not be in accordance with this strategy.

Turning to the respondent's second point, the Plan removes the settlement boundary for New Fowlis to allow for limited further development in line with Policy RD3 (S4_Doc_418) and the Plan's Supplementary Guidance on Housing in the Countryside (Core_Doc_064).

No modification to the Plan is proposed.

New Landward Sites: Craigend

JWK Properties (09055/1/001); Councillor Alan Jack (03030/1/003): Section 16(6) of the Planning Etc (Scotland) Act 2006 (S4_Doc_732), as modified by the Planning etc. (Scotland) Act 2006, states that *'the planning authority are in preparing the local development plan to ensure that the plan prepared is consistent with the strategic development plan.'* The Council considers that the proposal for a new settlement at Craigend would make the LDP inconsistent with TAYplan's spatial strategy, which presumes against new settlements during the lifetime of TAYplan (page 8, location priorities) (S4_Doc_063). Particularly Policy 1 (S4_Doc_067), which *'focuses the majority of development in principal settlements'* and prioritises a sequential approach to land release; Policy 4 (S4_Doc_633), which identifies Strategic Development Areas without including land at Craigend; and Policy 5 (S4_Doc_062), which *'presumes against land releases in areas surrounding the Perth Core Area where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of the plan.'*

Both respondents assert that the proposal would help meet any housing land supply shortfall in the Perth and Strathearn HMAs. The site is wholly within the Strathearn HMA and would make no contribution to the Perth HMA. Paragraph 8.1.10 of the LDP sets out the housing land supply required in the Strathearn HMA, which calculates that an additional

265 allocations are required. The allocations currently in the Plan propose a surplus in the Strathearn HMA and additional units over and above these allocations (on the scale proposed at the site) could not be justified.

The Council considers that such an allocation would make the Plan inconsistent with TAYplan's spatial strategy; and in any case would not be required in the Strathearn HMA, and would not contribute to the Perth HMA.

No modification is proposed to the Plan.

New Landward Sites: North of Cultybraggan Camp

Comrie Development Trust (09507/1/002): The issue raised is covered elsewhere in the Plan (Schedule 4: 08a Housing in the Countryside), and Supplementary Guidance (Housing in the Countryside) (Core_Doc_064). Issues in respect of flood risk and access may mean this site is not effective

No modification is proposed to the Plan.

Reporter's conclusions:

Blackford

1. In relation to the principle of designating further land for housing in Blackford, the Proposed Plan identifies a requirement for 1,820 houses in the Strathearn Housing Market Area during the period 2010-2024, in order to accommodate the population increase projected by TAYplan. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan seeks to concentrate the majority of the housing development in Auchterarder and Crieff, the principal settlements in the Strathearn Area. Auchterarder has a significant supply of effective housing land and the vast majority of housing development during the Plan period will be concentrated in Auchterarder. Taking account of expected windfall sites, land for only some 265 additional housing units is required to meet the 2010-2024 housing requirement and additional housing land allocations with a capacity in excess of 400 houses are located in Crieff. There is, therefore, no justification for further housing land allocations in Blackford.

2. Furthermore, the relocation further north of the recreation ground, traditionally used for the annual Highland Games and other activities, would put it at a greater distance from the community and onto land where there is a risk of flooding from neighbouring watercourses. Whilst it may well be possible to mitigate any flood risk, It is considered that there is insufficient justification to warrant the relocation of this community open space at this time.

Braco

3. The Proposed Plan refers to an interest in developing land to the south of the settlement for allotments during the Plan period but there is no specific proposal in the Proposed Plan. Nevertheless, part of a field accessed from Commander's Grove has been included within the settlement boundary, from which it is inferred that this is the potential location for any allotments, should there be interest from the community in providing them. In view of the comments of the Scottish Government and the terms of Scottish Planning Policy (SPP) (paragraph 153) that potential sites should be safeguarded in the development plan, the right course of action would be to designate the relevant area as open space if indeed this area is the potential location for the provision of allotments. Alternatively, if it is too early to identify and protect the site, the area should be excluded from the settlement boundary.

Exclusion from the settlement boundary would bring the area of land under the protection of the new Policy PM4, which is recommended under Issue 8b.

Gilmerton

4. The site located to the north of Grahame Terrace (rep. no. 09109/2/001) is allocated for housing in the adopted Strathearn Area Local Plan (site H33) but has been deleted from the housing land audit due to its non-effectiveness. Accordingly, it would not be appropriate to designate the site for housing development. The site is located within the settlement boundary and, should the site's non-effectiveness be overcome, Policies PM1 and RD1 would allow residential development subject to certain criteria being met.

5. The site located south of the A85 (rep. no. 09109/2/002) lies well below the public road. The development of the larger site suggested, which extends to 1.65 hectares, could accommodate a substantial number of houses. With a generous supply of effective housing land in the Strathearn Housing Market Area, including in nearby Crieff, there is no justification for the allocation of this site. Furthermore, the significant difference in level between the road and the site poses problems for the provision of a vehicular access that meets council standards. There is no evidence that a satisfactory access can be provided. Equally, access to the smaller northern section of the site could be problematic. In any event, any housing development to the south of the A85 would not be well-related to the form of this settlement and is not supported.

6. The land located north of Gilmerton (rep. no. 09109/2/003), which extends to 1.7 hectares, could accommodate some 30 house units. Such a scale of development within this small settlement would be contrary to the Proposed Plan's housing strategy, which reflects the TAYplan hierarchical approach by concentrating the majority of development in the principal settlements of Auchterarder and Crieff.

Gleneagles

7. In relation to the request to allocate the wooded area east of Firhill, Orchard Road for housing, a planning application for the erection of four dwellinghouses on this site has been recently withdrawn. The site, together with the adjoining field, represents the only break on the north side of the A824 between development in Auchterarder and Gleneagles/Muirton. A housing development on this site, which would constitute ribbon development, could lead to the complete coalescence of Auchterarder and Gleneagles and it is not considered that this would be appropriate.

8. In relation to the request to allocate Muirton Coachworks for housing development, which would bring a derelict brownfield site into use, this site has been deleted from the housing land audit because of its non-effectiveness. It remains within the settlement boundary and, should the site's non-effectiveness be overcome, Policies PM1 and RD1 would allow residential development subject to certain criteria being met.

Greenloaning

9. In relation to the request to modify the settlement boundary to include additional land north-east of Rottearns House, situated between the settlement boundary and the Turret water main, the current settlement boundary follows precise and well defined boundaries on the ground. The additional area referred to forms an elevated part of a field with no defensible boundary on its eastern side. A housing development on this land would constitute a considerable incursion into open countryside. Accordingly, the inclusion of this

area within the settlement boundary would not be appropriate.

10. In relation to the request to modify the settlement boundary to include the site at the junction of the A822 and the A9, the council draws attention to the environmental constraints, particularly noise from the immediately adjacent A9 trunk road. However, it is noted that a site between Millhill Drive and the A9, situated to the east of Craighouall, is included within the settlement boundary and is being developed for six houses separated from the A9 by earth bunding, landscaping and acoustic fencing. Consequently, it is considered that it would be somewhat inconsistent not to include the site referred to in the representation 09810/1/001 within the settlement boundary. The number, layout and design of any house(s), including the appropriate landscaping and screening, would be a matter for the planning authority to determine on receipt of a planning application.

Muthill

11. In relation to the request that the settlement boundary be extended to include an area of land at Wardside, the site referred to is situated beyond the 30mph signs and is visually detached from the existing built-up area by the wooded area east of Wardside House. The existing hedge and trees along the drive to Dalliotfield House form a defensible boundary to the village. With a generous supply of housing land in the Auchterarder area and in Crieff, there is no need for further housing land in the Strathearn HMA. Furthermore, according to the council, there is scope for infill development elsewhere within Muthill. There may also be doubts about the effectiveness of the site. Accordingly, it is not considered that it would be appropriate to extend the settlement boundary at this location.

12. In relation to the request that the open space designation east and north of Muthill Church be largely deleted and the settlement boundary be extended to provide a site for housing development, it is considered that any development on the fields to the east and north of the church would adversely affect the setting of this listed building. In any event, with a generous supply of housing land in the Auchterarder area and in Crieff, there is no need for further housing land in the Strathearn housing market area (HMA). Furthermore, according to the council, there is scope for infill development elsewhere within Muthill. As regards the open space designation, only a small part of the designated area, located to the north of Muthill Church, is used as recreational open space. The fields to the east and north of the church are not used as recreational open space but form a valuable component of the setting of the listed church. In relation to Issue 11: Community Facilities, Sport and Recreation, it is concluded that the scope of policy CF1A should be extended to protect open space which has amenity value as well as those areas of recreational value. Accordingly, it is concluded, in this case, that the open space designation to which policy CF1A applies is appropriate.

13. In relation to the request that the settlement boundary be extended to include an area of land on Golf Course Road to allow small-scale housing development, such a development would constitute undesirable ribbon development between the existing built-up area and the golf club house. With a generous supply of housing land in the Auchterarder area and in Crieff, there is no need for further housing land in the Strathearn HMA. Furthermore, according to the planning authority, there is scope for infill development elsewhere within Muthill. There may also be doubts about the effectiveness of the site. Accordingly, it is not considered that it would be appropriate to extend the settlement boundary at this location.

St David's

14. The settlement boundary is drawn tightly around existing development to protect the form and character of this small village. The suggested area for inclusion extends over a large area of fields and woodland and no justification has been provided for including any of this area within the settlement boundary.

New Landward Sites: New Fowlis

15. The settlement boundary at New Fowlis in the adopted Strathearn Area Local Plan has been removed in the Proposed Plan. In relation to the request to identify an area of ground to the south of the existing group of modern houses as a housing site in the Proposed Plan, the allocation of a housing site in such a small community, lacking facilities, would not be consistent with the Proposed Plan's housing strategy, which reflects the TAYplan hierarchical approach by concentrating the majority of development in the Strathearn HMA in the principal settlements of Auchterarder and Crieff.

16. In relation to the request to reinstate the settlement boundary and extend it to include the area of land to the south of the existing group of modern houses, the council indicates that limited further development on this area of land would be allowed under policy RD3 and the supplementary guidance on Housing in the Countryside. The council has listed the factors that it took into account when deciding whether to define a settlement boundary in its response relating to Issue 8: Settlement Boundaries. These include the range and type of facilities in the building group such as schools, shops or community facilities, and its overall size, settlement pattern and number of houses. New Fowlis offers few if any community facilities and there is no convincing justification for a settlement boundary at New Fowlis.

17. The area involved comprises uncultivated ground that has the appearance of being part of an unfinished housing site, with potential for housing along the southern side of the access road. Policy RD3, taken together with the Housing in the Countryside Guide (Core_Doc_064), would permit the extension of the existing housing group into definable sites in the absence of a settlement boundary. Accordingly, it is considered that a settlement boundary is neither necessary nor appropriate in this case.

New Landward Sites: Craigend

18. With regard to the request that a site at Craigend be identified for a 2000 unit housing and mixed-use development, this is clearly a major proposal, whether it be located within the Strathearn Housing Market Area or the Perth Core Area. As stated by the council, a new settlement at Craigend would not accord with the locational priorities of TAYplan, which indicates that there will be no need for any new settlements during its lifetime (page 8 of Schedule 4 document 063). Inclusion of such a proposal in the Proposed Plan would result in the Plan being inconsistent with TAYplan. Any further consideration of this proposal would be a matter for a review of TAYplan.

New Landward Sites: Cultybraggan Camp, Comrie

19. The former ammunition store at Cultybraggan Camp lies within the area designated employment land on the Cultybraggan Map. In relation to the request to designate the former store for up to 5 low carbon houses, the planning authority refers to Issue 8a: Housing in the Countryside and to the supplementary guidance on Housing in the Countryside (Core_Doc_064). The Housing in the Countryside Guide allows up to five new

houses on rural brownfield land where it would remove dereliction or result in significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site.

20. The designation of part of this rural site for housing would not be consistent with the Proposed Plan's housing strategy, which reflects the TAYplan hierarchical approach by concentrating the majority of development in the Strathearn Housing Market Area in the principal settlements of Auchterarder and Crieff. However, the Housing in the Countryside Guide provides the opportunity for up to five new houses on rural brownfield land such as Cultybraggan Camp, subject to the relevant criteria being met. Although the planning authority raises the issues of flood risk and access, these are matters that could be addressed through the consideration of a planning application.

Reporter's recommendations:

Braco

1. Modify the settlement boundary on the Braco Settlement Map to that shown in the adopted Strathearn Area Local Plan 2001 (Map 7).

Greenloaning

2. Modify the settlement boundary to include land at junction of A822 and A9 (rep. no. 09810/1/001) as shown on the plan in Schedule 4 document 379.

Issue 41	Strathmore and the Glens Area - Alyth and New Alyth	
Development plan reference:	9.2 – Alyth and New Alyth, page 279-281 E30 - Mornity, Alyth, page 280 H59 - Glenree, Alyth, page 280	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs Thomson (09022) Dr F Gilmore (09142) Church of Scotland General Trustees (09167) Alistair Buttar & Hazel White (09289) Lomond Land (09415) G S Brown Construction Ltd (09817) Mansell Homes (10164)		
Provision of the development plan to which the issue relates:	Alyth Town Boundary and sites within Alyth and New Alyth	
Planning authority's summary of the representation(s):		
<p><u>Alyth Settlement</u> Mr & Mrs Thomson (09022/2/001): Re- draw boundary to exclude land at Isla Road/Annfield Place (S4_Doc_048). Land is ineffective because of flood risk; it is not in the control of a volume house builder, and in marketability terms, unsuitable.</p> <p>Alistair Buttar & Hazel White (09289/25/002): Supportive of inclusion of their land (Isla Road/Annfield place) as providing opportunity for it to contribute to the effective land supply for residential development. Support for the Plan.</p> <p>Mr & Mrs Thomson (09022/2/004): Settlement boundary redrawn to exclude land at.....Alyth Glebe (S4_Doc_048) - non-effective site, prone to flood risk, isn't in the control of a volume house builder, and in terms of marketability, unsuitable</p> <p>Church of Scotland General Trustees (09167/3/001): Support for the Plan (inclusion of Alyth Glebe land).</p> <p>Mr & Mrs Thomson (09022/2/002): Support paragraph 9.2.1(assume mean 9.2.2, penultimate sentence) land at Airlie View should come forward as appropriate for development. Support for the Plan.</p> <p><u>E30 Mornity</u> G S Brown Construction Ltd (09817/9/001): Site should be zoned for residential use. This site has been zoned for industrial use since the 1980's and there has been no interest in it for that purpose since then. The site has therefore been sterilised for an unreasonably long period and the time has come to recognise that, in the interest of the community and the owner, it should be put to beneficial use i.e. housing.</p> <p><u>H59 Glenree Alyth</u> Lomond Land (09415/3/001): Site does not represent a natural extension to the consented site to the south, as that site has been identified since 1998 but has not been</p>		

built out, so unlikely to contribute to the housing land supply in the short term. The ridge top which runs along the northern edge is consented site H13 in the 1998 local plan is a more natural boundary to Alyth, and a more logical extension would be westwards towards Westfield farm, but south of the ridgeline, which site is in control of an active house builder.

Mansell Homes (10164/1/001): site is effective and capable of delivery within the early plan period. Support for the Plan.

New Sites

Dr F Gilmore (09142/1/001): Site to South of Meethill Road (S4_Doc_048) is deliverable in a shorter time scale, and more suited to residential development than some other areas identified.

Mr & Mrs Thomson (09022/2/003): Seek to have land at Meethill Road (S4_Doc_048) identified as housing site to replace 2 areas at Alyth Glebe and Isla road/Annfield place. Site is effective and appropriate.

Lomond Land (09415/2/001): Site at Westfield farm (S4_Doc_048). Development of southern part of site would appear to comply with the spatial strategy. It is accessible to Alyth and within walking distance of the town including the primary school, it is not at risk of flooding, site could be developed in a short time frame.

Alistair Buttar & Hazel White (09289/25/001): Identify site at Isla Road/Annfield Place (S4_Doc_048) as a specific housing site for 100 houses. Access and services can be achieved and the site had support at the MIR stage (S4_Doc_213) and (S4_Doc_538). Site is in single ownership.

Modifications sought by those submitting representations:

Alyth Settlement

Mr & Mrs Thomson (09022/2/001 & 09022/2/004): Re-draw boundary to exclude land at Isla Road/Annfield place and also exclude land at Alyth Glebe (S4_Doc_048).

E30 Mornity

G S Brown Construction Ltd (09817/9/001): Change site E30: Mornity to residential from employment use.

H59 Glenree

Lomond Land (09415/3/001): Delete housing site H59.

New Sites

Dr F Gilmore (09142/1/001): Include site to south of Meethill Road (S4_Doc_048) in Plan.

Mr & Mrs Thomson (09022/2/003): Seek to have land at Meethill Road, (S4_Doc_048) (site2) per attached plan replace 2 areas at Alyth Glebe and Isla Road/Annfield place and identified as a housing site.

Lomond Land (09415/2/001): Include site at Westfield farm Alyth (S4_Doc_048).

Alistair Buttar & Hazel White (09289/25/001): Identification of site at Isla Road/Annfield Place (S4_Doc_048) as a specific housing site for 100 houses.

Summary of responses (including reasons) by planning authority:Alyth Settlement

The designation of the housing sites H59, 60 and 61 and employment site E30 are considered to meet the Spatial Strategy of TAYPlan (S4_Doc_067) which requires development to be concentrated within Tiered settlements within the area.

Alyth is identified as a 3rd Tier settlement and provides an opportunity to provide a modest contribution to housing and business land provision within the overall LDP area. The Council is required to allocate sufficient housing and business land to ensure an adequate land supply for the plan period.

Land Annfield Place/Isla Road

Mr & Mrs Thomson (09022/2/001); Alistair Buttar & Hazel White (09289/25/001): This area (S4_Doc_048) has been included within the settlement boundary for Alyth to allow for an element of choice as a development site. The eastern part of the site lies close to the SEPA potential flood risk area (1:200 year event), so the exact extent of the developable area cannot be determined without a Flood Risk Assessment, it is therefore not appropriate to allocate it as a site for a specific number of houses at this time without such an assessment. Its proximity to the town centre however, and easy access link which could be accommodated from Annfield Place suggest that in the event of any of the designated sites not coming forward, provided a Flood Risk Assessment is undertaken which identifies the developable area, and any necessary mitigation measures identified therein are implemented, then this site could make a meaningful contribution to development as a windfall site.

No modification is proposed to the Plan.

Alyth Glebe

Mr & Mrs Thomson (09022/2/004): This area (S4_Doc_048) has been included within the settlement boundary for Alyth to allow for an element of choice as a development site. The site lies outwith the SEPA (1:200 year event) potential flood risk area, and there is no known flood risk to this area. However, access to the site is restricted, so it is likely that only small scale development will be possible, but this could take the form of plots with larger garden areas, and so contribute to the overall mix of development within Alyth town. This site could increase the element of choice and contribute to the windfall sites available within the town.

No modification is proposed to the Plan.

E30 Mornity

G S Brown Construction Ltd (09817/9/001): It is acknowledged that the site has been identified as an opportunity site on the adopted Eastern Area Local Plan since 1998, (Alyth map and site I2 pg 39) (S4_Doc_539) and has not yet been developed. It is appropriate, however, for a site to be identified within Alyth to provide for employment uses in the new Local Development Plan, and this site is well positioned, has good access and services for such use, being immediately adjacent to an existing employment use, and on the southern side of the town, thereby negating the need for traffic to negotiate the narrow streets of the town centre. It could be developed quickly and easily for employment use should the need arise. It is the only site identified for such use within Alyth.

No modification is proposed to the Plan

H59 Glenree

Lomond Land (09415/3/001); Mansell Homes (10164/1/001): The development of H59 is a natural extension of the consented site 07/01505/FUL (S4_Doc_541) which lies immediately to the south (part of site H13 on the adopted Eastern Area Local Plan 1998, pg37 (S4_Doc_540)), the core path which runs along the northern boundary provides a natural limit to development, and the two sites are likely to be developed in conjunction with one another. Because of the dip in topography which exists between the existing and proposed sites some re-grading of the area will take place, and the identification of the proposed site will aid this process. The development of this site will not create any additional access onto the road network, but would be accessed through the site to the south. The site relates well to the town and the existing landscape framework will be further enhanced by planting and provision of a buffer strip along the western most boundaries. The site lies within 400metres of the town centre and is therefore within walkable distance of facilities there.

No modification is proposed to the Plan.

New Sites

Dr F Gilmore (09142/1/001); Mr & Mrs Thomson (09022/2/003): The areas suggested for inclusion in the town boundary as development sites are not required as sufficient alternative sites have been identified. The inclusion of either of these would generate additional traffic which would be channelled through a 'pinch point' within the town's street system at Hill Street/Bank Street/Toutie Street to the detriment of public safety. Both of these sites would also extend the town towards the site at Alyth Golf course which has outline consent (ref 09/01345/IPM (S4_Doc_542)) for 216 houses and associated hotel and business units (Plan assumes that 50 of these houses will be built in Plan period), and the two sites at Meethill road would result in joining of the town with this development. As these sites do not meet the preferred strategy of the Plan they have not been assessed through the SEA process. It is considered important to maintain the character of Alyth by retaining a separation and further expansion in an eastwards direction is not considered appropriate at this time.

Lomond Land (09415/2/001): The site at Westfield Farm is further from the town than H59, and although the added distance is not great, it feels more remote and it becomes increasingly unlikely that residents would walk to the town centre. The development of this area would require further access/accesses to be created onto an already narrow road which does not have pavements. The Alyth Den SSSI and River Tay SAC (S4_Doc_543) lie immediately to the south of the site and the development of this site could have a detrimental effect upon these. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process. There are sufficient sites identified closer to the town centre and its associated facilities such that this site is not required at this time.

