

PERTH AND KINROSS COUNCIL

16 December 2015

**LOCAL DEVELOPMENT PLAN
MAIN ISSUES REPORT AND DEVELOPMENT PLAN SCHEME UPDATE****Report by Depute Chief Executive, Environment
(Sustainability, Strategic and Entrepreneurial Development)**

Following the consideration by the Council on 18 November 2015 of the Main Issues Report (MIR), this report seeks approval of the remaining unresolved issue and for the publication of and consultation on the (MIR). This is a key stage in the preparation of the new Local Development Plan (LDP2). The report also seeks approval of an updated Development Plan Scheme to reflect the consultation arrangements for the MIR. The MIR is not a draft Plan, but seeks views on which policy and development options could be included in the Proposed Local Development Plan (due to be published in September 2016).

1. BACKGROUND / MAIN ISSUES**Introduction**

1.1 A report seeking approval for updating the Development Plan Scheme (DPS), along with the publication of, and consultation on, the Main Issues Report (MIR) was considered at the Special Council meeting on 18 December 2015 (Report 15/534 refers). Council considered and approved the DPS and four amendments to the Draft MIR relating to:-

- alternative housing sites in Longforgan,
- infrastructure capacity in Kinross-shire, infrastructure capacity in Blairgowrie/Rattray and,
- Policy RD5 Gypsy/Travellers' sites. Consideration of a further amendment was deferred to allow officers to consider, through the Strategic Environmental Assessment process, the potential for the inclusion of a housing site in the Crook of Devon area.

2. PROPOSALS**Amendments to the Draft MIR**

2.1 As mentioned above four amendments to the Draft MIR were approved at the Special Council meeting on 18 November 2015, and as such, further debate on these amendments is not required. The Draft MIR has been updated accordingly and is available to view in the Members' Lounge and online at <http://www.pkc.gov.uk/mainissuesldp2>.

- 2.2 The final amendment to the MIR referred to above sought the inclusion of a site at Crook of Devon, on the basis that it would support road improvements to the A977 and the provision of increased capacity at the Drum sewerage treatment works. The drainage improvements would allow for the connection of existing consented developments, removing the threat to Loch Leven from increased phosphates.
- 2.3 As the proposal related to the addition of a new site which had not been subject to strategic environmental assessment, it could not be considered by the Council. In line with the spatial strategy of TAYplan, the adopted LDP and the Draft MIR, the methodology for the Strategic Environmental Assessment (SEA) focused on the assessment of sites within the tiered settlements. As Crook of Devon is not a tiered settlement, assessment of the sites suggested in the village during pre-MIR consultation, was not required to be undertaken at this stage in plan preparation. As it is a requirement that the methodology for the SEA is consistent across the entire Plan area, adding the site at Crook of Devon requires a revision to the methodology, and the assessment of all sites submitted at the pre-MIR stage in the smaller settlements. In total, this has led to just over 100 additional assessments being undertaken. The completion of this work enables the Council to consider whether the Draft MIR should be amended to include the proposed site at Crook of Devon. An extract showing the changes required to the Draft MIR to include the site is attached in Appendix 2.
- 2.4 This site was previously considered through the adopted LDP and the Reporter backed the Council's decision to exclude this site stating that "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." The SEA assessment reflected this and demonstrated that there are indeed some landscape, settlement pattern, and also some surface water issues associated to the development of this site. However, it is considered that these can be sufficiently mitigated through high quality design layout, and landscaping, and through attenuation SUDs, and it is considered that residual impacts on the landscape and the gap between the settlements could be outweighed by public benefit if roads and drainage issues can be improved.
- 2.5 As Members are aware, the LDP requires to be compatible with TAYplan and its tiered approach to concentrating development on the principal settlements, and directing the majority of allocations to the main settlements, whilst allowing limited development in other areas. TAYplan advises that "LDPs can provide for some development in settlements that are not defined as principal settlements where this can be accommodated and supported by the settlement provided that the development genuinely contributes to the outcomes of this Plan and meets specific local needs or supports regeneration of the respective settlement." In this case there is merit in considering this site to see whether it can deliver benefit in terms of supporting public drainage improvements and potentially junction/pedestrian safety improvements.