No modification is proposed to the Plan.

Alistair Buttar & Hazel White (09289/25/001): Dealt with under Land at Annfield Place/Isla Road above.

No modification is proposed to the Plan.

Reporter's conclusions:Alyth settlement

1. The land at Isla Road/Annfield Place is already surrounded by established housing on three sides, and its development for housing would represent a logical rounding off on the south east side of Alyth. It is within easy reach of the town centre and local services, including Alyth Primary School. Because the site lies close to the identified flood risk area it is not appropriate to allocate the site for housing. However, given that the site is likely to be suitable for residential development subject to the outcome of a flood risk assessment, there is no reason why the land should be excluded from the settlement boundary.

2. The land at Alyth Glebe is a small undulating field on the northern edge of the town, but close to the town centre. It is bounded by existing development to the west, south and east, so its development for housing would not represent an incursion into the countryside. The main constraint on the development of the site is access (rather than flooding), which is likely to limit the number of houses which can be built on the land. In those circumstances it is appropriate to include the site within the settlement boundary, but not to allocate the land for housing.

E30: Mornity

3. It is important that the Proposed Plan balances the development of new housing with the provision of employment land, to give residents the opportunity to live and work in the town. The allocated site of 0.45 hectares is well located for that purpose, as it abuts the B952 on the south side of the town and already has neighbouring employment uses. Although it has not been developed to date there is no indication that it is unsuitable for employment uses. The site should therefore remain as an employment allocation in the Proposed Plan.

H59: Glenree Alyth

4. This allocated housing site lies on the north west edge of the town, and would represent the logical extension to, and rounding off of, the approved development on the lower land immediately to the south. The site would have strong landscaped boundaries to the west and north, and could accommodate a limited development of 35 houses. The site is within walking distance of the town centre, and could be accessed through the permitted development to the south. The site should be retained as a housing allocation in the Proposed Plan.

New sites

5. The suggested alternative sites on Meethill Road are located on the north eastern extremity of Alyth. The site to the north of Meethill Road is generally level, whereas the site to the south slopes down to Losset Road. Both sites are accessed from the town centre via a network of narrow roads with inadequate footways. If either or both of the sites at Meethill Road were developed for housing there is a risk that the town would coalesce with the approved development at Alyth Golf Club to the east of the town. It would therefore be inappropriate to include the sites at Meethill Road within the settlement boundary, or to allocate them for housing.

6. The suggested site at Westfield Farm is an elevated field to the west of the approved housing development at Strathmore Rise. The field is separated from the town by a strong belt of trees, and the site would be accessed by a narrow approach road without footways. Whilst it could probably be developed without adversely affecting the nearby SSSI and SAC, housing on the site would be an unnecessary incursion into the attractive countryside surrounding the town and the access would be unsuitable. Other, better sites have been allocated for housing development in the town, and there is therefore no need to release this site in the Proposed Plan.

Reporter's recommendations:

No modifications.

Issue 42	Strathmore and the Glens Area - Blairgowrie/Ratray	
Development plan reference:	Blairgowrie/Ratray, page 282-285 E31 - Welton Road, Blairgowrie, page 283 MU5 - Western Blairgowrie, page 283 H62 - Welton Road, Blairgowrie, page 284 H63 - Glenalmond Road, Rattray, page 284 H64 - Blairgowrie South, page 284	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>A D Scott (00110) Dr & Mrs A Spowart (00144) Jean Squires (00189) Ian Steel (00214) Scott Menmuir (00221) Mr & Mrs R Shepherd (00336) Gordon Wood (00342) Philip Maxwell (00358) Christine McGuinness (00385) Tania Meikle (00526) Donald Strathairn (00563) Graeme Findlay (00720) Mr & Mrs Robin Johnston (00722) Alan Greig (00727) Scottish Environment Protection Agency (00947) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211)</div><div>Kristin Barrett (07107) Deidre McVean (08647) Michal Wojtowicz (08816) Councillor Caroline Shiers (08830) Forestry Commission Scotland (08988) CALA Homes (East) Ltd (09022) Vivian Van-Velp Fernand (09261) Mr & Mrs David Rendall (09289/5) Sir William MacPherson of Cluny (09289/6) Peter Wright (09289/8) Stewart Milne Homes (09313) Gordon J Nicholson (09560) G S Brown Construction Ltd (09817) Ian Brown (09819) Dr Carol Pudsey (09831) Blairgowrie & Rattray Community Council (10002) Church of Scotland General Trustees (09167)</div></div></div>		
Provision of the development plan to which the issue relates:	Allocation of housing and business land for Blairgowrie/Ratray	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Michal Wojtowicz (08816/3/001 & 08816/3/002): Area A (S4_Doc_049) is a private orchard within the curtilage of Bellfield. It is private garden ground not used as a community sports or recreation facility etc. It is only accessible from within the curtilage of Bellfield and not linked in any way to the wider area of open space.</p> <p>Area B (S4_Doc_049) is a grassed paddock to the immediate north of the functional garden ground of Bellfield, and to all intents and purposes is within the curtilage of the dwelling house. There is no public access to this land and its value as a community facility or recreational facility is non-existent. It is a suitable site for small scale infill development.</p> <p>Both these areas should be designated as white land.</p>		

Mr & Mrs David Rendall (09289/5/001): Designation does not take account of opportunities for appropriate and measured development which could contribute positively to improvements in infrastructure and amenity.

Peter Wright (09289/8/001): Blanket designation of undeveloped areas as open space/greenfield is poor planning strategy and is likely to result in such areas of land being neglected and unmanaged.

G S Brown Construction Ltd (09817/11/004): We support the removal of the 'Private and Public Open Space' allocation of the 1998 Statutory Local Plan (Map of Blairgowrie and policy 64 page 41) (S4_Doc_544) immediately to the West of housing Site H62 which reflects that all of that area, apart from our small segment at Brucefield Road has been granted planning permission for residential development. Support for the Plan.

E31 Welton Road

Ian Steel (00214/1/001): Site is prime agricultural land, site has historical points of interest, disturbance to biodiversity of the woodlands adjacent to site. Alternative routing of the distributor road should be investigated

Deidre McVean (08647/1/001): Land for employment use should be on a brownfield, not a greenfield site

Jean Squires (00189/1/002): Brownfield sites should be built on, not greenfield, alternative route should be used for distributor road. Small landscaped area is insufficient, should not be granting consent if there is not a masterplan already in place, sewerage effluent discharge into the River Ericht could be an issue. Flood risk needs to be addressed.

Scottish Natural Heritage (05211/25/031): The developer requirements should reflect the outcomes of the Habitats Regulations Appraisal pages 103/104 (S4_Doc_139).

Gordon James Nicholson (09560/1/001), Vivian Van-Velp Fernand (09261/1/003); Councillor Caroline Shiers (08830/1/002): Support for the Plan.

H62 Welton Road

Ian Steel (00214/1/002): The development will result in a loss of wildlife and agricultural land. The road access to the site is not suitable. Site has points of historical and archaeological interest including an ancient well not shown on H62.

Deidre McVean (08647/2/001 & 08647/3/001): The development will result in a loss of wildlife, agricultural land, amenity and privacy. The road access to the site is not suitable. Archaeology of the area needs investigation. If development of the site does go ahead the affordable housing should be shared equity or low cost homes and not social housing for rent.

Christine McGuinness (00385/4/001): Site should have parameters such as transport assessment, archaeological potential/mitigation investigated before definitive numbers are identified.

Jean Squires (00189/1/001): The development will result in a loss of wildlife and agricultural land. The road access to the site is not suitable. There are archaeology interests in the site. Brownfield sites should be developed before greenfield sites are considered.

Gordon James Nicholson (09560/1/002): Support for the Plan.

MU5 Western Blairgowrie

Dr & Mrs A Spowart (00144/1/001): Brownfield sites such as the disused railway sheds beside the Angus Hotel, old church on Reform Street and the abandoned schools at Rowanbank should be developed within the town before greenfield sites are considered. This site is unlikely to deliver any affordable housing, (previous consents at Coupar Angus Road and Rattray have not). The site will destroy the entrance to the town, and create peak time traffic problems at one of the town's main entrances.

A D Scott (00110/1/001): Westpark Road is a quiet cul-de sac and development of MU5 would completely transform it. How the development is to be accessed raises concerns. Other sites in the town have not yet been completed and should be developed first.

Philip Maxwell (00358/1/001): Expresses concerns about the potential traffic, noise and pollution impact on properties in Dunkeld Road, and on those who use the road, would like to know the proposed access points for vehicles to the northern end of MU5 to provide further comment. He also expresses concerns regarding the loss of biodiversity, the potential visual impact of the proposal and the loss of a site, attractive to tourists and locals, and the potential impact on the Ardblair trail.

Tania Meikle (00526/1/001): Brownfield sites such as the old primary schools along with the old cinema and unused church buildings in Blairgowrie and derelict Ericht Mills should be developed before greenfield areas. Concern also expressed about the loss of agricultural land and damage to biodiversity of the area.

Blairgowrie & Rattray Community Council (10002/1/008): Greenfield sites should not be considered for development before development of houses within the town's existing envelope (no specific suggestions made). Concern is also expressed regarding the loss of recreation and green area which is considered a haven for wildlife.

Kristin Barrett (07107/1/001 & 07107/2/001): Suggests the housing and development area east of (assume mean north of) the Essendy Road should be split leaving swathes of not-built on land opposite the ends of the two current cul-de-sac roads these green spaces should be left so that people who live and work in the areas can enjoy the views.

It is also suggested that the area south west of the Essendy Road (assume mean south of) be split in two with a 20m wide swathe of undeveloped land on both sides of the current popular footpath from near the cemetery to the Muirton wood, this area to be left to create a pleasant area with the current sweeping views north up towards the Knockie Hill.

Dr Carol Pudsey (09831/1/001): Delete southern part of the site for the enhancement and protection of biodiversity, increase woodland planting towards the road. Housing and employment development should take place only gradually westwards into the field outside Proctor's works and the health centre, and not at all in the field above the Dunkeld Road. Ardblair trail should be preserved with its open views.

Alan Greig (00727/1/001): There should be no development on the land to the north of Dunkeld Road. The Ardblair trail is important to tourism, its retention would enhance the Plan's aims

Forestry Commission Scotland (08988/1/016): The woodland on the western edge of the site could be expanded, and could also create opportunities to create links into other areas of woods and trees outwith the site. Advance planting should be considered as soon as possible to get a green structure in place.

Mr & Mrs Robin Johnston (00722/1/001): The Galabank footpath might be replaced by a metalled road which would destroy this walk, a Tree Preservation Order should be imposed around this walk to maintain a degree of beauty and screening.

Scottish Environment Protection Agency (03194/43/001 & 00947/1/017): The mitigation measures in Appendix C of SEA Addendum No.2 (S4_Doc_545) refer to the need for a Flood Risk Assessment to be undertaken to inform the development of this site but it has not been included in the developer requirements in the Proposed Plan for site MU5: Western Blairgowrie. Also note that there may be a culvert under this site, there is an opportunity to open and restore the existing culvert and this enhancement measure should be taken through the developer requirements in the Proposed Plan. Development can also bring positive impacts to the water environment through addressing physical changes which are causing a deterioration to the water environment e.g. Culverts, bank reinforcement or barriers to fish passage.

H63 Glenalmond Road, Rattray

Christine McGuinness (00385/4/002): It is noted the site may be prone to flooding, this issue should have been investigated before its inclusion in the Plan.

CALA Homes (East) Ltd (09022/5/001): *'CALA site at Hatton Road, Rattray, should be included within the LDP as an effective housing site either as an addition to the supply or as a replacement for site H63 for the reasons set out in representation document on behalf of CALA homes Wellbank Hatton Road.'*

Blairgowrie & Rattray Community Council (10002/1/009): Brownfield sites should be developed before any greenfield sites (no specific sites are suggested).

Scott Menmuir (00221/1/001): The link road to the east is very narrow. There is a dead end at the south east corner which should be retained. Back Row is very narrow with little or no pavement. On regular occasions Back Row floods. The owner of the field has opened his wall to the east corner to allow run off to flow into the field from a stream, to prevent this flooding.

Forestry Commission Scotland (08988/1/015): There is opportunity in the overall plan to create a habitat network that could link the area of woodland to the north into the proposed area for planting on the western edge and also down the eastern boundary

H64 Blairgowrie South

Gordon Wood (00342/1/001): Wishes to see the site removed from the Plan as the scale of development is considered to be out of keeping with the character of the area, affordable housing is not considered to be compatible with the area, traffic generation will be excessive and the proposal would result in a loss of amenity. Infrastructure concerns are also raised relating to both the construction period, ability of the sewerage system to cope and the additional burden of traffic in the vicinity of the new school, and impairment of visibility for access/egress to a main road.

Christine McGuinness (00385/4/003): More choice should be given and not just for volume builders, sites limitations due to developer requirements should be fully

investigated before sites are allocated for specific numbers.

Stewart Milne Homes (09313/5/001): The site will be able to accommodate more development than indicated, comparisons with other sites in the Plan would suggest the figure should be 150-195.

Graeme Findlay (00720/1/001): Opposed to the opening up of the present cul-de-sac, Hazelwood Road which will result in an increase in traffic flow and noise levels and make the area less safe. The development will result in a loss of wildlife and agricultural land. The proposed building of 2-5 bedroom villas in the close proximity to my home would lead to an invasion and loss of my existing privacy.

Sir William MacPherson of Cluny (09289/6/001): The site should be extended to connect to Golf Course Road which would allow additional access to the road network.

Scottish Environment Protection Agency (03194/42/001); Scottish Environment Protection Agency (00947/1/018): The mitigation measures in Appendix C of SEA Addendum No.2 (S4_Doc_545) refer to the need for a Flood Risk Assessment to be undertaken to inform the development of this site but it has not been included in the developer requirements in the Proposed Plan for site H64: Western Blairgowrie. Also note that there may be a culvert under this site, there is an opportunity to open and restore the existing culvert and this enhancement measure should be taken through the developer requirements in the Proposed Plan. Development can also bring positive impacts to the water environment through addressing physical changes which are causing a deterioration to the water environment e.g. Culverts, bank reinforcement or barriers to fish passage.

Ian Brown (09819/1/001): Supports the plan for the limitation of the house build area H64 and also the retention of the 'green area' for no development between H64 and Woodlands Road. This green area is greatly prized by the local community. A current planning application to build on the field at the junction of Woodlands Road and Golf Course Road has attracted 33 local objections. All of them cite the need to retain the agricultural status of this area. No changes should be made to the plan as proposed. Support for the Plan.

New sites

Mr & Mrs R Shepherd (00336/1/001); Blairgowrie & Rattray Community Council (10002/1/006); Councillor Caroline Shiers (08830/1/001): Brownfield sites such as Westfields (S4_Doc_372) should be identified ahead of greenfield sites.

Land at Westfields of Rattray, Site (B02) in the 2005 Draft Eastern Area Local Plan (S4_Doc_546) (3.22ha land) for 80 houses in a mixed development should be included in the final Local Development Plan. Identification of Westfields of Rattray would also reduce the necessity for so much land at H63 to be made available for housing. Development of this area would clean up an unattractive/derelict site, and enhance a key tourist route. Its identification in the Plan would ensure early action be taken on the site.

CALA Homes (East) Ltd (09022/5/002): The housing land supply is inadequate and the site at Wellbank Hatton Road (S4_Doc_372) is preferable to H63. It is not only effective, but a better fit in terms of landscape and urban re-definition; it would be appropriate for a masterplan to consider fully its physical relationship with the caravan park. The site could accommodate 60-80 units.

Vivian Van-Velp Fernand (09261/1/001): Land in the area of Greenbank, Applebog, Motorbank, Craigmill and Westfield (S4_Doc_372) should be included in the town boundary as an area for self build housing; this zone has potential for development, and would give people the chance to express themselves in individual terms, provide breathing space, have gardens and help the environment by enhancing the area.

G S Brown Construction Ltd (09817/11/001): Site 174 (pre-MIR site assessment reference) (S4_Doc_049) which was shown on the MIR as part of site G (S4_Doc_214) should be retained, it could be developed for high quality housing.

G S Brown Construction Ltd (09817/11/002): Site 139 (pre-MIR site assessment reference) (S4_Doc_049) which was shown in the MIR as part of site G should be retained; it has potential for high quality housing.

G S Brown Construction Ltd (09817/11/003): Site 175 (pre-MIR site assessment reference) (S4_Doc_372) should be included in the Plan. There is a shortage of land in Rattray (as recent appeal decisions have shown). It is well related to open space and development sites BH2 and BH11 in the 2005 Draft Eastern Area Local Plan (S4_Doc_547). This area would be suitable for medium density development.

Donald Strathairn (00563/1/001): Areas had consent for 17 houses in 1968 (S4_Doc_049), this lapsed. Council has considerable investment in this area so far as sewerage is concerned. Central part of site would remain undeveloped as a green space.

Church of Scotland General Trustees (09167/1/001): Land at Blairgowrie Glebe, Blairgowrie (S4_Doc_372) should be included as an allocated housing site within the settlement boundary of Blairgowrie within the modified, and then adopted LDP. If site to SE of identified site is taken forward, then the subject site would represent a logical well-defined and effective extension of that site.

Church of Scotland General Trustees (09167/4/001): Land at Rosemount Glebe, Blairgowrie (S4_Doc_049) should be included as an allocated housing site within the modified and then adopted LDP. Site can be considered an infill site due to its being surrounded on three and a half sides by development. It could be an effective site.

Mr & Mrs David Rendall (09289/5/002): Area identified (S4_Doc_049) would allow widening of carriageway (Woodlands Road) and improved access, and provision of footway. The undeveloped land in this vicinity serves little purpose in terms of agricultural production and there is a degree of neglect / dereliction. Allowing development in limited terms here could bring both infrastructure and amenity benefits to this area.

Peter Wright (09289/8/002): Additional land holdings at Woodlands Stables (S4_Doc_049) should be included as a potential development area. It is considered beneficial that proportionate development should continue to be permitted as this would be beneficial to the area; site has good accessibility in terms of location of schools and public roads and infrastructure.

Blairgowrie & Rattray Community Council (10002/1/006 & 10002/1/007): Site G (S4_Doc_049) identified in the MIR (S4_Doc_214) should be retained. This area is closer to facilities and preferable to development rather than prime greenfield sites to the west and north of the town.

Christine McGuinness (00385/4/004): Include area at The Struan, Woodlands Road (S4_Doc_049) to give additional choice.

Modifications sought by those submitting representations:

General

Michal Wojtowicz (08816/3/001 & 08816/3/002): Areas A and B (S4_Doc_049) at Bellfield Woodlands road (identified on plan) to be designated as white land not open space.

Mr & Mrs David Rendall (09289/5/001); Peter Wright (09289/8/001): Remove designation of open space in the wider Rosemount area - leave as white land (or allocate).

E31 Welton Road

Ian Steel (00214/1/001); Deidre McVean (08647/1/001); Jean Squires (00189/1/002): Delete the site.

Scottish Natural Heritage (05211/25/031): Add the following criteria to the developer requirements section on Page283:

- ⇒ *'Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.'*
- ⇒ *'Where the development of the site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.'*

H62 Welton Road

Ian Steel (00214/1/002); Deidre McVean (08647/2/001 & 08647/3/001); Christine McGuinness (00385/4/001); Jean Squires (00189/1/001): Delete the site.

MU5 Western Blairgowrie

Dr & Mrs A Spowart (00144/1/001); A D Scott (00110/1/001); Philip Maxwell (00358/1/001); Tania Meikle (00526/1/001); Blairgowrie & Rattray Community Council (10002/1/008): Delete the site.

Kristin Barrett (07107/1/001 & 07107/2/001): Suggests the housing and development area east of (assume mean north of) the Essendy road should be split leaving swathes of not-built on land opposite the ends of the two current cul-de-sac roads these green spaces. The area south west of the Essendy Road (assume mean south of) be split in two with a 20m wide swathe of undeveloped land being left on both sides of the current footpath from near the cemetery to the Muirton wood.

Dr Carol Pudsey (09831/1/001): Deletion of the southern part of this site between the ancient woodland and the A93, the woodland planting should be extended towards the road.

Alan Greig (00727/1/001): Area to north of Dunkeld Road should be deleted.

Forestry Commission Scotland (08988/1/016): Advance planting should be a developer requirement for the site.

Mr & Mrs Robin Johnston (00722/1/001): Galabank footpath should be retained as at present and a Tree Preservation Order should be imposed around the Galabank walk.

Scottish Environment Protection Agency (03194/43/001); Scottish Environment Protection Agency (00947/1/017): Developer requirements should include flood risk assessment, and the need to undertake a feasibility study to assess the potential for channel restoration by removal of any culverts in the area.

H63 Glenalmond Road, Rattray

Christine McGuinness (00385/4/002); CALA Homes (East) Ltd (09022/5/001); Blairgowrie & Rattray Community Council (10002/1/009): Delete the site.

Scott Menmuir (00221/1/001): Access should be from the west end of the site, assumption: flood risk assessment may be required.

Forestry Commission Scotland (08988/1/015): Advance planting should be a requirement for the western side of this site, and provision of a habitat network in the overall site plan.

H64 Blairgowrie south

Gordon Wood (00342/1/001), Christine McGuinness (00385/4/003); Graeme Findlay (00720/1/001): Delete the site.

Stewart Milne Homes (09313/5/001): Density should be increased.

Sir William MacPherson of Cluny (09289/6/001): Extension of H64 to include areas at Oakdene.

Scottish Environment Protection Agency (03194/42/001); Scottish Environment Protection Agency (00947/1/018): Developer requirements should : include- flood risk assessment, (as per the SEA (S4_Doc_545)), specify that no development should take place on the functional flood plain or within an area of known flood risk, and require the developer to undertake a feasibility study to investigate the potential for channel restoration by removing the culvert.