- 2.6 It should be noted, however, that the Reporter, when considering LDP1, took a very strict interpretation of the TAYplan strategy and removed or reduced the size of a number of sites in the smaller settlements with limited services. One example of this was the reduction of a site in Powmill from 120 units to 30 units. This means that the justification for this site at Crook of Devon has to be about delivering benefits. As such, if the site is included within the MIR, officers will work with the landowner to collate evidence that the site can be effective and deliver the benefits identified, prior to it being considered for inclusion within the Proposed Plan.
- 2.7 Members should note that the landowner will be asked to submit further information to the MIR consultation with viability information and a Transport Statement needed to clarify if these potential junction/pedestrian safety improvements can be delivered/secured. Unless the delivery of a roundabout and any pedestrian improvements would be required to enable this development to go ahead (as demonstrated by a Transport Statement) then it will be considered that there will be insufficient justification for including this site in the Proposed Plan. The requirement for a roundabout and pedestrian improvements might not be a reasonable or enforceable developer requirement and if the site is supported in the LDP (regardless of the developer requirements stating the roundabout and pedestrian improvements should be provided) the development could happen without securing these benefits.

Development Plan Scheme (DPS)

- 2.8 Whilst the updates to the DPS were approved at the Special Council meeting on 18 November 2015, the deferral of the Draft MIR has meant that the dates for consultation require to be changed. The DPS, therefore, requires to be updated to reflect this. As can be seen from the updated timetable attached in Appendix 1, consultation is now proposed to commence (subject to Council approval) on 23 December for a 12 week period running until 16 February 2016. It is acknowledged that this is not ideal timing in relation to the Christmas and New Year break, however this is unavoidable if we are to meet the requirements of the SEA legislation. Section 16, paragraph 2 of the Environmental Assessment (Scotland) Act 2005 requires that we commence consultation on the Environmental Report within 14 days of its preparation, meaning that consultation requires to commence before the Christmas break. Nevertheless, this will still allow 10 weeks of active consultation, which is consistent with our participation statement contained within the DPS, and is 4 weeks in excess of the 6 week minimum period set out in legislation.

2.9 In relation to the longer term timetable for the LDP, it should be noted that this delay in publication of the MIR and the uncertainty around the date for submission of the Proposed TAYplan for Examination could have a knock on effect on the publication date of our Proposed Plan and its submission to Ministers. Publication of the Proposed Plan is currently programmed for September 2016 and submission to Ministers for June 2017. This will be closely monitored and, if necessary, a report proposing revised dates for these will be taken to the Enterprise and Infrastructure Committee on 1 June 2016.

3. CONCLUSION AND RECOMMENDATION(S)

3.1 The requirements of the Planning etc (Scotland) Act 2006 require the publication of a Main Issues Report. The purpose of the MIR is to stimulate discussion and seek views on the issues raised to allow true engagement in the formulation of the Proposed Plan. It is not a draft plan and the Council in approving the MIR is not making any decisions which will bind the content of the Proposed Plan.

3.2 The Council is asked to:-

- i) Approve the amendments proposed to the Development Plan Scheme in respect of the timetable for publication of, and consultation on, the MIR.
- ii) Consider the inclusion of the site at Crook of Devon in the Main Issues Report.
- iii) Approve the Main Issues Report and to agree to its publication for consultation.
- iv) Note the contents of the Main Issues Report Environmental Report and appendices.
- v) Give authority to the Head of Planning and Development to make changes to the format, appearance and technical details of the Main Issues Report and associated documents, prior to the commencement of the public consultation exercise.