New sites

Mr & Mrs R Shepherd (00336/1/001); Councillor Caroline Shiers (08830/1/001): Inclusion of Westfield of Rattray within town boundary for residential and employment opportunities Site (B02) in the Draft Eastern Area Local Plan (S4_Doc_546) (3.22ha land) should be identified for 80 houses in a mixed development. Blairgowrie and Rattray Community Council (10002/1/006): also request the inclusion of Westfield farm as a designated site for housing and associated workspaces and residential amenities including an additional area towards the town (as per MIR site A (S4_Doc_214)).

CALA Homes (East) Ltd (09022/5/002): Allocate site at Wellbank, Hatton Road (S4_Doc_372) for between 60 and 80 houses.

Vivian Van-Velp Fernand (09261/1/001): Settlement boundary should be extended to include Greenbank, Applebog, Motorbank, Craigmill and Westfields (S4_Doc_372) for self build housing.

G S Brown Construction Ltd (09817/11/001): Include pre-MIR site assessment site 174 Stiellsmuir, (land adjacent to Golf Course Road) (S4_Doc_049) for housing.

Mr & Mrs David Rendall (09289/5/002): Include part of pre-MIR site assessment site 167 land at Stiellsmuir farm (adjacent to Woodlands Road) (S4_Doc_049) as a potential housing site.

G S Brown Construction Ltd (09817/11/002): Include pre-MIR assessment site 198 (land to rear of dwellings on Golf Course Road) (S4_Doc_049) in the LDP for high quality housing.

G S Brown Construction Ltd (09817/11/003): Include pre-MIR assessment site 175 (Kirkton Road Rattray) (S4_Doc_372) for medium density housing in the Plan.

Donald Strathairn (00563/1/001): Area behind Golf Course Road (S4_Doc_049) to be allocated for 7-8 house units built at low density, making use of both existing accesses, with central area remaining a green space.

Church of Scotland General Trustees (09167/1/001): Allocate land at Blairgowrie Glebe (S4_Doc_372) as housing site.

Church of Scotland General Trustees (09167/4/001): Land at Rosemount Glebe, Blairgowrie (S4_Doc_049) to be included as an allocated housing site within the LDP.

Peter Wright (09289/8/002): Identify site (Woodlands Stables) (S4_Doc_049) as having potential for development.

Blairgowrie & Rattray Community Council (10002/1/007): Include the former site G (S4_Doc_049) from the MIR as a designated site for housing.

Christine McGuinness (00385/4/004): Include area at The Struan, Woodlands Road (S4_Doc_049) to give additional choice.

Summary of responses (including reasons) by planning authority:

General

Michal Wojtowicz (08816/3/001 & 08816/3/002); Mr & Mrs David Rendall (09289/5/001); Peter Wright (09289/8/001): The Plan shows protection for the areas of open space and recreation as well as green corridors throughout the town, it seeks to protect these areas to maintain the character and amenity of the town as well as protect and enhance biodiversity. This designation does include private ground as well as public areas, and the lack of public access to an area does not preclude it having a value in terms of providing a green corridor, or biodiversity value. Policy CF1 (S4_Doc_414) covered by schedule 4 number 11 seeks to protect these areas from development. Where small scale development is seen as appropriate, the land has been left as 'white land', however, large scale removal of the open space designation from the Rosemount area of Blairgowrie in particular could open the area to substantial development proposals, which, at the present time are neither required, as other sites are available, nor are seen as desirable as this would substantially alter the character of the area.

The areas identified by Michal Wojtowicz (08816/3/001 & 08816/3/002) however, are relatively small, and if the Reporter is so minded to recommend that his proposed modification is adopted, Perth & Kinross Council would be comfortable with this modification because it would not undermine the character of the wider Rosemount area.

E31 and H62 Welton Road

Ian Steel (00214/1/001 & 00214/1/002); Deidre McVean (08647/1/001, 08647/2/001 & 08647/3/001); Jean Squires (00189/1/001 & 00189/1/002); Christine McGuinness (00385/4/001); Scottish Natural Heritage (05211/25/031): The designation of the housing site H62 and employment site E31 is considered to meet the spatial strategy of the

TAYplan (S4_Doc_065) which requires development to be concentrated within Tiered settlements within the area. Blairgowrie/Ratray is identified as a Tier 2 settlement and provides an opportunity to provide a significant contribution to housing and business land provision within the overall LDP area. The Council is required to allocate sufficient housing and business land to ensure an adequate land supply for the Plan period. The issues raised in respect of E31 and H62 overlap in many respects, and as it is intended that H62 will be an enabling development in terms of helping with the delivery of E31, the concerns raised for both sites are considered together.

The rate of uptake of land in the existing Welton Road Industrial Estate means the employment land has all but been developed and the development of E31 is seen as a natural extension to the existing site. It is unfortunate that there will be some loss of agricultural land; however the suggestion that brownfield sites could adequately provide for the level of employment land required for the Plan period is not borne out by the 2012 vacant and derelict land survey (Core_Doc_198) which recorded less than 2ha of such land available in Blairgowrie and Ratray.

Following a preliminary assessment of the flood risk in the area it is acknowledged that a small part of E31 is liable to be at risk of flooding, however a detailed Flood Risk Assessment will determine the precise area of developable land. This is acknowledged in the identification of the green area for planting to the north of the site. Physically H62 lies above E31 in terms of elevation, and is not regarded to be at risk of flooding.

The two sites, although considered as one in the masterplan will be physically separated by a landscaped area, designed for protection of the historical artefacts present, retention of as many trees as possible, protection of biodiversity within these areas and provision of open space for the housing development. Much of the developable area is flat open fields with limited biodiversity value and the additional planting and open space areas are likely to deliver improvements to habitats. There will be further undeveloped areas in the low lying parts of the site which although at risk of flooding, will be capable of contributing to the landscape of the site, and its biodiversity interest.

Concerns expressed regarding the route of the distributor road largely relate to the presence of artefacts of archaeological and historic interest within site H62. These representations and those received in respect of other issues (impact on the biodiversity of the area and type of affordable housing proposed for H62) are acknowledged, however, the proposed masterplan is the most appropriate mechanism for addressing these, and it is anticipated it will show that the area can be developed in a phased manner, without detrimental impact on the historic or natural environment. Turning to the point of concern raised in respect of sewerage effluent discharge into the River Erich, the Plan requires that drainage from all development should connect to Public Waste Water Treatment Works. The Site Specific Developer Requirements are further designed to ensure that all the issues raised are taken into account in any development. The requirement to finalise detailed aspects of design is not a reason to exclude the sites from the Plan.

It is considered that amending the developer requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_139) 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.

MU5 Blairgowrie west

Dr & Mrs A Spowart (00144/1/001); A D Scott (00110/1/001); Philip Maxwell (00358/1/001); Tania Meikle (00526/1/001); Blairgowrie & Rattray Community Council (10002/1/008); Kristin Barrett (07107/1/001 & 07107/2/001); Dr Carol Pudsey (09831/1/001); Alan Greig (00727/1/001); Forestry Commission Scotland (08988/1/016); Mr & Mrs Robin Johnston (00722/1/001); Scottish Environment Protection Agency (03194/43/001 & 00947/1/017): The designation of the mixed use site MU5 is considered to meet the spatial strategy of the TAYplan (S4_Doc_067) which requires development to be concentrated within Tiered settlements within the area. Blairgowrie/Rattray is identified as a Tier 2 settlement and provides an opportunity to provide a significant contribution to housing and business land provision within the overall LDP area. The Council is required to allocate sufficient housing and business land to ensure an adequate land supply for the plan period. Within this allocation it is also the intention of the Council to provide an element of choice.

The development of brownfield sites is suggested as preferable to the subject site, and of course, brownfield site development would be welcomed, however, they are often small and as their development cannot be assured during the Plan period there is doubt as to their effectiveness in that timescale. The 2012 vacant and derelict land survey (Core_Doc_198) recorded less than 2ha of vacant and derelict land available in Blairgowrie and Rattray and this enforces the view that there is insufficient brownfield land to meet the housing and employment land requirements of the Plan period. In addition, paragraph 97 of SPP (S4_Doc_108) permits development on prime agricultural land where it is an essential component of the settlement strategy.

Whilst the site lies outwith the 1:200 year flood risk area (S4_Doc_350) SEPA have stated that a Flood Risk Assessment is required for this site, this is a matter which can be incorporated into the masterplan for the site, as could the request from the Forestry Commission for planting to take place in advance of development, and the opportunity taken to create links into other areas of trees and woodlands outwith the site.

The issues of visual impact, potential traffic generation, protection of footpaths and the Ardblair Trail, enhancement and protection of woodlands and the biodiversity of the area are all matters which are acknowledged but it is considered they would most appropriately be dealt with in the production of a masterplan for the area which can fully investigate the competing land-use interests and which would also take on board such issues as any potential flood risk. Many of these issues are also covered by policies elsewhere in the Plan, for example Policy RD4 (S4_Doc_489) (covered by Schedule 4 number 9) covers the requirement for all developments over 5 units in size to deliver affordable housing. The Council would apply its policy on Affordable Housing, which has been in place for a number of years and has helped deliver affordable housing in the area.

The desire to see parts of the site left undeveloped for whatever purpose is also acknowledged, but again it is considered the masterplan approach would allow some control over these issues. It would be inappropriate to decide in advance of the masterplan which areas might be excluded from development as this could prejudice the development of the other elements of the site.

The requirement to produce a masterplan to finalise detailed aspects of design is not a reason to exclude the site from the Plan.

No modification is proposed to the Plan.

H63 Glenalmond Road

Christine McGuinness (00385/4/002); CALA Homes (East) Ltd (09022/5/001); Blairgowrie & Rattray Community Council (10002/1/009): The designation of the housing site H63 is considered to meet the spatial strategy of the TAYplan (S4_Doc_067) which requires development to be concentrated within Tiered settlements within the area.

Blairgowrie/Rattray is identified as a Tier 2 settlement and provides an opportunity to provide a significant contribution to housing land provision within the overall LDP area. The site lies outwith the SEPA 1:200 year flood risk area, (S4_Doc_350) however, due to a small stream which traverses part of the site the developer requirements in the proposed Plan indicate that a Flood Risk Assessment is required, however it is not anticipated that this will significantly reduce the area which is capable of accepting development, but it is a sensible precaution to ensure no houses will be at risk once built.

The location of the site means it is less peripheral than other suggested sites which lie to the west of the town- it is more easily accessible on foot to local services such as the local primary school, from a sequential and sustainability point of view.

No modification is proposed to the Plan.

Scott Menmuir (00221/1/001); Forestry Commission Scotland (08988/1/015): It is acknowledged that a Flood Risk Assessment of the site is required; this is listed as a developer requirement. It is also acknowledged that the access to the east of the site is very restricted and it is anticipated that the main access to the site will require to be from the west. The developer requirements also specify enhancement of biodiversity and the suggested planting in the early phases could contribute to this.

No modification is proposed to the Plan, however, should the Reporter be so minded to recommend that the developer requirements be more specific in respect of access and tree planting as suggested by the representations, the Council would be comfortable with this modification as it would not have any implications for any other aspect of the Plan.

H64 Blairgowrie south

Gordon Wood (00342/1/001); Christine McGuinness (00385/4/003); Stewart Milne Homes (09313/5/001); Graeme Findlay (00720/1/001); Sir William MacPherson of Cluny (09289/6/001); Scottish Environment Protection Agency (03194/42/001, 00947/42/001 & 00947/1/018): The designation of the housing site H64 is considered to meet the spatial strategy of the TAYplan (S4_Doc_067) which requires development to be concentrated within Tiered settlements within the area. Blairgowrie/Rattray is identified as a Tier 2 settlement and provides an opportunity to provide a significant contribution to housing land provision within the overall LDP area.

It has long been intended that a road will be constructed linking Hazelwood Road to Berrydale Road (pg36 Eastern Area Local Plan 1998 (S4_Doc_548)) refers to the need for the construction of a distributor road to the site boundary of site H6 (Blairgowrie map and page to enable connection to the Coupar Angus Road), this distributor road is important to provide a more direct access to the recently developed school, as well as providing an emergency access and will deliver real benefits to the area; the development of this site is considered an enabling development for the delivery of this long awaited road link.

The loss of privacy, amenity and potential noise which Graeme Findlay (00720/1/001), refers to, need not arise with careful site layout, but these matters would be for a detailed planning application to determine.

The capacity of the site will be determined to an extent by any network improvements which may be required for the sewerage system, the extent of which will not be known until the wastewater network investigations have been completed, as stated in the developer requirements. In addition, despite the fact that the site lies outwith the 1:200 year flood risk area on the SEPA flood maps (S4_Doc_350), Scottish Environment Protection Agency (03194/42/001) and (00947/1/018), have indicated that a Flood Risk Assessment will be required for the site, and the opportunity for re-opening of the existing culvert on the site should be investigated. Both of these issues will also determine the extent of developable land and will have implications for the number of dwellings which the site can ultimately accommodate, although it is anticipated that the Flood Risk will only affect a minor portion of the site. These issues, and the fact that the site lies between the main settlement of Blairgowrie and the area known as Rosemount, the characteristics of which is for a lower density of development, mean that the number of houses specified in the Plan has been set at a lower figure than that which might have been used elsewhere. Policy EP3D (S4_Doc_428) (covered by schedule 4 number 17b) supports the Scottish Environment Protection Agency's desire to have the existing culvert removed. The land in question is not in productive agricultural use, it is rough grassland or paddock. The re-opening of the culvert and associated Sustainable Urban Drainage Systems treatment area could have a beneficial effect on the biodiversity of the area. Stewart Milne Homes (09313/5/001) have not provided any evidence to support the requested increase in numbers at this stage.

Policy RD4 (S4_Doc_489) (covered by schedule 4 number 9) requires that all sites of greater than 5 units provide an element of affordable housing. How this is achieved and delivered is determined at the time of any planning application based on the housing needs assessment at that time. Scottish Government policy generally is to encourage mixed communities including affordable housing.

A suggestion is made by Sir William MacPherson of Cluny (09289/6/001) to extend the site to the south to allow an additional access to be made to Golf Course Road. It is considered this extension is not required at this time as sufficient land has been identified in the Plan. It is not considered however, that the inclusion of this additional area would constitute a serious erosion of the green space which is so valued by members of the community.

No modification is proposed to the Plan, however, should the Reporter be so minded the Site Specific Developer Requirements could be expanded to include the Flood Risk Assessment and re-opening of the culvert, the Council would be comfortable with this modification as it would not have any implications for any other aspect of the Plan; in addition, the modest extension to the south suggested by Sir William MacPherson of Cluny (09289/6/001) would similarly have certain positive attributes in allowing an alternative access into the area, and if the Reporter is minded to include this area, the Council would be comfortable with this modification as it would not have any implications for any other aspect of the Plan.

New Sites

Mr & Mrs R Shepherd (00336/1/001); Councillor Caroline Shiers (08830/1/001); Blairgowrie & Rattray Community Council (10002/1/006): Would like to see the area at Westfields of Rattray (S4_Doc_372) included within the settlement boundary for Rattray,

and identified for development as a mixed use site for both business and residential use, as per the draft Eastern Area Local plan of 2005 (site BO2) (S4_Doc_546). The area includes a substantial proportion of brownfield land. The area within the 2005 draft Plan does also include a greenfield site, development of which it is understood would be intended for cross subsidy of development of the former piggery site. Mr and Mrs R Shepherd (00336/1/001), state that they had a developer interested in the site, but this failed to progress due to the economic climate.

It is acknowledged that this area was previously included in the settlement boundary of the 2005 draft Eastern Area Local Plan, (S4_Doc_549) however, that Plan has no status, as it did not proceed to adoption. Development of the brownfield land for residential use would be judged against Policy RD3 (S4_Doc_418) (considered under Schedule 4 number 8a) Housing in the Countryside and any proposed development for business use on this site would be judged against Policy ED3 (S4_Doc_395) (considered under Schedule 4 number 5). Both of these policies are broadly supportive of residential and business use in a rural location, where brownfield land is being re-used. The Council therefore does not see the need to artificially extend the boundary northwards to include the area, where other policies would not preclude the type of development proposed, and where adequate land has been allocated elsewhere, and the subject site is more remote from the town centre than H63 from a sequential and sustainability point of view.

No modification is proposed to the Plan.

CALA Homes (East) Ltd (09022/5/002): State that the site at Wellbank Rattray (S4_Doc_372) is preferable to site H63. Whilst this site may have potential for development at some point in the future, sufficient land has been identified for the Plan period. This site is more remote from the town centre than H63, and from a sequential and sustainability point of view H63 is more acceptable to the Council.

Vivian Van-Velp Fernand (09261/1/001): Identifies areas at Westfields, but includes areas at Wellbank, Applebog, Motorbank and Craigmill (S4_Doc_372) as having potential for self build, low density development. These areas may have potential for development at some time in the future, however, sufficient land has been identified for the current Plan period and these areas, all of which are more remote from the town centre than other sites which have been identified, are not required at this time. In addition, the inclusion of these areas which lie immediately to the west of an established caravan park which currently enjoys a rural setting would be liable to detract from this setting. The Council wish to support the retention of this valuable tourism resource.

No modification is proposed to the Plan.

G S Brown Construction Ltd (09817/11/003): Identifies a site at Kirkton Road Rattray (S4_Doc_372) as suitable for housing, they state that there is a shortage of land in Rattray for development and the site is seen as well related to open space and development sites BH2 and BH11 in the 2005 Draft Eastern Area Local Plan (S4_Doc_547). Previous appeal decisions are quoted as evidence of a lack of land supply in the Rattray area, however, these decisions have increased the land supply, and these areas, together with the proposed allocations on the Local Development Plan, mean there is now no shortage of available sites within the town, indeed with the sites identified in the Proposed Plan Strathmore and the Glens will have a small surplus of some 100 units for the period to 2024. Schedule 4 no. 20c- housing land supply gives further details. The site proposed would take access off a very narrow restricted road, and development in this area is not seen as compatible with the preferred strategy.

No modification is proposed to the Plan.

Donald Strathairn (00563/1/001): Identifies a site in southern Rosemount (S4_Doc_049) which he states would be appropriate for development. This site is remote from the town centre and incorporates woodlands of significant biodiversity value, which form a backdrop and setting to the properties in Golf Course Road and Heather Drive. This is part of the setting which characterises Rosemount, and the loss of the area would be to the detriment of the character of the area. Adequate sites have been identified in the Blairgowrie and Rattray area to satisfy the requirements of TAYplan. Other sites are better fitted sequentially and from a sustainable viewpoint to fulfil the housing land requirement.

No modification is proposed to the Plan.

Church of Scotland General Trustees (09167/1/001): Identify land at Blairgowrie Glebe (S4_Doc_372) which they wish to see put forward for residential development, they state that if a site to the south east of their own site were to come forward then their site would represent a well-defined extension of that area. This circumstance has not occurred, and the Church of Scotland state in their own representation that their site is unlikely to be supported as a direct extension to the town as it is not adjacent to the town boundary. The site indeed is too remote from the town and other sites are more acceptable in terms of position and sustainability.

No modification is proposed to the Plan.

Church of Scotland General Trustees (09167/4/001); Mr & Mrs David Rendall (09289/5/002); Peter Wright (09289/8/002); Christine McGuinness (00385/4/004); G S Brown Construction Ltd (09817/11/001 & 09817/11/002): These six areas are all included in the area identified as open space on the proposed Local Development Plan (S4_Doc_049). Five of them were included in site G in the Main Issues Report, (S4_Doc_214) (the exception being the Glebe land) however, the majority of site G has not been included in the proposed Plan as sufficient land has been identified to provide an adequate land supply, and also to protect the character of the Rosemount area which historically has had small scale infill development only, at a low density. All of the areas would require additional access to be taken onto Woodlands Road, which is extremely narrow, and it is not considered desirable to allow further accesses onto this road. It is acknowledged that the development of the area suggested by Mr Rendall could potentially allow for junction improvements at the Golf Course Road/Woodlands Road junction; and whilst none of the sites are particularly large, it is considered that cumulatively they would constitute a substantial development which would erode the character of the Rosemount area. A recent application on one of these sites attracted a substantial number of representations against the proposal. In addition, 13 respondents to the Main Issues Report stated they were not in favour of development of site G in Rosemount as identified in that report.

No modification is proposed to the Plan.

Blairgowrie & Rattray Community Council (10002/1/007): State that the site G in the MIR (S4_Doc_049) is closer to facilities and preferable to development rather than prime greenfield sites to the west and north of the town.

If this area were to be allocated for development then arguably one of the other sites in the town would not be required, however, it would mean that the bulk of the development

may end up in one sector of the town, and it is seen as more appropriate that sites are distributed both in Rattray and Blairgowrie.

No modification is proposed to the Plan.

Reporter's conclusions:

General

1. Rosemount is a residential district of south Blairgowrie with a pleasant semi-rural character. Much of the land between Woodlands Road and Golf Course Road is open and undeveloped, and there are attractive areas of trees and woodland. Most of this land is privately owned, but it is important that this significant area of green space within the settlement boundary is protected for its amenity value.
2. The undeveloped area was formerly designated as agricultural land in the adopted Eastern Area Local Plan, to protect its character. The Proposed Plan designates a wide area of Rosemount as open space, where Policy CF1: Open Space Retention and Provision is intended to apply. The option of excluding the land from the settlement boundary was discounted, as that would have created an artificial 'island' of countryside within the town (see Issue 11). It would also be wrong to remove the protection afforded to this area, as development would erode the special character of Rosemount.
3. Although sites A and B on Woodlands Road are, respectively, part of the private curtilage of 'Belfield' and a paddock with no public access, they nonetheless make a small but valuable contribution to the sense of openness which the open space designation seeks to maintain. Their removal from the designation would diminish the visual connection between Woodlands Road and the undeveloped land to the west which gives the area its distinctive character, and would threaten the integrity of the wider area. In any case Woodlands Road is a narrow country lane with no footways and sharp bends with poor visibility, so it is an unsuitable location for further development. The boundary of the open space designation at Woodlands Road should be unchanged therefore.

E31 and H62: Welton Road, Blairgowrie

4. The proposed allocation of 17.3 hectares (9 hectares during the Plan period) for employment use at E31 is an important element of the spatial strategy for the Strathmore and the Glens area. It also helps the council to fulfil the expectation of Policy 3 of TAYplan that at least 5 years supply of employment land is identified and safeguarded in principal settlements such as Blairgowrie/Rattray.
5. The reserves of employment land at the existing industrial estate are virtually exhausted, and there is little brownfield land available in the area. It is therefore inevitable that greenfield land will require to be developed to meet the requirement for additional employment land in Blairgowrie. It is proposed to extend the existing industrial estate at Welton Road and to provide a new link road connection to Coupar Angus Road through the associated housing allocation at H62. This is an imaginative response to the demand for employment and housing sites, which would provide an improved road network.
6. Similarly, the intended allocation of 11.49 hectares for residential development (150 houses) at H62 is required to help meet the requirement to allocate sites for a total of 865 houses in Strathmore and the Glens during the Plan period. Policy 1 of TAYplan gives

priority to land releases in principal settlements such as Blairgowrie/Ratray.

7. The allocations note the need for a masterplan for the comprehensive, phased development of E31 and H62. The site-specific developer requirements recognise the need to conduct a flood risk assessment to establish the extent of development at E31, and the possible need for waste water network improvements (the sites will connect to the public waste water treatment works). They also require the evaluation and mitigation of the archaeological potential of both sites, and the retention of wooded habitats, amongst many other requirements. Subject to these important safeguards the proposals merit support.

MU5: Western Blairgowrie

8. The proposed mixed use development on the west side of Blairgowrie is a major element of the spatial strategy for Strathmore and the Glens. This greenfield site of almost 25 hectares would provide employment land (4 hectares), up to 200 houses, and an area for educational/play provision (4 hectares). There is insufficient brownfield land in the area to meet the TAYplan requirement for housing and employment sites. TAYplan Policy 1 expects most of the region's development to be accommodated in principal settlements such as Blairgowrie / Ratray. The proposed development at MU5, which would require to include a proportion of affordable housing under Policy RD4, can be supported in principle therefore.

9. MU5 is a prominent site beside the A93 Perth Road at the main entrance to the town from the south, and straddles the A923 Dunkeld Road (the main approach from the west). The development would also be noticeable from houses fronting on to those main roads, and the connecting streets on the west side of the A93, including Westpark Road. The masterplan would need to retain the ancient woodland at the south end of the site, and avoid the development from encroaching onto higher ground at the north end of the site. These provisos are included amongst the site-specific developer requirements on page 283 of the Proposed Plan. Subject to these requirements there is no reason why a sympathetic development could not be devised in keeping with the gateway position of the site and its residential neighbours.

10. The masterplan would be informed by a flood risk assessment, and a transport assessment which would address the traffic generation and access arrangements for the development. It would also need to safeguard the popular walking routes in the vicinity, including the Ardblair Trail, and to explore the opportunity to expand the woodland on the western edge of the site. The layout of the development would require to minimise the impact on neighbouring houses. These stipulations should be included within the site-specific developer requirements on page 283 of the Proposed Plan.

H63: Glenalmond Road, Ratray

11. As explained in paragraph 8 above and elsewhere in this report, it is necessary to release greenfield land on the edge of Blairgowrie/Ratray to fulfil the TAYplan requirement for housing and employment sites in the area. The site at Glenalmond Road, on the north east edge of the town, is well placed to make a significant contribution to housing provision in this principal settlement. A total of 160 houses is proposed on an area of over 11 hectares. Although the land slopes up gradually to the north, the site is well contained by topography, woodland and existing development, and the site-specific developer requirements state that the development would be restricted to the lower slopes.

12. There are no known infrastructure constraints which would prevent the development of the site. It is not in a flood risk area, and a flood risk assessment would ensure that the development of the land caters for the minor watercourse which crosses the site. It could be accessed satisfactorily from the west via Glenalmond Road. The site-specific developer requirements propose the provision of woodland screen planting along the north and west boundary, together with enhancement of biodiversity, and there is no need to modify the Proposed Plan to secure these measures.

H64: Blairgowrie South

13. This site of 7.82 hectares is located within the urban boundary. It lies immediately to the north of the area protected as open space that is referred to in paragraphs 1-3 above, but does not serve the same amenity function. It is undeveloped land adjoining an existing housing estate and the new community campus, and it could be developed for housing without significantly detracting from the amenity of the area.

14. There are no special constraints preventing residential development on H64. Indeed the construction of a link road through the site to connect Berrydale Road to the Perth Road via Hazelwood Road would be of benefit to the town, particularly in improving access to the new school. The provision of affordable housing within this development (and other developments of more than 5 houses) would also be beneficial. There is no known flooding constraint, but a flood risk assessment would ensure that any such issues were taken into account in the layout and design of the development.

15. The proposed density of less than 11 houses per hectare is unusually low, especially in the context of a site within the town where 20-25 houses per hectare might be more typical. However the extent to which housing numbers will be limited by wastewater network constraints and flood risk is unknown at this stage, and it is right to be conservative in the estimate of housing numbers until these issues have been explored.

16. The proposal to extend the site to the south to provide a link to Golf Course Road would result in the loss of an area of land forming part of the wider tract of open space which gives Golf Course Road and Woodlands Road their pleasant semi-rural character. Given the generous provision of housing land in the Proposed Plan which already meets TAYplan requirements, the release of this additional area is unnecessary.

New sites

17. The suggested site at Westfields of Rattray was to be allocated for housing in the Draft Eastern Area Local Plan, which was not adopted. Although described as a 'brownfield site' as it contains redundant buildings associated with a former piggery, much of the area is undeveloped farmland. The representation seeks to reinstate the formerly proposed allocation for a mixed use development comprising private housing, affordable housing and business space.

18. The redevelopment of the brownfield portion of the site is likely to gain support from Policy RD3: Housing in the Countryside and Policy ED3: Rural Business and Diversification. However the allocation of over 3 hectares of land at the northern extremity of the town for housing and other purposes would not be appropriate, as the site is detached from the town centre and services, and better, more accessible sites are allocated elsewhere in the town.

19. Similar considerations apply to the nearby site at Wellbank, Hatton Road, Rattray. It lies immediately to the north of the caravan site which forms the current limit of development on the east side of Hatton Road. If the site at Wellbank was developed this would promote the northward expansion of the town, away from the town centre and its facilities. To that extent the site may be regarded as less sustainable than the sites allocated in the Proposed Plan. As explained elsewhere in this report sufficient sites have been allocated elsewhere in Blairgowrie/Rattray to meet TAYplan requirements.

20. The proposal to extend the settlement boundary north of Westfield to encompass a number of outlying houses is not warranted. Any houses built in this enclave would be even more remote from the town centre and the facilities of the town than those described in paragraphs 17-19 above. Moreover the development would be inherently unsustainable as residents would require to drive to access services. The demand for sites for self build houses should be met on sites within the settlement boundary.

21. The site at Kirkton Road, Rattray is an extensive area (8.9 hectares) of land devoted to agriculture/horticulture in the valley floor on the east side of the town. Its development for medium density housing would erode the rural character of the area. The access is via a very restricted approach road which lacks footways and is single width in places. Given that sufficient housing sites are identified in the Proposed Plan to meet TAYplan requirements, there is no need to release this unsuitable site.

22. The land at Heather Road, Rosemount is an established wood with mature birch and Scots pine, which is of recreational and biodiversity value, and forms part of the attractive setting of the adjoining residential area. The previous planning permission will have lapsed some 40 years ago, and it is important to protect this woodland from development which would diminish its attractiveness. The settlement boundary, which excludes this area, should not be modified therefore.

23. The field at Blairgowrie Glebe is detached from the town, and is approached by means of a narrow lane which crosses the constricted Bridge of Burnhead. There is no justification to allocate this remote site for housing when sufficient sites have already been identified within or adjoining the current limits of the town.

24. The remaining sites at Golf Course Road and Woodlands Road lie within the area protected as open space under Policy CF1. For the reasons given in paragraphs 1-3 above it is critical that this undeveloped area is protected for its amenity value, as it gives Rosemount its pleasant semi-rural character.

25. The fields at Stiellsmuir Farm and Woodlands Stables contribute to the attractiveness of Woodlands Road, and the access along this narrow country lane with blind corners and no footways is unsuitable for further development. Rosemount Glebe, at the north end of Woodlands Road, lies on the south (undeveloped) side of the lane which marks the edge of the open space, and its development for housing would potentially open up a larger area for development. It also suffers from the access constraint which limits the scope for new housing at Woodlands Road, as would the site at The Struan where development would erode the integrity of the wider area of open space to the west and south. A similar argument applies to the sites off Golf Course Road promoted by GS Brown. In particular the development of the site to the south west of Stiellsmuir Farm, which abuts Golf Course Road, would detract from the open semi-rural character of this road.

26. Accordingly none of the additional housing sites in the Rosemount area which have been proposed in representations should be included in the Proposed Plan.

Reporter's recommendations:

E31: Welton Road

1. Add the following criteria to the developer requirements section on Page 283:

- *'Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.'*
- *'Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.'*

MU5: Western Blairgowrie

2. Add the following to the site-specific developer requirements on Page 283:

- Flood Risk Assessment.
- Protect local footpaths and the Ardblair Trail.
- Expand woodland on west side of site.
- Layout of the development to minimise impact on residential properties.

H64: Blairgowrie South

3. Add the following to the site-specific developer requirements on Page 284:

- Flood Risk Assessment and investigate potential for removing culvert.

Issue 43	Strathmore and the Glens Area - Coupar Angus	
Development plan reference:	9.4 – Coupar Angus, page 287-289 E33 - East of Scotland Farmers, Coupar Angus, page 289 H65 - Larghan, Coupar Angus, page 289	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Dr K M Spillane (00104) Annjo Kettles (00213) D Crighton (00268) Audrey Millar (00463) Coupar Angus Community Council (00564) James Filshie & Partners (00745) Douglas Neill (00776)		Michael Gallagher (09184) Guild Homes (Tayside) Ltd (09266) Mr & Mrs Patrick Cardwell-Moore (09554) East of Scotland Farmers Ltd (09762) Nicholas Roche (09952) The Church of Scotland General Trustees(09167)
Provision of the development plan to which the issue relates:	Allocation of housing and business land for Coupar Angus	
Planning authority's summary of the representation(s):		
<p><u>Adjustment of settlement boundary at Beech Hill Road</u> D Crighton (00268/1/001): Area is unsuitable for development. The road access to the site is not suitable.</p> <p>Nicholas Roche (09952/1/001): Land is unsuitable for development because of access, effect on the environment of allowing development of this area, visual intrusion, lack of public services (mains gas and drainage) archaeological interests.</p> <p><u>General</u> Michael Gallagher (09184/1/001): No detailed flood risk assessment has been carried out and restricting new housing to the far eastern edge of the town does not make for a socially integrated community. No specific site is identified.</p> <p><u>Protection of future by-pass line/provision of by-pass</u> Annjo Kettles (00213/1/001); Audrey Millar (00463/1/001); Coupar Angus Community Council (00564/1/001); Michael Gallagher (09184/1/002): Existing traffic causes vibration damage to property (including historic buildings) and drains; existing road (Queen Street) is narrow with inadequate turning spaces, and dangerous narrow footpaths. The Plan is for 20 years, surely there is a prospect of the road being built in this time span. A relief road would ease congestion, and reduce long queues in Queen Street at rush hours, traffic often has to mount the pavement, long hold ups at the junction between the A923 and A94 would be avoided during the rush hour.</p> <p>East of Scotland Farmers Ltd (09762/1/001): Opportunity to connect to the roundabout in the future may be blocked if development is permitted on the area immediately adjacent to the roundabout; with the removal of the relief road that safeguard no longer exists.</p> <p><u>E33: East of Scotland Farmers</u> East of Scotland Farmers Ltd (09762/1/001): Welcome the opportunity to investigate the possibility of an access from the south-west corner of the site to the roundabout on the</p>		

by-pass. However, this opportunity may be blocked if development is permitted on the area immediately adjacent to the roundabout; with the removal of the relief road that safeguard no longer exists. Support inclusion of E33 which will allow expansion for their business.

Guild Homes (Tayside) Ltd (09266/1/001): East of Scotland Farmers causes blight to development to the east of Coupar Angus; the proposed extension will bring business closer to existing houses. The existing access is poor with limited visibility; additional access will not be allowed to the east as this is controlled by Guild Homes.

H65: Larghan

Mr & Mrs Patrick Cardwell-Moore (09554/1/001): Site is too remote from town centre, infrastructure concerns. Access on pavements along the Forfar Road is very dangerous. New residents would inevitably by pass the town centre and go elsewhere. It will destroy a prime unpolluted agricultural site. Several smaller sites would be more appropriate.

Coupar Angus Community Council (00564/1/002): Because of the location of this proposal any buyers are unlikely to use local traders and would create a commuters satellite development.

Guild Homes (Tayside) Ltd (09266/2/001): There are better sites available for development at Coupar Angus, e.g. Meadowside. A choice of housing sites should be made available.

Douglas Neill (00776/1/001): Alternative site (Princeland farm) is suggested as more suitable for development.

Dr K M Spillane (00104/1/001): The land is one of natural beauty with varied wildlife; all this would be lost if developed. Part of site should be excluded.

New Sites

James Filshie & Partners (00745/1/001); Mr & Mrs Patrick Cardwell-Moore (09554/1/007): To allow for additional housing development, allow access to Dundee Road, thereby taking pressure off access to Pleasance Road Area to south of Abbey gardens is more appropriate than H65 (S4_Doc_050).

Guild Homes (Tayside) Ltd (09266/3/001); Mr & Mrs Patrick Cardwell-Moore (09554/1/005): Site at Meadowside (S4_Doc_050) is more appropriate for development than H65; it is well located in terms of accessibility, and in relation to access to the town centre, primary school and open space at Larghan park. A solution to the potential noise issues from adjacent user and any drainage issues could be found. Guild Homes control the site and it is fully effective. This site would provide an element of choice.

Douglas Neill (00776/1/002); Mr & Mrs Patrick Cardwell-Moore (09554/1/002): Site (S4_Doc_050) is close to the primary school and the centre of the town, more appropriate than H65. Residents would be able to walk to local amenities, site is very free draining.

The Church of Scotland General Trustees (09167/5/001): Site (S4_Doc_050) is available and free from development constraints, a high quality development would be appropriate, sensitive to the adjacent listed building (Abbey); desk study regarding potential archaeological interests would be undertaken.

Mr & Mrs Patrick Cardwell-Moore (09554/1/003): Area at Bogside road is more suitable than H65 (S4_Doc_050).

Mr & Mrs Patrick Cardwell-Moore (09554/1/004): Flood risk assessment should be carried out, this area alongside Coupar Burn is (S4_Doc_050) more appropriate for development than H65.

Mr & Mrs Patrick Cardwell-Moore (09554/1/006): Site at Enverdale (S4_Doc_050) is more appropriate for development than H65.

Modifications sought by those submitting representations:

Adjustment of settlement boundary at Beech Hill Road

D Crighton (00268/1/001); Nicholas Roche (09952/1/001): Reinstatement of the boundary of the town at Beech Hill Road Coupar Angus to the line on the adopted 1998 Eastern Area Local Plan (S4_Doc_550) and land remain as agricultural land.

General

Michael Gallagher (09184/1/001): Extend town boundary to the south (no precise area given).

Protection of future by-pass line/provision of by-pass

Annjo Kettles (00213/1/001); Audrey Millar (00463/1/001); Coupar Angus Community Council (00564/1/001): Re-instate the protected line of the Coupar Angus relief road as shown on previous Local Plan (not specified whether line that shown in 1998 Eastern Area Local Plan, (S4_Doc_551) or 2005 Draft Eastern Area Local plan- map and paragraph 7.3, pg22 (S4_Doc_552).

Michael Gallagher (09184/1/002): Re-instatement of Coupar Angus relief road (assume line shown on 2005 Draft Eastern Area local Plan- map and paragraph 7.3, pg 22) (S4_Doc_552).

East of Scotland Farmers Ltd (09762/1/001): Protection of the land adjacent to the by-pass roundabout for any future relief road.

E33: East of Scotland Farmers

East of Scotland Farmers Ltd (09762/1/001): Protection of the land adjacent to the roundabout so that it can be utilised for access to the East of Scotland Farmers site.

Guild Homes (Tayside) Ltd (09266/1/001): Delete the site.

H65: Larghan

Mr & Mrs Patrick Cardwell-Moore (09554/1/001); Coupar Angus Community Council (00564/1/002); Guild Homes (Tayside) Ltd (09266/2/001); Douglas Neill (00776/1/001): Delete the site.

Dr K M Spillane (00104/1/001): Exclusion of part of site.

New Sites

James Filshie & Partners (00745/1/001); Mr & Mrs Patrick Cardwell-Moore (09554/1/007): Include site for housing (S4_Doc_050).

Guild Homes (Tayside) Ltd (09266/3/001); Mr & Mrs Patrick Cardwell-Moore

(09554/1/005): Include site at Meadowside for housing (S4_Doc_050).

Douglas Neill (00776/1/002); Mr & Mrs Patrick Cardwell-Moore (09554/1/002): Include site behind the row of houses directly north of Coupar Angus primary school as housing site (S4_Doc_050).

The Church of Scotland General Trustees (09167/5/001): Include Coupar Angus Glebe as allocated housing site (S4_Doc_050).

Mr & Mrs Patrick Cardwell-Moore (09554/1/003): Include site at Bogside Road for housing development (S4_Doc_050).

Mr & Mrs Patrick Cardwell-Moore (09554/1/004): Include area at south east of town beyond the Coupar Burn for housing development (S4_Doc_050).

Mr & Mrs Patrick Cardwell-Moore (09554/1/006): Include area around Enverdale for housing development (S4_Doc_050).

Mr & Mrs Patrick Cardwell-Moore (09554/1/007): Include site for housing development (S4_Doc_050).

Summary of responses (including reasons) by planning authority:

Adjustment of settlement boundary at Beech Hill Road

D Crighton (00268/1/001); Nicholas Roche (09952/1/001): The site in question is a small field, which accesses off Beech Hill Road. The site is well defined, and, although visible from the A923 Coupar Angus to Blairgowrie road, a modest development on this site need not be visually intrusive. As with any site which may have some archaeological interest, an appropriate investigation would be a prerequisite before approval of any application. Beech Hill Road is a narrow road, however, in road traffic safety terms a small development here is considered acceptable.

No modification is proposed to the Plan.

General

Michael Gallagher (09184/1/001): No specific area is identified, however a substantial part of the land towards the south of the town is at risk of flooding according to the Scottish Environment Protection Agency indicative 1:200year flood risk map (S4_Doc_050). In the absence of a detailed flood risk assessment proving it is not at such a risk, the Council has adopted the precautionary principle and not included sites within this area. As sites in this area would not meet the preferred strategy of the Plan the area in general has not been assessed through the SEA process.

No modification is proposed to the Plan.

Protection of future by-pass line/provision of by-pass

Annjo Kettles (00213/1/001); Audrey Millar (00463/1/001); Coupar Angus Community Council (00564/1/001); Michael Gallagher (09184/1/002); East of Scotland Farmers Ltd (09762/1/001): These Representations refer to the non inclusion in the Local Development Plan of the indicative line for a by-pass road linking from the roundabout on Burnside Road to the Dundee Road. (This indicative line was included in both the adopted 1998 Eastern Area Local Plan as Proposal 12, R1 (S4_Doc_551), and a slightly modified line (to take account of archaeological interests in the area) in the 2005 Draft

Eastern Area Local Plan described at paragraph 7.3 page 22) (S4_Doc_552).

The Council has no funding to implement such a proposal at this time, nor is it anticipated that there will be funding available within the lifetime of the Plan. In these circumstances the Council is precluded from showing a protected 'desire line' or 'area of search' for such a by-pass in the Development Plan, as it could not feature in the Action Plan. The Council acknowledges the comments made, and accepts that the resultant congestion in Queen Street is not acceptable to the local community. The Council has offered to investigate traffic solutions which may go some way to alleviating the short term issues, however, it is recognised that a by-pass at some time in the future would no doubt remove the majority of the concerns expressed. It is not felt that any potential future line of a by-pass is under threat – as much of the land in question is largely outwith the settlement boundary and also in an area of archaeological significance. The Council would not, however, wish to see any development take place which could prejudice the possibility of construction of a by-pass at a future date.

If the Reporter is so minded to include either an appropriate zoning in the vicinity of the aforementioned roundabout, or exclude this area from the town envelope, the Council would be comfortable with either of these solutions which would have no consequences for other aspects of the Plan.

E33: East of Scotland Farmers

East of Scotland Farmers Ltd (09762/1/001); Guild Homes (Tayside) Ltd (09266/1/001): It is recognised that The East of Scotland Farmers business is an important employer in the town, and in recognition of this an expansion area has been included in the Plan to allow the business to grow. With the recent uncertainty on the future of the Vion factory (on the western approach to the town) which is a major employer, the Council considers it imperative that existing businesses such as the East of Scotland Farmers are able to expand and continue to thrive. The Council does not accept the assertion by Guild Homes that the East of Scotland Farmers places a "blight" on the town, more, it recognises the needs of the business and has deliberately tried to make sure that no housing sites are allocated adjacent to the business, which due to its nature occasionally could give rise to noise nuisance (from grain driers) for properties if they were allowed in too close proximity.

No modification is proposed to the Plan.