Author(s)

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	No
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	No
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The LDP contributes to all of the Perth and Kinross Community Plan / Single Outcome Agreement priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

Corporate Plan

1.2 The LDP will contribute to the achievement of all of the Council's Corporate Plan Priorities:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 The cost of completing the consultation, statutory procedures and printing of the MIR can be contained in the Planning & Regeneration revenue budget.

Workforce

- 2.2 None.

Asset Management (land, property, IT)

- 2.3 None.

3. Assessments

- 3.1 An Integrated Appraisal of the Main Issues Report has been undertaken using the Integrated Appraisal Toolkit which combines the functions and requirements of Equality Impact Assessment, Sustainability Assessment and the pre-screening / screening for Strategic Environmental Assessment. The Integrated Appraisal in relation to this report can be viewed [here](#).

Equality Impact Assessment

- 3.2 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Main Issues Report was considered under the Corporate Equalities Impact Assessment process (EqIA) through an Integrated Appraisal with the following outcome:

- 3.3 Assessed as relevant and the following positive outcomes expected following implementation:

- The policy will have positive benefits in that it will improve the environment, provide housing, business land and sustainable economic growth to the benefit of all resident, businesses and visitors to the Perth and Kinross area.
- It is acknowledged that some groups may experience difficulty getting involved in the consultation on the MIR and it is proposed to employ a variety of consultation methods to assist in reaching as many people / groups as possible.

Strategic Environmental Assessment

- 3.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.5 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 3.6 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and the determination was made that there were likely to be significant environmental effects and as a consequence an environmental assessment was necessary. The Environmental Report has been completed and will be submitted to the Consultation Authorities together with the MIR for their consideration. The purpose of the Environmental Report is to identify, describe and evaluate the likely significant effects on the environment of implementing the LDP and if necessary identify ways to mitigate those effects. The findings of the Draft Environmental Report generally support the proposed spatial strategies adopted for the various sub areas. More specifically they support the strategy proposed in the Kinross-shire, Highland and the Strathmore and the Glens areas in relation to the protection of Loch Leven and the Lunan Lochs. Some issues have been identified and these will require further investigation before the Proposed Plan is published to ensure any potential impacts are mitigated. The SEA will be published alongside the MIR and made available for consultation for the same 12 week period.

Sustainability

- 3.7 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.8 Under the Council's Integrated Appraisal it was considered that the Local Development Plan seeks to achieve sustainable development through its emerging vision, strategies, policies and proposals.

Legal and Governance

- 3.9 The Head of Legal Services, the Head of Democratic Services, the Director (Education and Children's Services) and the Director (Housing and Community Care) have been consulted in the preparation of this report.

Risk

- 3.10 None

4. Consultation

Internal

- 4.1 Officers in all Services of the Council have been consulted in the preparation of this report. Elected Members have also been engaged with their views being sought at surgery sessions held in June and November 2015.

External

- 4.2 In preparing the MIR, the Council has engaged with and considered the views expressed by public agencies including SNH, SEPA, Scottish Water, Scottish Enterprise, TACTRAN, NHS, Historic Environment Scotland, Transport Scotland and the Forestry Commission. In addition, the Council has received representations from landowners, developers, Community Councils, other bodies and interested people, outlining what should or should not be considered for inclusion in the LDP.

5. Communication

- 5.1 Details of the consultation which will be undertaken in relation to the MIR are set out in the Development Plan Scheme.