The Council accepts the desire for, and would encourage East of Scotland Farmers to investigate the possibility of, re-organising the internal circulation of vehicles within their site and of taking an alternative access directly from the roundabout on Burnside Road, as this would reduce the volume of lorries turning right into their site from the Forfar Road.

The Council would not wish to see any development take place which would prejudice the possibility of construction of an alternative access for this business to the roundabout on Burnside Road.

If the Reporter is so minded to include either an appropriate zoning in the vicinity of the aforementioned roundabout, or exclude this area from the town envelope, the Council would be comfortable with either of these solutions which would have no consequences for other aspects of the Plan.

H65: Larghan

Mr & Mrs Patrick Cardwell-Moore (09554/1/001); Coupar Angus Community Council (00564/1/002); Guild Homes (Tayside) Ltd (09266/2/001); Douglas Neill (00776/1/001): The Representations express concerns that there are better alternative sites, and should the site fail to come forward, then there would be no site available in Coupar Angus for development during the Plan period. They also express concerns that the site is too remote from the town centre, and therefore residents would be unlikely to use local facilities or shops. This site lies outwith the Scottish Environment Protection Agency indicative flood maps 1:200 year (S4_Doc_350) flood risk area. No comprehensive flood risk assessment has been carried out for any of the areas at risk and in the absence of this information the choice of location for future expansion of the town is limited to either a westwards or eastwards expansion. The Vion factory to the west of the town makes an expansion in that direction unfavourable for housing development. H65 has a good landscape setting and access can safely be achieved from the Forfar Road. The Council has no reason to believe that the site will not come forward.

No modification is proposed to the Plan.

Dr K M Spillane (00104/1/001): The Representation requests the exclusion of a small part of H65 from the Plan. The Plan shows the majority of the suggested excluded area as a landscaped area to be retained as the setting for the proposed development.

If the Reporter is so minded to exclude the remainder of this field from the designated site, or to designate the remainder of the field as an open area, the Council would be comfortable with either of these positions as they would have no implications for any other aspect of the Plan.

New Sites

James Filshie & Partners (00745/1/001); Mr & Mrs Patrick Cardwell-Moore (09554/1/007): This area is partially within the Scottish Environment Protection Agency indicative 1:200 year flood risk map (S4_Doc_050) and although some of the land is excluded from that map, photographic evidence (unfortunately no longer held) of flooding of the area was submitted during consultation on the Eastern Area Local Plan in 1997, and it is therefore considered to be at risk.

No modification is proposed to the Plan.

Guild Homes (Tayside) Ltd (09266/3/001): Mr & Mrs Patrick Cardwell-Moore (09554/1/005): These Representations suggest the site at Meadowside would be appropriate for development. The Council considers the proximity of the East of Scotland Farmers site and the potential for noise nuisance precludes the allocation of this site for residential development. The Council considers this site may have more potential for future employment uses.

No modification is proposed to the Plan.

Douglas Neill (00776/1/002); Mr & Mrs Patrick Cardwell-Moore (09554/1/002): These Representations suggest an alternative site which is closer to the town centre than H65. Whilst the majority of the site is not considered to be at flood risk (sitting in an elevated position above the River Isla), part of the area does fall within the Scottish Environment Protection Agency indicative 1:200 year flood risk map (S4_Doc_350). The access to the site which serves the Coupar Angus primary school is very restricted and narrow. The site would be visually obtrusive, breaching the skyline and attracting long views from the

north across the valley, it does not have a satisfactory landscape framework. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process

No modification is proposed to the Plan.

The Church of Scotland General Trustees (09167/5/001): This area has been excluded from the town boundary because of the significant archaeological interest in the area, and the fact that the site lies within the Scottish Environment Protection Agency indicative 1:200 year flood risk map (S4_Doc_050). For these reasons the site is not considered effective. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process

No modification is proposed to the Plan.

Mr & Mrs Patrick Cardwell-Moore (09554/1/003): This sites lie within the town boundary, and, if appropriate, it could come forward as an opportunity site for development, subject to satisfying the usual development criteria. It does not require to be identified as a site in order to attract development. It is not essential to satisfy the housing land requirement for the area. There are significant doubts over the effectiveness of this site due to the ground conditions. Nevertheless, its existence would allow an element of choice for site size and type if appropriate mitigation measures could be put in place.

No modification is proposed to the Plan.

Mr & Mrs Patrick Cardwell-Moore (09554/1/004): This area which lies towards the south of the town is at risk of flooding according to the Scottish Environment Protection Agency indicative 1:200 year flood risk map (S4_Doc_050). In the absence of a detailed flood risk assessment proving it is not at such a risk, the Council has adopted the precautionary principle and not included this area. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process.

No modification is proposed to the Plan.

Mr & Mrs Patrick Cardwell-Moore (09554/1/006): This area which lies towards the south west of the town is at risk of flooding according to the Scottish Environment Protection Agency indicative 1:200 year flood risk map (S4_Doc_050). In the absence of a detailed flood risk assessment proving it is not at such a risk, the Council has adopted the precautionary principle and not included this area. The proximity of the Vion factory further detracts from the ability of this site to become effective due to the possibility of odour nuisance. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process.

No modification is proposed to the Plan.

Reporter's conclusions:

Adjustment of settlement boundary at Beech Hill Road

1. Beech Hill Road is a narrow lane which runs between Bogside Road and the Blairgowrie Road, but is stopped up at its junction with the A923. It gives access to traditional stone properties, and the more recently built houses at its north end. The unused land at the end of Beech Hill Road is elevated above the A923, but has a gated

access at road level. There is no reason in principle why a modest development of sympathetic design could not be accommodated which ensured satisfactory privacy for the existing houses. The scale of the development would be severely limited by the capacity of the lane to accept additional traffic. There is no reason to modify the settlement boundary in this location therefore.

General

2. Without detailed flood risk assessments for individual sites, the council is obliged to give weight to the Scottish Environment Protection Agency's (SEPA's) 1:200 year flood risk map, which indicates that potential sites south of the town are at risk of flooding. It is therefore rational to examine sites for housing such as H65 on the east side of Coupar Angus, which is not subject to this basic constraint. The council's approach is consistent with the advice in Scottish Planning Policy (SPP) that local development plans should identify sites or areas constrained by flood risk on the basis of the risk framework set out in paragraph 204 of SPP.

Protection of future bypass line/provision of bypass

3. There is a longstanding, legitimate aspiration to construct a bypass between the existing roundabout at the A94 Burnside Road (east of the town centre) and the A923 Dundee Road (on the southern outskirts of the town). The current route of the A923 is unsatisfactory, as Queen Street has a narrow carriageway and inadequate footways, and its houses and historic buildings front directly onto the road. There is a light controlled junction with the A94, and congestion is experienced at peak times.

4. The route of the bypass was protected in the adopted Eastern Area Local Plan and its draft replacement. However the precise alignment of the road is not established, as it will be necessary to avoid any archaeological remains associated with the former abbey to the west. It is therefore not possible to show the route of the proposed bypass on the plan at page 288 of the Proposed Plan. Nonetheless it is imperative that the bypass corridor is safeguarded from any development which could prevent the road from being built when funds allow. The text at paragraph 9.4.3 should be modified accordingly.

E33: East of Scotland Farmers

5. The Proposed Plan allocates land for general employment use to the south and east of the East of Scotland Farmers grain store, to enable the business to expand if required. There is no evidence that the expansion would have an adverse effect on existing houses, and it would be unreasonable to constrain the growth of this important local employer in order to promote adjoining land for housing.

6. It would be advantageous if an alternative access to the site could be formed from the roundabout at Burnside Road. However that would involve constructing a roadway through an area within the settlement boundary which is not owned by East of Scotland Farmers. If that site were developed for a different purpose the option to improve the access to the grain store would be lost. It is therefore proposed that the area concerned be excluded from the settlement boundary.

H65: Larghan

7. This site at Larghan on the eastern edge of Coupar Angus is the only housing site allocated in the town during the Plan period. As explained in paragraph 9.4.2 of the

Proposed Plan and discussed in paragraph 2 above, options to expand northwards or southwards are constrained by flood risk from the River Isla and smaller burns. The scope for housing development to the west of the town is limited by the presence of the poultry processing plant at site E32.

8. Although further from the town centre, site H65 at Larghan is better suited to housing development than its rivals. It is not within the indicative flood risk area; nor does it adjoin industrial premises. The site is well contained and represents a logical extension to the built up area. There is scope for a safe access to be formed to the A94. Site H65 would require to be developed in depth, and hence the proposal would not be ribbon development.

9. It is proposed to develop housing on three fields on the north side of the A94. The two main fields are gently undulating, and there is a strong tree screen between them and the small field beyond. Much of the small field is already shown as landscaping in the allocation, and it would make sense to remove the field from site H65 to maintain a clear buffer between the proposed housing estate and the outlying house to the east.

New sites

10. As discussed in paragraph 2 above the various sites in the southern part of the town – adjoining Coupar Angus Burn, at Coupar Angus Glebe, between Dundee Road and Pleasance Road, and between Pleasance Road and Perth Road – are all at risk of flooding and are therefore not suitable for allocation for housing. The 1:200 year standard is an expression of the probability of a flooding event occurring, which means that in any year there is a 0.5% risk that the land will flood. SPP explains that in undeveloped areas medium to high risk areas are generally not suitable for additional development.

11. Moreover, the site between Pleasance Road and Perth Road is constrained by the presence of the nearby Vion factory which is likely to detract from residential amenity. Similarly any houses built on the land at Meadowside would potentially be affected by noise from the grain dryers at the adjacent East of Scotland Farmers premises. This would therefore not be an appropriate environment for new housing.

12. The extensive fields to the north of Townhead stand in an elevated and extremely prominent position above the River Isla, and although close to the primary school, a housing development on this area would not be a good fit in the landscape.

13. There is no need to allocate the two adjoining undeveloped plots on Bogside Road for housing, as they lie within the settlement boundary where there is a presumption in favour of development which meets the general policies of the Proposed Plan.

Reporter's recommendations:

Protection of future bypass line

1. Add the following text to paragraph 9.4.3:

“The council will not permit any development which could prejudice the construction of a bypass at a future date between Burnside Road and Dundee Road.”

E33: East of Scotland Farmers

2. Exclude the triangular area of land adjoining the roundabout at Burnside Road, shown as site 09762/1/001 on Schedule 4 document 050, from the settlement boundary.

H65: Larghan

3. Exclude the most easterly field (part of which is already identified as landscaping) from site H65.

Issue 44		Strathmore and the Glens Area - Settlements with Proposals	
Development plan reference:		9.5 – Ardler, page 290-391 H66 – Ardler, page 290 H67 – Carsie, page 295 9.14 – Meigle, page 301-302 E34 - Forfar Road, Meigle, page 301 H68 - Ardler Road, Meigle, page 301 H69 - Forfar Road, Meigle, page 302 9.16 – Spittalfield, page 304-305 MU6 – Spittalfield, page 304	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):			
Denise Rigby (00207) George McLeod (00209) Mr & Mrs P Murrie (00210) Jay Thomson (00257) Mr & Mrs T Melville (00279) Christopher Dingwall (00483) Peter Richardson (00570) Natasha Richardson (00571) Holly Richardson (00572) Jason Richardson (00573) Mr & Mrs Peter Drummond (00632) Roger Meredith (00652) Joyce Campbell (00659)		Michael McLaren (00664) Daniel Rowan (00807) John Fotheringham (00808) Edmund Knapp (00829) Scottish Natural Heritage (05211) J Maxwell (08651) T Rawlings (08962) Bellway Homes Ltd (09022) Mr & Mrs David Miller (09289) Meigle & Ardler Community Council (09505) Thomas Milne (09567) Graham Forsyth (09695)	
Provision of the development plan to which the issue relates:		Proposals for Ardler, Carsie, Meigle and Spittalfield	
Planning authority's summary of the representation(s):			
<p><u>Ardler: H66</u> Christopher Dingwall (00483/2/001 & 00483/3/001): Requests that any development reflects historical precedent, such as street layout and naming, also seeks protection of Scots Pine tree which is in excess of 100 years old which has both scenic and historic value (suggest use of Tree Preservation Order), and incorporation into Developer Requirements for H66 .</p> <p>Graham Forsyth (09695/1/001 & 09695/1/002): Ardler has seen development over recent years which have increased the population considerably; it has virtually no village services or amenities, even fewer than Kettins, where no housing allocation is made. For consistency there should be no allocation in Ardler. The scale of development is out of keeping with the character of the village.</p> <p>Daniel Rowan (00807/1/001): Part of the site floods, site is not well defined; access road is very close to a junction. Site would reduce the visual amenity of the village. The scale of development is out of keeping with the character of the village.</p>			

Ardler new sites

John Fotheringham (00808/1/001): Suggests an additional small site (S4_Doc_059) be added to the village to give better shape to the village and allow possible small scale development. The land is available, of appropriate small scale, well defined and developable.

Carsie: H67

George McLeod (00209/1/001); Mr & Mrs P Murrie (00210/1/001); Jay Thomson (00257/1/001); Denise Rigby (00207/1/001); Mr & Mrs T Melville (00279/1/001); Peter Richardson (00570/1/001); Natasha Richardson (00571/1/001); Holly Richardson (00572/1/001); Jason Richardson (00573/1/001); Roger Meredith (00652/1/001): Object to the loss of an area which is an attractive area used by all age groups, a safe place for children to play, somewhere people walk and exercise their dogs, and used for socialising within the local community. Wildlife would be disturbed and habitat lost. Concerns about loss of these features and overloading of other 'inadequate' play park. Concerns also expressed over impact on sewerage system and primary school and increased traffic. Better sites exist in Blairgowrie.

Meigle general

Meigle & Ardler Community Council (09505/1/001): Paragraph 9.14.2 *'While we are pleased to see that "It is proposed that no more than 50 houses will be developed within the Plan period on the Forfar Road site", we would ask that the remainder of this sentence is omitted. We feel that the statement "although it is capable of accommodating much more development" is unhelpful and inappropriate in the context of a development plan whose duration is limited. Any future development should be the subject of the next LDP assuming that house building begins on site (ref H69) during the present Plan period.'*

Meigle E34: Forfar Road

Joyce Campbell (00659/6/001): Use of site for employment uses is illogical with residential use being on 2 sides, and a residential site proposed to the south. Objection is made to site specific developer requirements for E34 and it is requested they are removed from the Plan. SPP paragraph 48 (S4_Doc_098) endorses the re-use of previously developed land; it should be used for housing.

Meigle H68: Ardler Road

Bellway Homes Ltd (09022/4/001): There are developability issues on at least part of the site, there is no volume builder involved. Site should be rezoned as white land; Bellway homes site at Ardler road should be substituted as alternative. Representation document on behalf of Bellway Homes gives justifications.

Thomas Milne (09567/1/001): Village will lose its identity. Loss of agricultural land for crops, access issues.

Mr & Mrs Peter Drummond (00632/1/001): Concerns regarding traffic, water and sewerage problems, educational provision, maintenance of woodlands along boundaries, provision of community footpath.

Scottish Natural Heritage (05211/25/032): The Developer Requirements should reflect the outcomes of the Habitats Regulations Appraisal (pages 103/104) (S4_Doc_139).

Meigle & Ardler Community Council (09505/1/002): Access and parking issues would be partially resolved if Ardler Road widened and should be considered as a site specific

developer requirement.

Mr & Mrs David Miller (09289/10/001): Support for the Plan

Meigle H69: Forfar Road

Bellway Homes Ltd (09022/4/002): Site at Ardler Road (Bellway site) is more effective than H69, which is less well linked to the village, not in the hands of a house builder and has physical and infrastructure constraints Representation document on behalf of Bellway Homes gives justifications.

Thomas Milne (09567/1/002): The development will result in a loss of wildlife and agricultural land. The road access to the site is not suitable. The scale of development is out of keeping with the character of the village.

Edmund Knapp (00829/1/001): The scale of development is out of keeping with the character of the village. The development will result in a loss of wildlife and agricultural land. The infrastructure and community facilities will have to be able to cope with the amount of development proposed. The road access to the site is not suitable. Loss of privacy.

Meigle & Ardler Community Council (09505/1/003): Comment on the Site Specific Developer Requirements *"The final bullet point could lead to misunderstanding as it results in some ambiguity in the proposed development on this site:*

" Access: allow for access to Phase 2 in southern part of site."*

This statement could be taken to indicate that development is expected to continue in the rest of the field, south of site ref H69. We understand that for the duration of the present Plan, this is NOT intended. For this reason we ask that this statement is omitted."

In addition they express concerns about the lack of a buffer zone between proposed development and existing properties. Similarly concerns are expressed regarding road safety issues accessing this site from the main A94 road, traffic calming measures are likely to be required.

Joyce Campbell (00659/7/001): The requirement for landscaping should be identified during the preparation of the masterplan. The eastern part of the area identified for indicative landscaping is in separate ownership and is used for motor car storage. Because of speed of traffic and other trees etc, there is no need for additional screening along this edge.

The requirement for a path along the railway also involves land in separate ownership. Core path MEGL/114 (S4_Doc_536) lies to the north of the site boundary but it does not lie within the former railway land, opportunities for connection to this core path should be made through the masterplan, SPP paragraph 48 (S4_Doc_098) endorses the re-use of previously developed land; it should be used for housing.

Michael McLaren (00664/1/001): Support for the Plan.

Meigle new sites

Bellway Homes Ltd (09022/4/003): Bellway Homes site at Ardler Road (S4_Doc_060) is considered to be effective and deliverable, and is considered to be more effective than the 2 sites identified on the Plan, it is considered capable of delivering 178-225 houses in a development of varying density with access taken off Ardler Road and a secondary access for pedestrians and cyclists onto Dundee Road. Representation document on

behalf of Bellway Homes gives justifications.

Spittalfield general

T Rawlings (08962/1/001): Support for the boundary of Spittalfield in the vicinity of the property known as Woodside.

Spittalfield MU6

J Maxwell (08651/2/001): Site is not considered effective.

Spittalfield – new site

J Maxwell (08651/2/002): Stonebroke Farm proposed as an alternative site, (S4_Doc_051) free from constraints, to the west of the village for a development of approximately 23 units with provision for mixed use through live/work which may be more appropriate to the area. Site is free from constraints; unaffected by flooding (Appendix 3 of Representation); not in or adjacent to any European natural heritage designations; (Appendix 4) is not of archaeological or historic importance (appendix 5), apart from a military road running north of the site; can be integrated with Core Paths (appendix 6); is uncontaminated (appendix 7); is close to existing services and facilities (appendix 8); and may be connected to Scottish Water infrastructure subject to waste water treatment capacity. An indicative layout is suggested (appendix 9).

Modifications sought by those submitting representations:

Ardler: H66

Christopher Dingwall (00483/2/001): Ensure development keeps to rectilinear development of the village and use as appropriate name or names drawn from the original village plan of 1832.

Christopher Dingwall (00483/3/001): Protection of Scots Pine tree which lies to the north of Main Street in Ardler (as part of H66 Developer Requirements or other mechanism)

Graham Forsyth (09695/1/001): Paragraph 9.5.2 amend to '*the character of the village is quite distinctive interspersed with many green spaces. A few small developments have taken place in the village in recent years and no further allocation is proposed at this time to allow consolidation of these*' (i.e. as per paragraph 9.11.2)

Graham Forsyth (09695/1/002); Daniel Rowan (00807/1/001): Delete the site.

Ardler: New sites

John Fotheringham (00808/1/001): Inclusion of additional area (S4_Doc_059) within the village boundary (part of pre-MIR site 093).

Carsie: H67

George McLeod (00209/1/001); Mr & Mrs P Murrie (00210/1/001); Jay Thomson (00257/1/001); Denise Rigby (00207/1/001); Mr & Mrs T Melville (00279/1/001); Peter Richardson (00570/1/001); Natasha Richardson (00571/1/001); Holly Richardson (00572/1/001); Jason Richardson (00573/1/001); Roger Meredith (00652/1/001): Delete the site.

Meigle: general

Meigle & Ardler Community Council (09505/1/001): In paragraph 9.14.2 omit '*although it is capable of accommodating much more development*'.

Meigle E34: Forfar Road

Joyce Campbell (00659/6/001): Removal of site from Plan for employment use, and removal of developer requirements, leave site in village boundary as appropriate for residential development.

Meigle H68: Ardler Road

Bellway Homes Ltd (09022/4/001); Thomas Milne (09567/1/001); Mr & Mrs Peter Drummond (00632/1/001): Delete the site.

Meigle & Ardler Community Council (09505/1/002): Amend Developer Requirements to allow for provision for widening of Ardler Road.

Scottish Natural Heritage (05211/25/032): Add the following criteria to the Developer Requirements section on Page 301:

- *'Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.'*
- *'Where the development of the site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation'.*

Meigle H69: Forfar Road

Bellway Homes Ltd (09022/4/002); Thomas Milne (09567/1/002); Edmund Knapp (00829/1/001): Delete the site.

Meigle & Ardler Community Council (09505/1/003): Remove last Developer Requirement 'access: allow for access to phase 2 in southern part of the site'.

Require a buffer zone between existing properties and new development in H69.

Introduce traffic calming measures on Forfar Road as part of Developer Requirements.

Joyce Campbell (00659/7/001): Removal of Specific Developer Requirements relating to provision of landscaping planting to the east boundary of the site, and provision of path along former railway land. Include opportunities for connection to the Core Path MEGL/114 (S4_Doc_536).

Meigle: new sites

Bellway Homes Ltd (09022/4/003): Identify new site at Ardler Road north of Belmont Castle (S4_Doc_060) for residential use for 178-225 houses.

Spittalfield: MU6

J Maxwell (08651/2/001): Delete the site.

Spittalfield: new site

J Maxwell (08651/2/002): Include a mixed use site for approximately 23 units at Stonebrook Farm (S4_Doc_051).