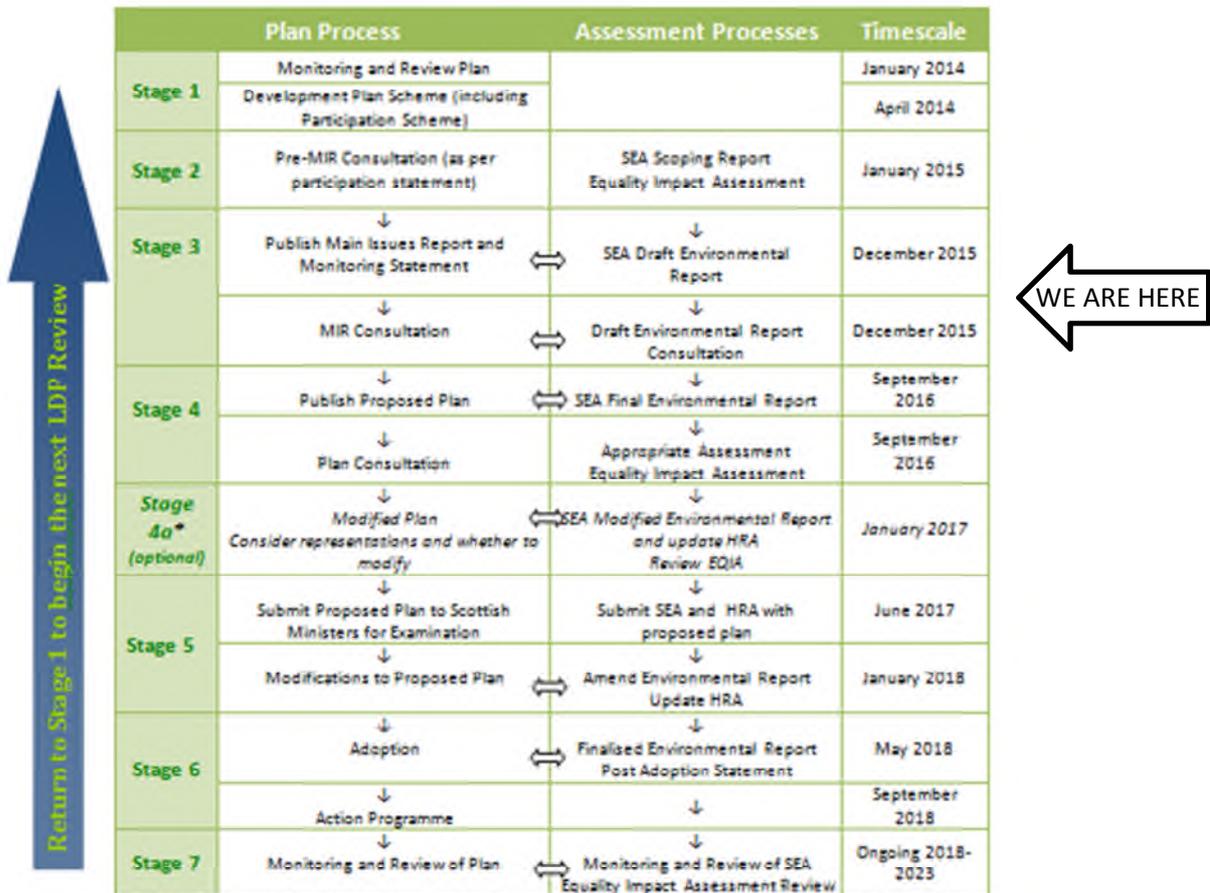
6. BACKGROUND PAPERS

Environmental Assessment (Scotland) Act 2005
Approved TAYplan 2012
TAYplan Proposed Plan 2016-2036
Adopted Perth & Kinross Local Development Plan 2014
Local Development Plan 2014 Monitoring Statement
Development Plan Scheme November 2015
Development Plan Scheme December 2015
Pre- Main Issues Report Comments
Perth & Kinross Local Development Plan Main Issues Report November 2015

7. APPENDICES

Appendix 1 : Extract from Development Plan Scheme (DPS)
Appendix 2 : Extract showing the changes required to the Draft MIR to include the site proposed at Crook of Devon