Summary of responses (including reasons) by planning authority:

Ardler H66

Christopher Dingwall (00483/2/001 & 00483/3/001); Graham Forsyth (09695/1/001 & 09695/1/002); Daniel Rowan (00807/1/001): The designation of the housing site H66 is considered to meet the spatial strategy of the TAYplan (S4_Doc_067) which, whilst

requiring development to be concentrated within Tiered settlements within the area, does not preclude allowing smaller scale developments within smaller settlements, and this site has been identified to give an element of choice within the Plan area.

It is acknowledged that Ardler has seen a housing development in relatively recent years; however this has now been integrated into the village.

The proposed site is considered an appropriate one for development which could be developed in such a way as to echo the historical linear street pattern of the village- the requirement for this and the need for a flood risk assessment are both specified within the Site Specific Developer Requirements.

The issue of street naming is not one for the Local Development Plan.

The desire to protect the Scots Pine tree on the periphery of the site is also acknowledged, and should the Reporter be so minded to include this in the Developer Requirements the Council would be comfortable with this as it would not have any implications for any other aspect of the Plan.

It is also acknowledged that Ardler does not have many of the amenities a small village might aspire to, such as a small shop, village hall or school. These facilities are, however, available in nearby Meikle, Blairgowrie and Coupar Angus. The lack of such facilities is not a reason to remove the allocated housing site from the Plan.

No modification is proposed to the Plan.

Ardler new sites

John Fotheringham (00808/1/001): A small amendment is proposed to the village boundary (S4_Doc_059) to '*allow for small scale infill development*' the site identified lies to the rear of the houses along the Main street and is only one plot in width. It is difficult to see how this site could be developed to reflect the rectilinear shape of the village, which is such a strong characteristic of this planned settlement. The site is also on the same side of the road as the sewage treatment works, and so may not be best placed as a site for residential development. On balance, there may be reasons to extend the settlement boundary but not identify this as a proposal.

Should the Reporter be so minded as to include this modest area within the village boundary the Council would be comfortable with this change as it would have no impact on any other proposals or policies in the Plan.

Carsie: H67

George McLeod (00209/1/001); Mr & Mrs P Murrie (00210/1/001); Jay Thomson (00257/1/001); Denise Rigby (00207/1/001); Mr & Mrs T Melville (00279/1/001); Peter Richardson (00570/1/001); Natasha Richardson (00571/1/001); Holly Richardson (00572/1/001); Jason Richardson (00573/1/001); Roger Meredith (00652/1/001): The designation of the housing site H67 is considered to meet the spatial strategy of TAYplan (S4_Doc_065) which, whilst requiring development to be concentrated within Tiered settlements within the area, does not preclude allowing smaller scale developments within smaller settlements, and this site has been identified to give an element of choice within the Plan area.

The site, which is a brownfield site, was previously occupied by prefabricated housing that was demolished some years ago and the ground was grassed over to tidy it up. It is

wholly owned by the Council and it is intended that it be developed for affordable housing units. The site is effective in terms of its deliverability and whilst it is acknowledged it is currently well used by local residents for the uses so described, the footpath links to the surrounding countryside could be incorporated into the new development, which should accommodate some of the issues raised.

No modification is proposed to the Plan.

Meigle: general

Meigle & Ardler Community Council (09505/1/001): The words '*Although it is capable of accommodating much more development*' in paragraph 9.14.2 are intended to make it clear that the site, may, at some time in the future, be extended, and that any development should not preclude the possibility that this may happen. It is not a foregone conclusion, merely a wish to make it clear that future options should not be prejudiced.

No modification is proposed to the Plan.

Meigle E34: Forfar Road

Joyce Campbell (00659/6/001): The site is currently utilised in part for storage of cars in association with a car sales business, however the owner has expressed a desire to dispose of the land. A number of comments were received at the MIR stage to the effect that Meigle should have employment land identified in tandem with the housing allocations, and this site is seen as an appropriate one for such a use.

No modification is proposed to the Plan.

Meigle H68: Ardler Road

Bellway Homes Ltd (09022/4/001); Thomas Milne (09567/1/001); Mr & Mrs Peter Drummond (00632/1/001): The designation of the housing site H68 is considered to meet the spatial strategy of TAYplan (S4_Doc_065) which, whilst requiring development to be concentrated within Tiered settlements within the area, does not preclude allowing smaller scale developments within smaller settlements, and this site has been identified to give an element of choice within the Plan area.

The site has been included in the Development Plan for some years, and has attracted interest in the past. It is acknowledged that the use of this site would involve the loss of agricultural land; however, there is no reason to believe that its development would result in the loss of the identity of the village.

Meigle has a good range of local facilities (shop and post office, school, church, etc) and as such the allocation of housing land in this settlement is in accordance with TAYplan strategy. This site lies close to the heart of the village and will contribute to its compact form, in sustainability terms it is better located than the site proposed as an alternative by Bellway Homes. Scottish Water has instigated an investment project for the upgrading of the Waste Water Treatment Works. An area is included within H69 for educational/playing field uses, all other comments are dealt with under the Site Specific Developer Requirements.

No modification is proposed to the Plan.

Meigle & Ardler Community Council (09505/1/002): The requirement or otherwise for the widening of Ardler Road would be a detailed matter to be resolved at the stage of a

planning application.

No modification is proposed to the Plan

Scottish Natural Heritage (05211/25/032): It is considered that amending the Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (pages 103/104) (S4_Doc_139) 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.

Meigle H69: Forfar Road

Bellway Homes Ltd (09022/4/002); Thomas Milne (09567/1/002); Edmund Knapp (00829/1/001): The designation of the housing site H69 is considered to meet the Spatial Strategy of the TAYplan (S4_Doc_067) which, whilst requiring development to be concentrated within Tiered settlements within the area, does not preclude allowing smaller scale developments within smaller settlements, and this site has been identified to give an element of choice within the Plan area.

The site has been included in the Development Plan for some years, and has attracted interest in the past. It is acknowledged that the use of this site would involve the loss of agricultural land; however, there is no reason to believe that its development would result in the loss of the identity of the village.

Meigle has a good range of local facilities (shop and post office, school, church, etc) and as such the allocation of housing land in this settlement is in accordance with TAYplan strategy (S4_Doc_067). This site lies close to the heart of the village and will contribute to its compact form, in sustainability terms it is better located than the site proposed as an alternative by Bellway Homes. Scottish Water has instigated an investment project for the upgrading of the Waste Water Treatment Works. An area is included within the allocation for educational/playing field uses, all other comments are dealt with under the Site Specific Developer Requirements.

No modification is proposed to the Plan.

Meigle & Ardler Community Council (09505/1/003); Joyce Campbell (00659/7/001): It is acknowledged that the second phase referred to may have caused some confusion. It is important however that development opportunity for the future (and outwith the life span of this Plan) is not prejudiced by development proposals which are implemented as a result of this Plan. The issue of a future access to the south of the site is a matter which could be resolved through the masterplan process. It is anticipated that the site as identified would be developed in a phased manner, and the reference to phase 2 in the south of the site is intended to imply the site would be developed from the northern end first. The requirement for buffer zones and links to core paths is a matter for either the masterplan, or detailed planning application.

No modification is proposed to the Plan.

Meigle: new sites

Bellway Homes Ltd (09022/4/003): This site is less well related to the village centre than either of the two housing sites H68 and H69 identified in the Plan, and is less sustainable

in terms of access to village facilities. Although the site is an agricultural field, because of its enclosure it has a park land feeling. Part of the site includes a Scheduled Monument, and the site also shares boundaries with B listed Belmont Castle Stables, and A listed Belmont Castle; its development would be likely to affect the settings of these historical structures. Access to the site would be from Ardler Road which at this point is very narrow, with no public footpaths. The scale of development proposed during the Plan period is considered excessive, being potentially three times larger than the current proposals in the Plan. In particular, it may be difficult to accommodate the additional capacity that would be required at the local primary school. For all these reasons, and because better located sites are available, the site is not included in the Plan.

No modification is proposed to the Plan.

Spittalfield: MU6

J Maxwell (08651/2/001): The designation of the mixed use site MU6 is considered to meet the spatial strategy of TAYplan (S4_Doc_067) which, whilst requiring development to be concentrated within Tiered settlements within the area, does not preclude allowing smaller scale developments within smaller settlements, and this site has been identified to give an element of choice within the Plan area.

The site was identified in the 2005 draft Eastern Area Local Plan (page 94) (S4_Doc_537) and the Council has had discussions with the land owner, and has no reason to believe that the site identified is not effective.

Reference is made to the planning application approved in 2005, but this is immediately to the east of the site, and does not preclude access being taken to the site. Reference is made to the fact that the site is brownfield land which may suffer from contamination. The Council consider the brownfield nature of this site to be a positive attribute, and its development would mean that other green field sites are avoided in the immediate future, contamination is unlikely to be a major issue as the site was previously used for parking buses, and if any contamination exists it should be dealt with in a straightforward manner. Any contamination issues can be dealt with at the planning application stage, and appropriate mitigation measures taken if necessary. From a landscape point of view, the site is well contained and offers a natural extension to the settlement.

Reference is also made to the military road running through the site which may result in archaeological investigations being required. These need not take a great length of time, nor prevent a site from being developed in a sensitive way.

No modification is proposed to the Plan.

Spittalfield: new site

J Maxwell (08651/2/002): The Representation suggests a site which is not visually contained, somewhat remote from the village centre, and would result in a more linear shape to the village; its development is not considered to be sustainable (S4_Doc_051).

The site lies immediately adjacent to the area identified on Scottish Environment Protection Agency 1:200 year indicative flood risk maps as being at risk, indeed, given the indicative nature of these maps it does appear that the southern-most part of the site may well be included in the Scottish Environment Protection Agency flood risk area. In the absence of a flood risk appraisal the Council is adopting the precautionary principle.

A site has been identified in Spittalfield for mixed residential and employment use, and there is no requirement for the additional identification of further housing land at this time.

As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process.

No modification is proposed to the Plan.

Reporter's conclusions:

Ardler: H66

1. Ardler is a small settlement of around 70 houses, which lies between Meigle and Coupar Angus. It lacks shops and community facilities (apart from a small green and play area), and residents of Ardler require to travel to its larger neighbours to access schools and other local services. The village has lost its church, primary school and village hall, and the bus service is only intermittent. Any new development in the village would therefore be dependent on private car use, whereas Policy TA1B of the Proposed Plan states that the aim of all development should be to reduce travel demand by car

2. The Proposed Plan identifies an area of 2.54 hectares on the northern edge of the village as a site for 20 houses, including low cost housing. This is a substantial scale of development for such a small village, which has already had to absorb a 27 house estate at Franklin Street. Policy 1 of TAYplan accepts that local development plans may provide for some development in smaller settlements, but this provision applies where the development can be accommodated and supported by the settlement. As explained above, Ardler does not have the community services to support further development at present. Moreover site H66 has little enclosure, and it would be necessary to build on the prominent upper slopes of the field to avoid flooding. The allocation should therefore be deleted.

Ardler new sites

3. It would not be appropriate to extend the settlement boundary to include the small field at the north west end of Ardler. The land does not have a frontage to a public road, and it is unclear how a safe and convenient access could be formed or how the site could be developed in a manner in keeping with the established village form.

Carsie: H67

4. Carsie is a small community only around ½ km south of Blairgowrie, based around a housing estate on the west side of the A93 (Perth road). The settlement has no community facilities apart from a small play area at the west end of Whiteloch Avenue, although it has a bus service to Blairgowrie and Perth.

5. Site H67 is an attractive and well maintained area of grass and trees, owned by the council, which is used by local residents as an amenity open space for sitting, walking, dog walking, relaxing and playing games. As such it complements the equipped play area at the opposite end of Whiteloch Avenue. The representations, including a petition of objection signed by more than 70 local residents, underline the value of this informal open space to the local community.

6. Although the land has been previously developed, it is now an established amenity area, well used and appreciated by local residents. As explained elsewhere in this report the Proposed Plan provides sites for a generous amount of housing in the Strathmore and the Glens area, so there is no need to allocate site H67 to meet TAYplan housing targets. In any case TAYplan Policy 1 expects new housing to be focused on principal settlements such as Blairgowrie/Rattray, in preference to smaller settlements like Carsie. Site H67 should therefore be deleted, and the site should be designated as open space.

Meigle: general

7. Meigle is well provided with local services, having a primary school, church, village hall, post office and shop, play area and playing field. The village is capable of accommodating a measure of new development, subject to the upgrading of the local waste water treatment works and the provision of additional school capacity – both of which are catered for in the Proposed Plan. The proposal to identify land for housing development and employment uses in Meigle is consistent with Policy 1 of TAYplan, which allows for some development where this can be accommodated and supported by the settlement.

Meigle: E34 Forfar Road

8. Site E34 is a small brownfield site on the eastern edge of the settlement, currently used in connection with a car sales business. The site contains a commercial garage building and a stone cottage, both of which are in relatively poor condition. It is proposed to allocate the site for general employment use, to encourage local business and provide employment in tandem with housing growth.

9. In light of the scale of housing development proposed in the village (70 houses during the Plan period, with the prospect of more beyond), it is appropriate to make provision for employment in the village. This site on the margins of the settlement, with a history of commercial use, is well placed to fulfil that requirement. The masterplan for housing site H69 would have to take account of the general employment use on the adjoining site E34. The site-specific developer requirements for E34 would apply if the site is redeveloped as proposed.

Meigle: H68 Ardler Road

10. Site H68 is a site of 1.2 hectares which is allocated for 20 houses. Its development for housing would represent logical infill between Victory Park and the village centre. It is well located for convenient access to the primary school and village services. A flood risk assessment would determine how much of the site could be developed, but there is no reason to suppose that flooding would prevent the development coming forward within the Plan period. There is scope to improve the footpath network in the area, and to provide woodland cover on the west and north sides of the site.

11. Detailed access issues, including the need or otherwise to wider Ardler Road, would be addressed at the planning application stage. Meanwhile site H68 should remain in the Proposed Plan, but the site-specific developer requirements should be modified in line with the comments of Scottish Natural Heritage.

Meigle: H69 Forfar Road

12. Site H69 is a large open field on the east side of the village, which has existing

development to the north and west and the former railway line to the east. It is close to the village centre and adjacent to the primary school, so it is well placed to encourage walking and cycling. The site was identified for housing in the previous local plan for the area, and remains suitable for residential development. It is clear from paragraph 9.14.3 that the infrastructure constraints (i.e. waste water treatment and education capacity) which have prevented the site from being developed so far are now being addressed. Indeed site H69 would itself provide an area for educational use / playing fields.

13. H69 covers a substantial area of land (5.69 hectares) which could take many more houses than the 50 currently proposed. The allocation of 50 houses is described as 'Phase 1', and one of the site-specific developer requirements is to allow for access to Phase 2 in the southern part of the site. There is no need to delete the comment in paragraph 9.14.2 that H69 'is capable of accommodating much more development', since it is merely a statement of fact consistent with the detailed terms of the allocation on page 302 of the Plan. No modification is required to clarify the point.

14. The masterplan will illustrate the phasing of the development, which will start at the north end, and will determine the extent of landscape planting (and possibly buffer zones) on the site boundaries.

Meigle new site

15. The additional site at Ardler Road suggested by Bellway Homes (East) Ltd lies on the southern edge of the village, considerably further from the village centre than the allocated sites H68 and H69. The site of almost 12 hectares, which is expected to accommodate 178-225 houses, is substantially larger than is required in a village of 450 inhabitants. Moreover, Ardler Road is a narrow country lane with no footways at this point, and the potential for widening is limited by a stone wall which bounds the suggested development site. Any development on this field would be likely to affect the settings of the ancient monument and listed buildings at neighbouring Belmont Castle. This land should not be allocated as a housing site in the Proposed Plan therefore.

Spittalfield: MU6

16. Spittalfield is an attractive small settlement with services including a post office and general store. This site of 2.13 hectares on the eastern edge of the village was formerly occupied by a bus depot. The proposal to redevelop the land for employment and residential use (20 houses) is an appropriate re-use of a brownfield site, which would help to maintain village services. There is no evidence that the site is incapable of development, or that archaeological constraints or possible contamination could not be resolved. The proposal should therefore remain in the Proposed Plan.

Spittalfield: new site

17. In contrast to site MU6, any development of the greenfield site at Stonebroke Farm would extend the village to the west in a ribbon form uncharacteristic of the village. Spittalfield has a conservation area centred around a village green, and a linear development along the A984 would not reflect its established pattern. It is also possible that the site is at risk of flooding. Therefore the site should not be allocated for housing in the Proposed Plan.

Reporter's recommendations:Ardler: H66

1. Delete proposed housing site H66, realign the settlement boundary to exclude the site, and modify paragraph 9.5.2 accordingly. Make consequential modifications to the table under paragraph 9.1.11.

Carsie: H67

2. Delete proposed housing site H67, and redesignate the land as open space (Open Space Policy CF1). Make consequential modifications to the table under paragraph 9.1.11.

Meigle: H68

3. Add the following criteria to the site-specific developer requirements section on Page 301:

- *“Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.*
- *Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.”*

Issue 45	Strathmore and the Glens Area - Small Settlements	
Development plan reference:	9.6 - Bridge of Cally, page 292-293 9.9 – Concraigie, page 296 9.10 – Craigie, page 297 9.12 – Kinloch, page 299 9.13 – Kirkmichael, page 300 9.15 – Meikleour, page 303	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Jim Willsher (00133) Graham Juggins (00245) Ron Crichton (00266) Scottish Natural Heritage (05211) Meikleour Trust (09023) Louise Rattray (09267) Snaigow Estates (09289) The Church of Scotland General Trustees (09167) Douglas Nicholson (10365)		
Provision of the development plan to which the issue relates:	Boundaries of small settlements in Strathmore and the Glens; any representations which relate to issues pertinent to the Lunan Valley catchment or Housing in the Countryside policies are dealt with under the appropriate Policy headings, i.e. schedule 4 numbers 17c and 08a respectively.	
Planning authority’s summary of the representation(s):		
<u>Bridge of Cally</u> Louise Rattray (09267/1/001): Include additional area in village boundary, to include all ground in the same ownership (S4_Doc_358). <u>Concraigie</u> Snaigow Estates (09289/18/004 & 09289/18/001): Minor adjustment sought to Concraigie settlement boundary (S4_Doc_058) to accommodate small scale development of the site on submitted plan. This would be a logical, gradual and low impact expansion of the settlement, without environmental impact, with potential for environmental betterment and phosphorous reduction (site within Lunan Valley catchment), and would make a contribution to sustainable rural housing land. Impact on local services and transport would be minimal and would help meet local demand for rental accommodation. Concraigie has a school and community hall and is therefore worthy of support and expansion. In relation to paragraph 9.9.2 It has been proven that it is technologically possible to undertake limited development without increasing the phosphorus loading to the Lunan catchment, given suitable sewage plant and effluent treatment. With appropriate integration of existing substandard sewage systems and/or other phosphorus mitigation measures, existing phosphorus loadings can also be significantly reduced. It is therefore inappropriate to tightly draw the settlement boundary at Concraigie purely based on a presumption that development would increase phosphorus loading. This is reinforced by the recent granting of planning permission locally for developments including phosphorus mitigation measures, secured by Section 75 or appropriate planning conditions.		

If the site is considered too expansive for the LDP period then would instead seek to maintain the extent of the settlement boundary as proposed in the draft Eastern Area Local Plan 2005 (S4_Doc_532).

Scottish Natural Heritage (05211/25/025): Update the Plan to reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_152).

Craigie

Scottish Natural Heritage (05211/25/026): Update the Plan to reflect the outcomes of the Habitats Regulations Appraisal (pages 76-77) (S4_Doc_151).

Jim Willsher (00133/1/001) Support for the Plan.

Kirkmichael

Ron Crichton (00266/1/001): Existing scope for development is very limited. Many houses are second homes; the village needs more permanent residents to keep essential services and facilities running. Including this land (area to North east of village) (S4_Doc_053) would enable the village to survive and the Council to meet its own policies and obligations.

Douglas Nicholson (10365/1/001): Site (to south of village, on west bank of river) (S4_Doc_053) is within or immediately adjacent to existing village and is within easy walking distance of the many facilities. It would complement the village and fit with the landscape.

The Church of Scotland General Trustees (09167/8/001) Site (to east of A924) (S4_Doc_053) is considered to be effective.

Scottish Natural Heritage (05211/25/045): Update the Plan to reflect the outcome of the Habitats Regulations Appraisal (pages 78-79) (S4_Doc_153).

Kinloch

The Church of Scotland General Trustees (09167/6/001): Identify site for housing. (S4_Doc_052) Site is considered to be effective, has no constraints on ownership, access, not at risk of flooding. No contamination issues or deficiencies of infrastructure, no known archaeology or important ecological species. Development of this site would complement the surrounding village character and contribute to the LDP's wider growth strategy PAN 2/2010 (pages 16-18) (S4_Doc_533).

Scottish Natural Heritage (05211/25/027): Update the Plan to reflect the outcome of the Habitats Regulations Appraisal (pages 77-78) (S4_Doc_154).

Meikleour

Meikleour Trust (09023/2/001): Draw village boundary more loosely to allow modest infill development to take place to provide additional housing especially for those employed locally (S4_Doc_357).

Graham Juggins (00245/1/001): Amend wording in paragraph 9.14.1 to reflect the fact that the post office is now closed.

Modifications sought by those submitting representations:Bridge of Cally

Louise Rattray (09267/1/001): Amendment of village boundary to include the whole of site 212 as submitted to the MIR including the triangle at the northern end of the site (S4_Doc_358).

Concraigie

Snaigow Estates (09289/18/004): Concraigie settlement boundary should be extended to accommodate site on the submitted plan. (S4_Doc_058). Alternatively the settlement boundary as proposed in the draft Eastern Area Local Plan 2005 (map 11 page 76) (S4_Doc_532) should be used.

Scottish Natural Heritage (05211/25/025): Include either suggested mitigation measure Option A or Option B below:

Option A: Include the following text in the Spatial Strategy Considerations section (paragraph 9.9.2, Page 296):

'In order to ensure no adverse effects on the River Tay and Dunkeld-Blairgowrie Lochs Special Areas 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.'*

Option B:

Incorporate the following new policy 'EP15:Development within the River Tay Catchment Area' into the Plan (page 60):

'The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area.

In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grantully/Strathray/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.

- (a) Drainage from all development should ensure no reduction in water quality.*
- (b) 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.*
- (c) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.*

Note: supplementary Guidance 'River Tay Special Area of Conservation' provides a detailed advice to developers on the types of appropriate information and safeguards to be provided in support of planning applications for new projects which may affect the River Tay Special Area of Conservation'

Also update Policy EP6: Lunan Valley Catchment Area to include a new paragraph after '...to the satisfaction of the Planning Authority in conjunction with the Scottish Environment Protection Agency', which begins 'The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Special Area of Conservation:' and insert the same criteria as listed above under Option A, but reference them (d) to (f).

And update the Spatial Strategy Considerations section (paragraph 9.9.2, page 296) to read:

‘Concraigie lies within the Lunan Lochs and River Tay Catchment Areas; Policies EP6 and EP15 set out the relevant criteria for development within these areas.’

Craigie

Scottish Natural Heritage (05211/25/026): Include either suggested mitigation measure Option A or Option B below:

Option A: Include the following text in the Spatial Strategy Considerations section (paragraph 9.10.2, Page 297):

‘In order to ensure no adverse effects on the River Tay and Dunkeld-Blairgowrie Lochs Special Areas 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.’*

Option B:

Incorporate new policy ‘EP15: Development within the River Tay Catchment Area’ into the Plan (page 60) (refer to representation (05211/25/025) above for full text).

Also update Policy EP6: Lunan Valley Catchment Area to include a new paragraph after

‘...to the satisfaction of the Planning Authority in conjunction with the Scottish Environment Protection Agency’, which begins ‘The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Special Area of Conservation:’ and insert the same criteria as listed above under Option A, but reference them (d) to (f).

And update the Spatial Strategy Considerations section (paragraph 9.10.2, page 297) to read:

‘Craigie lies within the Lunan Lochs and River Tay Catchment Areas; Policies EP6 and EP15 set out the relevant criteria for development within these areas.’

Kirkmichael

Ron Crichton (00266/1/001): Extension of village boundary to include land on the north east side of the main street behind the existing buildings (S4_Doc_053).

Douglas Nicholson (10365/1/001): Extension of village boundary to the south (S4_Doc_053).

The Church of Scotland General Trustees (09167/8/001): Kirkmichael glebe should be included in the village plan as an allocated housing site (S4_Doc_053).

Scottish Natural Heritage (05211/25/045): Include either suggested mitigation measure Option A or Option B below:

Option A: Include the following text in the Spatial Strategy Considerations section (paragraph 9.13.2, page 300):

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

- *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.’*

Option B:

Incorporate new policy ‘EP15: Development within the River Tay Catchment Area’ into

the Plan (page 60) (refer to representation (05211/25/025) above for full text).
And, update the Spatial Strategy Considerations section (paragraph 9.13.2, page 300) to read:

‘Kirkmichael lies within the River Tay Catchment Areas; Policy EP15 sets out the relevant criteria for development within this area.’

Kinloch

The Church of Scotland General Trustees (09167/6/001): Inclusion of Kinloch Glebe in Kinloch settlement boundary as a site for housing development (S4_Doc_052).

Scottish Natural Heritage (05211/25/027): Include either suggested mitigation measure Option A or Option B below:

Option A: Include the following text in the Spatial Strategy Considerations section (paragraph 9.12.2, Page 299):

‘In order to ensure no adverse effects on the River Tay and Dunkeld-Blairgowrie Lochs Special Areas 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.’*

Option B:

Incorporate the following new policy ‘EP15: Development within the River Tay Catchment Area’ into the Plan (page 60) (refer to representation (05211/25/025) above for full text).

Also update Policy EP6: Lunan Valley Catchment Area to include a new paragraph after ‘...to the satisfaction of the Planning Authority in conjunction with the Scottish Environment Protection Agency’, which begins ‘The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Special Area of Conservation:’ and insert the same criteria as listed above under Option A, but reference them (d) to (f).

And update the Spatial Strategy Considerations section (paragraph 9.12.2, page 299) to read:

‘Kinloch lies within the Lunan Lochs and River Tay Catchment Areas; Policies EP6 and EP15 set out the relevant criteria for development within these areas.’

Meikleour

Meikleour Trust (09023/2/001): Loosening of village boundary as shown on plan (S4_Doc_357)

Graham Juggins (00245/1/001) In paragraph 9.15.1 remove ‘and part time post office’.

Summary of responses (including reasons) by planning authority:

Bridge of Cally

Louise Rattray (09267/1/001): This site (S4_Doc_358) lies on the periphery of Bridge of Cally uphill from a cluster of houses; it is not adjacent to any public road. Access would be by way of a private track to the south west, or the track to the north east, neither is suitable as a residential access. Bridge of Cally has a very limited range of services, the Waste Water Treatment Works is a private system and any development of this site would need to meet the Scottish Environment Protection Agency’s licensing requirements. Allocation of this area would result in an unsustainable increase in traffic between the settlement and Blairgowrie, for services, facilities and employment. As the

site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process.

No modification is proposed to the Plan.

Concraigie

Snaigow Estates (09289/18/004): The boundary drawn around Concraigie has been drawn allow for a limited amount of development within the Plan period. The strategy is to limit development in the area due to environmental considerations, because the settlement lies within the Lunan Valley Catchment Area. Any development will therefore need to take full cognisance of the restrictive Lunan Valley Catchment Policy in respect of drainage (dealt with under schedule 4 number 17c). Concraigie is a very small settlement, and were it not within the Lunan Valley Catchment it would, in all probability, not have a settlement boundary, leaving any proposals to be judged against the Housing in the Countryside Policy (S4_Doc_418). The limited areas are considered to give adequate development possibilities for the Plan period, and if these can assist in the delivery of phosphate benefits because of the catchment wide policy, this is to be welcomed. A larger area is not required at this time.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/025): It is considered that by amending the Plan for to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_152), in relation to Concraigie, would provide greater clarity and transparency for applicants as to in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply; it would also set out what will be expected of them in making their application.

If the Reporter is so minded to amend the Plan in line with the suggested additional text by the respondent, in the interests of keeping the Plan as short and succinct as possible, the Council's preference would be to incorporate suggested mitigation Option B (proposed new Policy EP15, updates to Policy EP6 and some further text to be added to the Spatial Strategy Considerations section at paragraph 9.9.2) as it would result in the least amount of additional text and repetition in the Plan.

Craigie

Scottish Natural Heritage (05211/25/026): It is considered that by amending the Plan for to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_151), in relation to Craigie, would provide greater clarity and transparency for applicants as to in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply; it would also set out what will be expected of them in making their application.

If the Reporter is so minded to amend the Plan in line with the suggested additional text by the respondent, in the interests of keeping the Plan as short and succinct as possible, the Council's preference would be to incorporate suggested mitigation Option B (proposed new Policy EP15, updates to Policy EP6 and some further text to be added to the Spatial Strategy Considerations section at paragraph 9.10.2) as it would result in the least amount of additional text and repetition in the Plan.

Kirkmichael

Ron Crichton (00266/1/001); The Church of Scotland General Trustees (09167/8/001):

Both of these representations relate to a large area of land which lies to the immediate east of the village (S4_Doc_053), both include the Church Glebe land and Mr Crichton suggests an additional area also be included which lies to the rear of some of the properties on the A924. It is not clear how it is envisaged this site would be accessed; much of the site sits to the rear of existing properties along the A924. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process.

No modification is proposed to the Plan.

Douglas Nicholson (10365/1/001): A large part of the area suggested for inclusion in the village boundary (S4_Doc_053) lies within the 1:200 year flood risk area as identified on Scottish Environmental Protection Agency's indicative 1:200 year flood maps (S4_Doc_350). In the absence of a Flood Risk Assessment the Council would not consider this area as appropriate to consider for inclusion as a potential development area.

Both of the areas suggested for extension of the village of Kirkmichael are extensive. The village in recent years has seen an addition of 10 houses to the settlement in the shape of housing association development, which should be allowed a period for consolidation in the settlement. There are currently several small sites capable of providing small scale development in the village, and it is considered these are adequate for the Plan period. The suggested sites could result in development which would be out of scale with the village, to the detriment of its character. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/045): It is considered that by amending the Plan for to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_151), in relation to Kirkmichael, would provide greater clarity and transparency for applicants as to in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4_Doc_389) will apply; it would also set out what will be expected of them in making their application.

If the Reporter is so minded to amend the Plan in line with the suggested additional text by the respondent, in the interests of keeping the Plan as short and succinct as possible, the Council's preference would be to incorporate suggested mitigation Option B (proposed new Policy EP15, updates to Policy EP6 and some further text to be added to the Spatial Strategy Considerations section at paragraph 9.13.2) as it would result in the least amount of additional text and repetition in the Plan.

Kinloch

The Church of Scotland General Trustees (09167/6/001): The area identified as a potential housing site (S4_Doc_052) for Kinloch is substantial in size in comparison to the size of the existing settlement. An expansion of this size would potentially completely alter the character of the settlement. The area itself is very important to the character of Kinloch. The boundary drawn around Kinloch has been drawn to allow for a limited amount of development within the Plan period. The strategy is to limit development in the area due to environmental considerations, because the settlement lies within the Lunan Valley Catchment Area. Any development will therefore need to take full cognisance of the restrictive Lunan Valley Catchment Policy in respect of drainage (dealt with under schedule 4 number 17c). The boundary drawn will allow for a small amount of

development in the settlement, which is considered to be proportionate to the size of the village and adequate for the Plan period. An expansion of the settlement boundary to include the area proposed by the Church of Scotland is considered to be out of scale for the village, and development of this size would not be in character. As the site does not meet the preferred strategy of the Plan it has not been assessed through the SEA process

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/027): It is considered that by amending the Plan for to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_154), in relation to Kinloch, would provide greater clarity and transparency for applicants as to in what circumstances the provisions of the Plan's Policy NE1: International Nature Conservation Sites will apply; it would also set out what will be expected of them in making their application.

If the Reporter is so minded to amend the Plan in line with the suggested additional text by the respondent, in the interests of keeping the Plan as short and succinct as possible, the Council's preference would be to incorporate suggested mitigation Option B (proposed new Policy EP15, updates to Policy EP6 and some further text to be added to the Spatial Strategy Considerations section at paragraph 9.12.2) as it would result in the least amount of additional text and repetition in the Plan.

Meikleour

Meikleour Trust (09023/2/001): The additional areas suggested for inclusion within the Settlement boundary (S4_Doc_357) lie within the Conservation Area and have been excluded from the village envelope in order to protect the setting of the Conservation Area. Both the adopted Eastern Area Local Plan 1998 (page 58) (S4_Doc_534) and the draft Eastern Area Local plan 2005 (pages 90/91) (S4_Doc_535) included the areas identified north of the A894 as an area where there was a presumption against development for this reason. Of the two small areas to the south of the same road, the southern-most one is effectively land-locked however the site immediately adjacent to the road at the telephone exchange site has also been excluded from the village boundary as it lies immediately adjacent to a Historic Designed Landscape (Core_Doc_027).

No modification is proposed to the Plan, however, should the Reporter be so minded as to amend the boundary in the immediate vicinity of the telephone exchange, the Council would be comfortable with that suggestion as it has no implications for any other policies of the Plan.

Graham Juggins (00245/1/001): The comments are accepted, however they are of a minor factual nature and the Council would anticipate the suggested text be removed from paragraph 9.15.1.

If the Reporter is so minded the proposed removal of text would be acceptable to the Council.

Reporter's conclusions:

Bridge of Cally

1. The council's grounds for excluding the small triangle of land at the north east edge of the village from the settlement boundary are unclear. The same concerns would appear

to apply equally to the larger area of undeveloped land immediately to the south which is included within the boundary. The wider area lacks a public road access, and there are sound reasons for not allocating land for housing development in Bridge of Cally. However the small adjustment proposed to the settlement boundary, which would follow land ownership and physical boundaries, would not represent a commitment to residential development on the land. It should therefore be accepted.

Concraigie

2. Concraigie is a small hamlet in the countryside between Blairgowrie and Dunkeld, which lacks facilities apart from the Clunie Public Hall. Because the hamlet lies within the Lunan Valley Catchment Area further development is restricted to prevent any increase to the phosphorus levels of the adjacent Loch Clunie. The Proposed Plan identifies a tight settlement boundary which encompasses the main cluster of buildings in the hamlet.

3. The suggestion that a much wider boundary be drawn to enable further residential development around the hamlet runs counter to the aims of Policy EP6 to protect the nature conservation interest of the Lunan Valley Catchment Area, and Policy NE1A to avoid adversely affecting the integrity of the Special Area of Conservation. It is appropriate that the Proposed Plan applies a restrictive approach to development in such areas, to prevent phosphorus pollution of the lochs. The settlement boundary should not be extended therefore, and the mitigation measures set out in the Habitats Regulations Appraisal should be incorporated in the Proposed Plan.

Craigie

4. Craigie falls within the Lunan Valley Catchment Area, and it is appropriate that the mitigation measures set out in the Habitats Regulations Appraisal be incorporated in the Proposed Plan.

Kirkmichael

5. Kirkmichael is a small village beside the A924, around 17km north west of Blairgowrie. It has a good range of services, including a primary school, shop and community centre. The village has seen a measure of new development in recent years. The Proposed Plan does not allocate further sites for housing in Kirkmichael, but allows for small scale infill development within the settlement boundary, which should be sufficient for the needs of the community during the Plan period.

6. The land slopes up to the north east of the village, and it is unclear how the suggested housing sites on that side of the settlement could be satisfactorily accessed from the A924. The land in the valley floor to the south east of the village is liable to flood, and therefore appears to be unsuitable for housing in the absence of a flood risk assessment. The settlement boundary should not be modified to include either site, therefore, and Kirkmichael Glebe should not be allocated for housing.

7. However the Proposed Plan should be amended to incorporate the mitigation measures set out in the Habitats Regulations Appraisal.

Kinloch

8. Kinloch is a small hamlet with no amenities or services, within the Lunan Valley Catchment Area to the west of Blairgowrie. The Proposed Plan draws the settlement

boundary around the existing hamlet on the north side of the A923, and the caravan site (designated for tourism) to the south, and does not allocate any sites for housing.

9. The land at Kinloch Glebe is a substantial area (2.4 hectares) of grazing land to the east of the settlement boundary. A housing development of that scale would be out of keeping with the character of this small rural hamlet, and would be contrary to the policies of the Plan which seek to protect the Special Area of Conservation from unwarranted development. However the Proposed Plan should be modified to incorporate the mitigation measures set out in the Habitats Regulations Appraisal.

Meikleour

10. The majority of Meikleour is designated as a conservation area, so the Proposed Plan has drawn the settlement boundary closely around the village. To loosen the boundary as suggested would potentially harm the character and setting of the village. Development on the site next to the telephone exchange would entail the loss of trees in an area adjacent to a designed landscape. In any case there is already an existing housing site in the village, and an expansion of the settlement is not warranted during the Plan period.

11. It is open to the council to make a minor factual correction to the Plan to reflect the closure of the post office.

Reporter's recommendations:

Bridge of Cally

1. Adjust settlement boundary as shown on Schedule 4 document 358.

Concraigie, Craigie, Kirkmichael, Kinloch

2. Incorporate the following new policy '*EP15: Development within the River Tay Catchment Area*' into the Plan (page 60):

"The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area. In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavours/East Haugh/Ballyoukan, Fortingall, Grantully/Strathay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.

(a) Drainage from all development should ensure no reduction in water quality.

(b) 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.

(c) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.

Note: supplementary Guidance 'River Tay Special Area of Conservation' provides a detailed advice to developers on the types of appropriate information and safeguards to

be provided in support of planning applications for new projects which may affect the River Tay Special Area of Conservation”

3. Update Policy EP6: Lunan Valley Catchment Area to include a new paragraph after “...to the satisfaction of the Planning Authority in conjunction with the Scottish Environment Protection Agency”, which begins “The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Special Area of Conservation:” and insert the same criteria as listed above, but reference them (d) to (f).

Concraigie

4. Update the Spatial Strategy Considerations section (paragraph 9.9.2, page 296) to read: “*Concraigie lies within the Lunan Lochs and River Tay Catchment Areas; Policies EP6 and EP15 set out the relevant criteria for development within these areas.*”

Craigie

5. Update the Spatial Strategy Considerations section (paragraph 9.10.2, page 297) to read: “*Craigie lies within the Lunan Lochs and River Tay Catchment Areas; Policies EP6 and EP15 set out the relevant criteria for development within these areas.*”

Kirkmichael

6. Update the Spatial Strategy Considerations section (paragraph 9.13.2, page 300) to read: “*Kirkmichael lies within the River Tay Catchment Area; Policy EP15 sets out the relevant criteria for development within this area.*”

Kinloch

7. Update the Spatial Strategy Considerations section (paragraph 9.12.2, page 299) to read: “*Kinloch lies within the Lunan Lochs and River Tay Catchment Areas; Policies EP6 and EP15 set out the relevant criteria for development within these areas.*”

Issue 46		Whole Plan Issues	
Development plan reference:		1 – Introduction, page 13-16 2.2.1 - Vision Statement, page 17 2.4.2 – Sustainable Economic Growth Strategy, page 19 2.4.12 – Infrastructure Strategy, page 21 PM3 - Infrastructure Contributions, page 24 3.9 – The Natural Environment, page 40-46 3.10 – Environmental Resources, page 47-69 4.1.1 - Spatial Strategy, page 61 Perth Area Landward Map, page 73 5.2.5 – Perth Transport Infrastructure, page 76-77 Highland Perthshire Area Landward Map, page 155-156 Kinross Area Landward Map, page 201 Strathearn Area Landward Map, page 243 9.1.12 - Lunan Valley Lochs, page 274 Strathmore and the Glens Landward Map, page 277 H66 – Ardler, page 209 H69 - Forfar Road, Meigle, page 302 Glossary, page 306-309	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):			
Scone & District Community Council (00043) Scottish Water (00055) Portmoak Community Council (00638) Sainsbury’s Supermarkets Ltd (00754) Universities Superannuation Scheme Ltd (00844) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) JW Farquharson and GD Strawson (09117)		Ken Russell (09193) SSE plc (09311) Shell UK Ltd (09313) David Adams (09420) Dr Peter Symon (09723) G S Brown Construction Ltd (09817) Alistair Godfrey (09941) BP North Sea Infrastructure (09994) Stewart Milne Homes (10080) Homes for Scotland (10214) Ken Miles (10236) John Munro (10277)	
Provision of the development plan to which the issue relates:		General representations to the Plan	
Planning authority’s summary of the representation(s):			
Glossary Scone & District Community Council (00043/1/003): Term ‘committed project’ should be defined in the glossary as it is loose and open to interpretation and possible abuse. Sainsbury’s Supermarkets Ltd (00754/1/002): Wording suggested for a definition of ‘retail sites’ that should be included in the glossary.			

Universities Superannuation Scheme Ltd (00844/1/015): Support glossary definition of Town Centre but reference to Local Plans should read Local Development Plans. Support glossary definition of Vitality and Viability. Glossary should contain definition of a commercial centre. Glossary definition of retail park should be amended as off-centre is not a term used in any current planning policy document.

Ken Russell (09193/8/001): Term mixed use is used in the LDP but requires a definition.

Supplementary Guidance

Portmoak Community Council (00638/2/002 & 00638/2/007): It is unacceptable that the Settlement Strategy Landscape Capacity Study (Core_Doc_053) is unavailable for comment and there is no supplementary guidance on landscape to replace the current provisions of Areas of Great Landscape Value. This failure makes commenting on this part of the LDP impossible.

G S Brown Construction Ltd (09817/3/008): The Developer Contributions supplementary guidance is not available and this makes commenting difficult. We have no idea what the level of contributions will be.

Stewart Milne Homes (10080/10/001): There is insufficient detail in the LDP policies to enable determination of applications under Section 25 without supplementary guidance and/or planning advice notes. Council have not published supplementary guidance. The Plan does not therefore constitute an LDP for the purposes of the 1997 Act (Core_Doc_120) and does not comprise a document in respect of which there could be a lawful examination in accordance with Section 19 and 19A, or which could be adopted lawfully in accordance with Section 20(1) (S4_Doc_602).

Homes for Scotland (10214/1/040): Any supplementary guidance currently available or in the process of being created, which relates to infrastructure contributions should be listed here. It is not possible for developers or landowners to accurately calculate the contributions that are required without this information. Cannot tell if allocated sites will be effective and currently have no way of determining this.

Format

Alistair Godfrey (09941/1/007): Considers that the present position of referencing transport infrastructure in a separate document called 'Shaping Perth's Transport Future' Shaping Perth's Transport Future (Core_Doc_021) is contrary to SPP paragraph 14 (S4_Doc_311) and do not consider this issue to be overcome by the cross referencing from the Proposed Local Development Plan.

Homes for Scotland (10214/1/005): Scottish Ministers expect LDPs to be concise, map-based documents. The LDP is not concise, contains repetition and is not user-friendly due to the fragmented layout.

Homes for Scotland (10214/1/006): The Vision and Objectives – SPP (Core_Doc_048) does not require Perth & Kinross Council's LDP to have a separate vision statement because it is within an SDP area but if Perth & Kinross Council wants one it should stand out as it is presently lost in paragraph 2.2.1.