APPENDIX 1 – Updated LDP Timetable



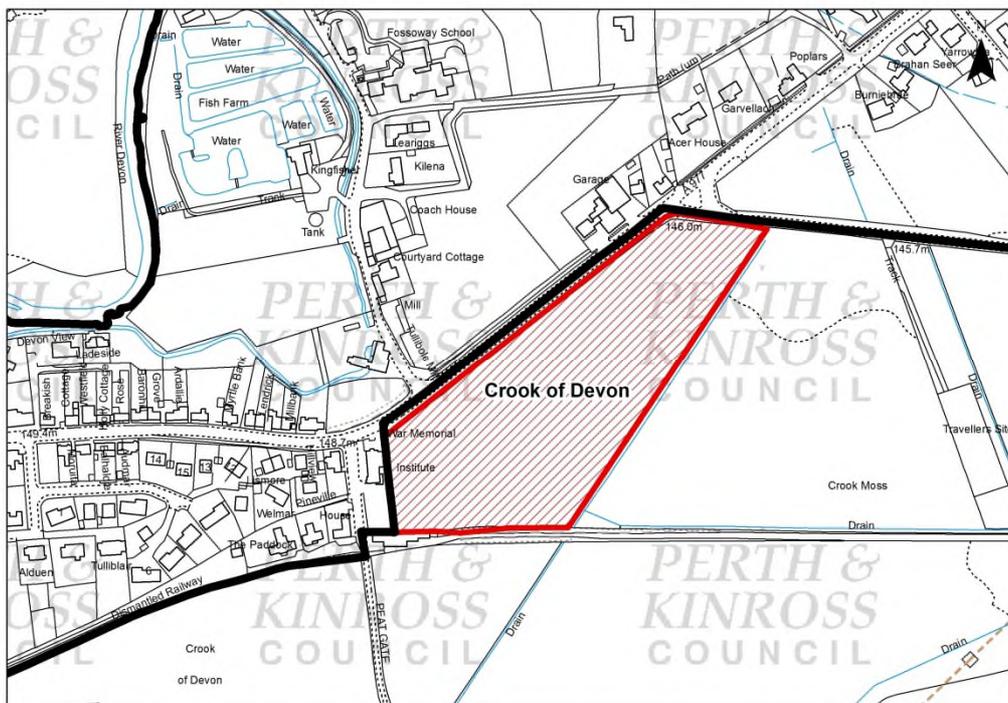
* Modifications can cause significant delays and should not be undertaken as a matter of course but only if significant changes are proposed

Wider Kinross-shire area

4.4.16 Alternative additional housing options were put forward in the wider Kinross-shire area as part of the pre-MIR Call for Sites consultation, **however, but** these are not required **to meet the housing land requirement**. With sufficient opportunities in Kinross and Milnathort there is little or no need for additional sites in the wider area as this would not fit with the TAYplan strategy. **However, it is considered that significant benefits would be derived from proposing a site in Crook of Devon to support road improvements to the A977 and the provision of increased capacity at the Drum sewerage treatment works allowing for the connection of existing consented developments removing the threat to Loch Leven from increased phosphates. In the Kinross-shire area there are not considered to be reasonable alternatives to the Council's and Tayplan's strategy of accommodating the majority of development within the tiered settlements of Kinross and Milnathort.**

4.4.17 The **preferred option** for the Wider Kinross-shire area is to identify a site at the junction of the A977 and the B9074. Should this site be allocated in the LDP, the following site specific developer requirements would be identified (and the landowner will need to prove through submission of a Transport Statement and viability information that the junction improvements and pedestrian improvements mentioned are necessary and deliverable):

Map 32: Crook of Devon



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Ref	Location	Size	Number
Crook of Devon	Junction of A977 & B9074	3.1 ha	50 maximum
Site specific developer requirements			
<ul style="list-style-type: none"> • High quality design and layout which reflects its gateway position and a landscape framework which retains some visual separation between Crook of Devon and Drum • Requirement for a Transport Statement • Roundabout required at existing junction of A977 & B9074 • To review and potentially improve pedestrian crossing facilities on the A977 • Drainage impact assessment required at the planning application stage to define area at risk and appropriate detailed layout and levels and SUDS. 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 • 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. Ensure appropriate footpath connections are made with the village and existing core path network • Financial contribution to education provision in line with the Supplementary Guidance. 			