Ken Miles (10236/1/001): Identification of opportunity sites for employment at Stirling Road and Kinross Auction Mart are omitted from table at 7.1.6. Plan should clearly state Stirling Road Op16 and Kinross Auction Mart Op13 or there could be confusion with Stirling Road E19 in particular.

John Munro (10277/1/001): There should be a generalised '*urban structure*' plan making clear how proposals and policies relate to national and local aims and to strategies for health, education, transport etc. This would not include details needed in the statutory Plan and would cover a longer period (refer to 'Inverness Vision' by Highland Council 15 years ago).

Maps

Scottish Natural Heritage (05211/6/001): Welcome the identification of the Lunan Valley catchment area and Loch Leven catchment area on the LDP maps. Also recommend the River Tay SAC catchment is shown on these maps. Making potential developers aware of this catchment is an effective way of drawing attention to possible requirements for developments within the River Tay SAC catchment. SPP paragraph 139 (S4_Doc_085)

SSE plc (09311/1/011): For purposes of the LDP strategy, certain localised distribution network enhancements likely to be required to increase capacity to meet the envisaged housing and business growth numbers in the LDP.

NPF2 National Development 11 not recognised in the LDP.

Shell UK Ltd (09313/3/002): Consultation zones should be clearly shown on all relevant settlement maps to ensure Health and Safety Executive are consulted on proposals for development and compliance with Planning Advice for Developments near Hazardous Installations (PADHI) guidelines

Shell UK Ltd (09313/3/005); BP North Sea Infrastructure (09994/9/001): Southernmost part of site may encroach on pipeline consultation zone, so this should be highlighted to potential developers

Dr Peter Symon (09723/2/001): Site specific presentation of the area-based part of the LDP (refer paragraph 4.1.1) is a serious weakness. Sites already under construction or with consent are not identified as proposals. Only presenting proposed sites making it difficult to consider cumulative impacts on the need for additional infrastructure or facilities.

Sites identified are almost all housing sites. Inappropriate to consider most other developments as minor windfall when some are classed as major developments in terms of Development Management. Such sites do not appear at all in the LDP (refer example of Outdoor Experience Centre at Inchoonans) and this is a serious failing of the LDP as a comprehensive spatial planning policy framework.

BP North Sea Infrastructure (09994/10/001): Support the retention of the pipeline corridors in the spatial strategy maps.

Scottish Natural Heritage (05211/6/002): Suggest that the location of both statutory and non-statutory local designations are identified in the LDP. We recommend their inclusion on the landward maps in the Plan. Local designations, such as Local Nature Reserves, are a statutory designation and should be identified clearly in the Plan. Making potential developers aware of the location of these sites on maps in the plan is an effective way of drawing attention to the policy approach and level of protection. Refer to paragraph 139 of SPP (S4_Doc_085).

Alistair Godfrey (09941/1/009): Should fully reflect SPP paragraph 126 (S4_Doc_079). The same applies also to Policy NE1, and Perth & Kinross Council should be clear about

local designations in its policy and to take account of paragraph 139 of SPP to identify such areas in the plan. In the absence of its own designations, Perth & Kinross Council should take account of initiatives led by organizations providing local knowledge of the importance of geological and ecological sites.

Clarity

Scottish Natural Heritage (05211/15/003): Amend wording of paragraph 6.1.15 to clarify the settlements within the catchment area.

J W Farquharson & G D Strawson (09117/4/001): Existing diagram at paragraph 2.4.2 is indecipherable.

Process

David Adams (09420/1/002): TAYplan should have reported first so that the overall strategy and scale of development for various settlements would have been established.

Support

Scottish Water (00055/1/001): Support for the Plan

Scottish Environment Protection Agency (03194/20/001): Welcomes the identification of waste management sites and infrastructure in the LDP.

Modifications sought by those submitting representations:

Glossary

Scone & District Community Council (00043/1/003): Term '*committed project*' should be defined in the glossary.

Sainsbury's Supermarkets Ltd (00754/1/002): A definition of 'retail sites' should be included in the glossary - suggested wording: '*Sites which benefit from planning permission which make a contribution to the network of centres*'.

Universities Superannuation Scheme Ltd (00844/1/015): Glossary definition of Town Centre should refer to Local Development Plans not Local Plans.

Glossary should contain a definition of '*Commercial Centre*' suggest following wording:

'These are distinct from town centres as their range of uses and physical structure makes them different in character and sense of place. They generally have a more specific focus on retailing or on retailing and leisure uses. Examples of commercial centres include out-of-centre shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres'.

Glossary definition of retail park should be amended as follows: '*An out-of-centre group of three or more stores selling primarily non-food goods, with a shared car park*'.

Ken Russell (09193/8/001): Term mixed use should be defined in the glossary e.g. '*A site where a variety of developments may be established, particularly those not catered for elsewhere in the plan e.g. Use Classes 10 & 11*'.

Supplementary Guidance

Portmoak Community Council (00638/2/002): The Settlement Strategy Landscape Capacity Study (Core_Doc_053) should be made available for comment.

Portmoak Community Council (00638/2/007): No specific modification sought but implied that the supplementary guidance on landscape should be available for comment alongside the LDP.

G S Brown Construction Ltd (09817/3/008): The level of contributions should be set out in the policy.

Stewart Milne Homes (10080/10/001): LDP should contain policies and proposals which provide details of the development which is proposed by the Council for identified land and which is sufficient to comply with the requirements of the 1997 Act (Core_Doc_120).

Homes for Scotland (10214/1/040): The policy should contain further information listing the Supplementary Guidance to be read in conjunction with this policy. The Supplementary Guidance relating to this policy should be available.

Format

Alistair Godfrey (09941/1/007): The inclusion of land and infrastructure within the Plan itself.

Homes for Scotland (10214/1/005): Repetition of the requirements for each area should be removed from the introductions to chapters 4-9 e.g. all the housing numbers and education infrastructure requirements should be combined and included in chapter 4.

Homes for Scotland (10214/1/006): The statement in paragraph 2.2.1 (last sentence) '*Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth*' should be typed to stand out from the rest of the text, so that the reader can see the vision statement easily.

Ken Miles (10236/1/001): Table at 7.1.6 should clearly state Stirling Road Op16 and Kinross Auction Mart Op13.

John Munro (10277/1/001): There should be a generalised '*urban structure*' plan making clear how proposals and policies relation to national and local aims and to strategies for health, education, transport etc. This would not include details needed in the statutory Plan and would cover a longer period.

Maps

Scottish Natural Heritage (05211/6/001): Identify the River Tay SAC catchment boundary on the LDP maps.

SSE plc (09311/1/011): Proposals maps should illustrate alignment of the existing 275kV transmission line and the text amended to recognise the 400kV upgrade.

Shell UK Ltd (09313/3/002): Definition of pipeline consultation zone on map of Ardler

Shell UK Ltd (09313/3/005); BP North Sea Infrastructure (09994/9/001): Inclusion of pipeline consultation zone on the proposals map at H69, and inclusion of a requirement for consultation with HSE under developer requirements in paragraph 9.14.3.

Dr Peter Symon (09723/2/001): LDP should identify sites already under construction or with consent as well as proposals. LDP should identify sites for all land uses not just mainly housing sites. Such other uses should not be considered as '*minor windfall*' developments.

Scottish Natural Heritage (05211/6/002); Alistair Godfrey (09941/1/009): Regarding Policy NE1C the location of both statutory and non-statutory local designations should be identified in the LDP, such as the Inner Tay Estuary Local Nature Reserve. We recommend their inclusion on the proposals maps.

Clarity

Scottish Natural Heritage (05211/15/003): Amend wording of paragraph 6.1.15 to include:

'The settlements that lie within the Lunan Lochs catchment are Butterstone, Concraigie, Craigie, Kinloch and the west of Blairgowrie'.

J W Farquharson & G D Strawson (09117/4/001): Need for a clearer diagram at paragraph 2.4.2

Process

David Adams (09420/1/002): No modification is proposed to the Plan.

Summary of responses (including reasons) by planning authority:

Glossary

Scone & District Community Council (00043/1/003): The term '*committed project*' is the point where a project is included in the capital programme of the relevant agency and funding is secured. The Council do not regard a definition as essential to understanding the Plan.

No modification is proposed to the Plan. However, if the Reporter is so minded as to include a definition within the Glossary then the Council would have no objection.

Sainsbury's Supermarkets Ltd (00754/1/002): The Council does not consider it is necessary to include a definition of '*Retail Sites*' in the Glossary as it is not a phrase which occurs in the Plan.

No modification is proposed to the Plan. However, if the Reporter is so minded as to include a definition within the Glossary then the Council would have no objection.

Universities Superannuation Scheme Ltd (00844/1/015): The Council does not consider it is necessary to include a definition of '*Commercial Centres*' in the Glossary as paragraph 54 in SPP (Core_Doc_048) provides a definition and it would be repetitive to put it in the Plan also.

No modification is proposed to the Plan.

Should the Reporter be so minded the Council have no objection to the wording in the Glossary for 'Retail Park' being amended to read '*out-of-centre*' rather than '*off-centre*'.

Ken Russell (09193/8/001): Policy ED1B (S4_Doc_483) has been designed to allow maximum flexibility providing the proposed uses are compatible with surrounding land uses and the setting of a tight definition may impede this. The term '*mixed use*' can describe a variety of development projects and the mix of uses will vary from proposal to proposal. It is therefore imprecise to define, however, the supplementary guidance for policy ED1 would be the appropriate place if a definition is necessary.

No modification is proposed to the Plan.

Supplementary Guidance

Portmoak Community Council (00638/2/002): The Settlement Strategy Landscape Capacity Study (Core_Doc_053) was completed in 2005 by David Tyldesley and Associates for the Council in relation to the Kinross Area Local Plan (Core_Doc_008). It is a background document used to inform plan preparation; it is not a report for consultation. It has not formed part of the published documents for establishing this Plan. However the Community Council are aware of the document and could have requested to view the published document which has been available for public inspection at the Council offices since its publication. It is acknowledged that due to its format it is not possible to be viewed online.

No modification is proposed to the Plan.

Portmoak Community Council (00638/2/007): As identified in the Plan supplementary guidance relating to landscape is to be prepared. It was considered by the Council that given the likely scope, scale and detail involved in identifying such areas, and also to ensure their protection and enhancement through the development management processes, that the issue would be best dealt with through supplementary guidance to the Plan. Unfortunately, there were insufficient resources available to produce the guidance and the necessary environmental assessments and other studies required to inform and accompany the document in advance of the publication of the Proposed Plan. It is however a priority for the Council during 2013 to produce and consult on supplementary guidance linked to Policy ER6 (S4_Doc_397) of the Plan. Draft LDP Action Programme 2012-2024, page 14 (Core_Doc_172).

No modification is proposed to the Plan.

G S Brown Construction Ltd (09817/3/008): By setting out the level of contribution in the policy itself this would remove any flexibility in the policy to revise the amount in response to changing economic conditions and therefore be detrimental to developers. It's considered the most appropriate approach is that taken where the Supplementary Guidance details the level of contributions and how they are calculated; this document will have been subject to consultation prior to approval by the Council and as such will take into account comments from developers and others. The document will be able to be revised and updated as necessary. Reference to Schedule 4, 04 (Infrastructure Contributions) the Council's response under the topic heading 'Policy PM3 Infrastructure Contributions' is highlighted for further information on this issue.

No modification is proposed to the Plan.

Stewart Milne Homes (10080/10/001): The Council considers that the Plan complies with the requirements of the Town & Country Planning (Scotland) Act 1997 (as amended) (Core_Doc_120); that it is a spatial strategy for the Perth & Kinross area, and is a detailed statement of the policies and proposals as to the development and use of land. The matter of supplementary guidance is dealt with as per section 22(1) of the Act (S4_Doc_602).

The Council has already published 22 pieces of supplementary guidance. A recent committee paper shows 6 other supplementary guidance priorities which are likely to be finalised alongside publication of the Plan. It is highlighted a similar representation was made to the Aberdeenshire LDP and was considered by the Reporter who found no issue.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/040): The supplementary guidance relating to Infrastructure Contributions had not been published for consultation at the time of the Proposed LDP period of representation. The supplementary guidance has since been approved by Council for consultation and has been out for consultation in December 2012. Cross reference with Schedule 4, 04 (Infrastructure Contributions) is highlighted for a more detailed response on the issue.

No modification is proposed to the Plan.

Format

Alistair Godfrey (09941/1/007): Legislation and national policy require the Plan to be a succinct document focusing on the main proposals. Therefore it is not considered possible to merge the separate document regarding transport infrastructure into the Plan as it contains too much detail and should be fully considered on its own; appropriate reference is made to transport infrastructure where necessary in the Plan and Transport Planning have been involved throughout the preparation of the Plan. It is highlighted that key transport proposals with land use consequences are detailed in the Plan i.e. CTRL, Park + Ride sites.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/005): The Council does not agree with the representation proposing the removal of the requirements for each area. Many members of the public using the Plan will only look at the areas they are interested in and its therefore felt to be 'user friendly' that the requirements should be highlighted for each area in the introductions to chapters 4-9. Whilst there are common themes there are some differences between the areas.

The Council has reduced 5 Local Plans into the Plan and believes this to be a concise document which is aided by the map based approach used, which has been recognised by the Scottish Government as good practice.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/006): The Council does not consider the additional highlighting of the vision in the last sentence of paragraph 2.2.1 is required.

No modification is proposed to the Plan. However, if the Reporter is so minded then the Council would have no objection to the proposed modification.

Ken Miles (10236/1/001): By their nature the sites Op13 and Op16 are opportunity sites rather than employment sites and therefore not included in the table at paragraph 7.1.6 (S4_Doc_499) which relates specifically to employment sites in the Kinross-shire area. Op13 and Op16 are clearly identified with the Site Specific Developer Requirements on pages 207-208 and it is not considered necessary to alter this and include the modification as proposed.

No modification is proposed to the Plan.

John Munro (10277/1/001): The LDP is not considered to be an appropriate document to cover the '*urban structure*' plan that is referred to. It would alter the aim and structure of

the Plan particularly giving it a life extending beyond the SDP period and this is considered inappropriate and not in line with Scottish Government guidance.

No modification is proposed to the Plan.

Maps

Scottish Natural Heritage (05211/6/001): Each of the strategy sections, or specific proposals, provides sufficient cover and highlights the area so the Council does not consider the identification of the River Tay SAC catchment boundary on the Plan maps would be particularly meaningful given that it covers a significant part of the Perth and Kinross Council area.

No modification is proposed to the Plan.

SSE plc (09311/1/011): The Council does not agree that the proposals map needs to illustrate the alignment of the existing 275kV transmission line as this is available on Ordnance Survey mapping. Nor does the Council consider that the text need be amended to recognise the 400kV upgrade as there are no land use implications if it is an upgrade to existing infrastructure.

No modification is proposed to the Plan.

Shell UK Ltd (09313/3/002): The pipeline consultation zone is shown on the bottom right of the settlement map of Ardler (page 291) and therefore the Council does not consider it necessary to add further to this.

No modification is proposed to the Plan.

Shell UK Ltd (09313/3/005); BP North Sea Infrastructure (09994/9/001): The pipeline consultation zone is shown on the bottom right of the settlement map of Meigle (page 302) in the Plan. It does not go through site H69 but is south of the site, therefore the Council does not consider it necessary to add the inclusion of a requirement for consultation with HSE under the Site Specific Developer Requirements.

No modification is proposed to the Plan.

Dr Peter Symon (09723/2/001): It is impractical to identify all current planning permissions, both active and unimplemented as some will be for relatively small sites and others may be nearing completion. Furthermore the value of identifying such developments is questioned as the opportunity for members of the public to have an input to the development of these sites has passed. The Plan has however sought to identify with a housing symbol larger sites with consent which have not commenced. The Plan identifies sites for the majority of land uses but it is highlighted that due to the high level of housing need and demand in Perth and Kinross housing sites do make up the majority of new proposals.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/6/002); Alistair Godfrey (09941/1/009): It is not considered necessary to identify the location of both statutory and non-statutory local designations on the landward maps of the Plan. This information is already publicly available from other sources. Reference to schedule 4, 15d (Policy ER6 (S4_Doc_397)) and the response to Sport Scotland (03185/1/006) is highlighted for further information.

No modification is proposed to the Plan.

Clarity

Scottish Natural Heritage (05211/15/003): Paragraph 6.1.15 relates only to the Highland HMA and the settlements within this area and the Loch Lunan catchment area and is therefore correct.

While the Council does not consider the proposed amendment to be appropriate in this paragraph the other settlements could be listed within the Strathmore and the Glens HMA paragraph 9.1.12 if the Reporter was so minded, and the Council would have no objection.

J W Farquharson & G D Strawson (09117/4/001): The diagram at paragraph 2.4.2 is considered to be both clear and helpful in setting out the key components of sustainable economic growth.

No modification is proposed to the Plan.

Reporter's conclusions:

Glossary

1. The term "committed project" is not a technical term and is sufficiently clear not to require definition in the glossary.
2. Similarly, the term "retail sites" is self-explanatory. The term is not used in the plan in any technical sense and the proposed definition would give out of centre retail sites a status in the retail centres hierarchy which they are not afforded in Scottish Planning Policy (SPP) or in the policies of the Proposed Plan.
3. As reference to "local plans" in the definition of "town centre" is directed to future plans rather than to historic documents, it should be modified to "local development plans" to reflect current terminology.
4. For ease of reference, it would be helpful to include a definition of "commercial centre" with the glossary. That suggested in the representation reflects the definition in SPP and would be appropriate. The definition for "retail park" should be modified to refer to "out of town centre" rather than "off centre" to reflect recognised terminology. Simply defining such parks as "out of centre" would not be appropriate as some retail parks are in fact designated "commercial centres".
5. The term "mixed-use" is sufficiently clear not to require definition in the glossary and any attempt to define it would be likely to suggest erroneously that the range and composition of uses in a mixed use site is inevitably subject to restriction.

Supplementary Guidance

6. A number of representors are dissatisfied that specific detail on the implementation of certain policies in the Proposed Plan is not set out in the policy itself but is left for supplementary guidance to define. While such concerns are understandable, especially when the supplementary guidance in question may not yet have been produced, this practice is in accordance with the legislation. Opportunities for engagement in the preparation of supplementary guidance have been and will be made available.

Format

7. There is a degree of repetition within the Proposed Plan due to it being subdivided into four geographical areas. However, the benefits this brings to plan users who are only concerned with one of those geographical areas outweigh the increased size of the plan as a whole. The Plan's content, structure and timescale follow the government's expectations and the requirements of legislation. Transport infrastructure issues are sufficiently well recognised in the plan and it would be inappropriate to import the contents of other documents such as "Shaping Perth's Transport Future". There is no need for the vision expressed in paragraph 2.2.1 to be highlighted, as it is sufficiently clear at present and, in its current format is appropriately subordinate to the TAYplan vision, which is set out at paragraph 2.1.2, with which the proposed plan must be consistent.

8. Although some of the proposed opportunity sites are almost certain, when developed, to create additional employment space, the council's decision not to include them in tables that set out employment land designations is reasonable and does not lead to any confusion.

Maps

9. The landward maps are not a substitute for due diligence investigations by prospective developers and are not the only (or indeed the primary) source of information on which the council would rely when determining who to consult on receipt of a planning application. Therefore there is no need for them to contain every potential development constraint. And to do so would be likely to hinder their legibility. There is however a need to add to the maps, local landscape and natural heritage designations, which SPP requires to be clearly identified and protected through the development plan. Policy NE1C provides the required protection but does not identify spatially where these are located. Their addition to the maps should not compromise legibility or impose an unjustified administrative burden.

10. There would be no benefit in setting out in the maps all sites that have unimplemented planning permission, as these are no longer matters that are before the council for determination or about which interested parties may make representations. Their exclusion from the proposed plan does not prevent full account of their existence being taken when considering issues such as cumulative impacts. It is not the case that the council has resolved only to allocate land for residential development, leaving other potential uses to be developed on "white land". Where there is a need for a specific form of development, for example employment land, that is of a reasonably significant scale, a site is proposed within the plan. And the fact that other, smaller proposals, which are known to be in the pipeline, are not allocated in the plan, does not prevent them coming forward if they are consistent with the plan's strategy and policies.

11. National Development 11 in the National Planning Framework (NPF 2) is the large-scale reinforcement of the electricity grid. Within the Plan area there will be sub-stations and other infrastructure to be developed as part of this project, to which the Plan makes no specific reference. Although the project as a whole is undoubtedly of national significance, there is no evidence that its implications for this plan are so significant as to require specific reference.

Clarity

12. It would assist the Proposed Plan's clarity if the settlements within the Strathmore and the Glens area which lie within the Lunan Valley Lochs catchment area were listed at paragraph 9.1.12.

13. The diagram at paragraph 2.4.2 is adequately clear for its intended purpose.

Process

14. TAYplan has now been adopted and is a very significant material consideration in the examination of the Proposed Plan.

Reporter's recommendations:Glossary

1. Modify the definition of "Town centre" to refer to "local development plans" rather than "local plans".

2. Add a definition for the term "Commercial centre" to the glossary to read as follows:

"These are distinct from town centres as their range of uses and physical structure makes them different in character and sense of place. They generally have a more specific focus on retailing or on retailing and leisure uses. Examples of commercial centres include out-of-centre shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres."

3. Modify the definition of "Retail park" to refer to "out of town centre" rather than "off centre".

Maps

4. Add to the landward maps for each of the Plan's sub-areas, the location and extent of locally designated areas that are protected by Policy NE1C.

Clarity

5. Modify paragraph 9.1.12 to highlight the settlements within the Lunan Valley Lochs catchment area by adding an additional sentence at the end to read as follows:

"The settlements that lie within the Lunan Valley Lochs catchment are Butterstone, Concraigie, Craigie, Kinloch and the west of Blairgowrie."