

Issue 5	Policy 6 Settlement Boundaries	
Development plan reference:	Policy 6: Settlement Boundaries, page 24	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Mrs C Sinclair (0178) Stewart Milne Homes (0290/03) Scottish National Heritage (SNH) (0353) Alistair Godfrey (0410) Mr Ian Stratton (0480) Cleish and Blairadam Community Council (0510)		Kinross-shire Civic Trust (0526) Krys Hawryszczuk (0536) Councillor Michael Barnacle (0584) Ken Miles (0592) P Keir Doe (0598/10) Scone Estate (0614)
Provision of the development plan to which the issue relates:	Policy 6: Settlement Boundaries, and other settlement boundary issues	
Planning authority's summary of the representation(s):		
<p><u>Policy wording</u></p> <p>SNH (0353/04/001): Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 6 should reflect the outcome of Table 8.1, pages 134-136 of the Habitats Regulations Appraisal (CD056).</p> <p>Alistair Godfrey (0410/01/003): Policy wording needs clarifying to ensure that (b) does not subvert the intention of (a), that (c) is only allowed if there is no capacity within the settlement boundary or elsewhere within the principal settlement, and to define the terms 'adjacent' and 'not directly adjoining' by measure.</p> <p>Scone Estate (0614/01/023): The LDP should state clearly that the Housing in the Countryside Policy applies to villages and settlements which are not in the tiers of settlements and do not have settlement boundaries.</p> <p><u>Exceptions to the policy</u></p> <p>Cleish and Blairadam Community Council (0510/01/002); Kinross-shire Civic Trust (0526/01/003); Krys Hawryszczuk (0536/01/002); Councillor Michael Barnacle (0584/01/007); Ken Miles (0592/01/002): Disagree with the introduction of exceptions to allow development of the edge of settlements for some or all of the following reasons:</p> <ul style="list-style-type: none"> introduces an opportunity for loose interpretation which could lead to breaches of the Policy thus undermining the effectiveness of the Plan to control development; any development outwith a settlement boundary can lead to further planning applications; the boundary is then compromised and eroded, losing its protective capability; 		

- the exceptions are covered by other policies;
- allowing exceptions erode community expectations of the defined boundaries;
- there is no distinction between rural and urban settlement boundaries which are very important and these differences should be treated as separate issues.

Councillor Michael Barnacle (0584/01/007): The potential for exceptions should be restricted to illustrations of community benefit. Cleish and Blairadam Community Council (0510/01/002): If the exceptions are retained there should be a prior consultation process with the communities concerned before any applications are submitted.

Ian Stratton (0480/01/001): Option (b) should be discounted in Scone; there is no need to extend and break into greenfield land. This will further reduce the countryside feel of the village.

Stewart Milne Homes (0290/03/008): The policy should also allow for development adjacent to settlement boundaries if it is in a sustainable location. This is supported by Scottish Planning Policy (SPP) (CD004, paragraphs 29 and 40) which requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. Decisions should be guided by using land within or adjacent to settlements for a mix of uses.

New Settlement Boundaries

C Sinclair (0178/01/001): Objects that no settlement boundary is identified for New Fowlis.

There is a need for a plan-led approach to allow modest expansion of what is already regarded as a recognisable settlement. The Council already promotes this approach and have made allowances for infill developments in other small settlements. There is no explanation as to why some small settlements have boundaries and others have been excluded. New Fowlis had a settlement boundary identified in previous local plans.

New Fowlis is adjacent to the A85 and has around 20 existing properties and must be the largest settlement in the Strathearn Area that does not have a boundary identified. Limited development in smaller settlements can help sustain communities and provide more certainty rather than the current reliance on adhoc assessment of planning applications under the Housing in the Countryside policy.

A development opportunity is identified within the proposed settlement boundary. This site to the south represents a logical expansion within what should be regarded as the defined settlement boundary. The site has a strong and robust landscape framework to the south and east and would form the limit to development of the settlement in this direction. Access would be from the existing public road network to the north. The existing access road currently only serves development on the north side of the road. Enabling this type of opportunity for infill development on the southern side of the access road would be logical and would tie in with the pattern and form of development that already exists within New Fowlis

P Keir Doe (0598/10/001): Objects that no settlement boundary is identified for Abernyste for the following reasons:

- Settlements which are smaller than Abernyste are identified and in most cases, allowance made for housing.

- There has been a very limited amount of housing in Abernyste over the last 20 years, despite it being a popular place to stay.
- The primary school roll is down to 4 pupils and the Council's reluctance to allow for any housing in or around Abernyste is a considerable factor in the school roll dramatically dropping.

The respondent further proposes a site to be included for housing development. This is dealt with under Issue 30: Greater Perth North and East – Outwith Core.

Modifications sought by those submitting representations:

Policy wording

SNH (0353/04/001): In order to appropriately address the potential for likely significant effects arising from the implementation of Policy 6 on Natura 2000 sites, it is recommended that the following criteria is added to the list on page 24:

‘ (d) will not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).’

Alistair Godfrey (0410/01/003): The terms ‘adjacent’ and ‘not directly adjoining’ need to be defined by measure. The wording of (b) needs to be amended to ensure that it does not subvert the intention of (a). (c) should be amended to clarify that it should only be allowed if there is no capacity within the settlement boundary or elsewhere within the principal settlement.

Scone Estate (0614/01/023): The Plan should clearly state that the Housing in the Countryside policy applies to villages and settlements which are not in the tiers of settlements and do not have settlement boundaries.

Exceptions to the policy

Cleish and Blairadam Community Council (0510/01/002): The exceptions should be removed, or a prior consultation process established with the communities concerned before any applications are submitted, whatever the size of the proposal.

Kinross-shire Civic Trust (0526/01/003): The distinction between rural and urban settlement boundaries should be treated as separate issues. The exceptions should be deleted from the policy.

Krys Hawryszczuk (0536/01/002): No specific modification sought but assumed that the exceptions should be deleted from the policy.

Councillor Michael Barnacle (0584/01/007): Exceptions should be restricted to illustrations of community benefit.

Ken Miles (0592/01/002): The Plan should state “Development will not be permitted except within defined settlement boundaries”.

Ian Stratton (0480/01/001): Option (b) in Scone should be discounted.

Stewart Milne Homes (0290/03/008): An additional part d) should be included in Policy 6

to allow for development adjacent to settlement boundaries if it is in a sustainable location.

New Settlement Boundaries

C Sinclair (0178/01/001): A Settlement Summary and defined settlement boundary should be included in the Plan for New Fowllis.

P Keir Doe (0598/10/001): A settlement boundary should be included in the Plan for Abernyte.

Summary of responses (including reasons) by planning authority:

Policy wording

SNH (0353/04/001): It is considered that amending Policy 6 to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056), 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 36A: International Nature Conservation Sites will apply for proposals arising under this policy. 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 6 as detailed in the 'Modifications Sought' section.

Alistair Godfrey (0410/01/003): Criterion (a) allows for rural businesses to be located adjacent to the settlement boundaries of non-principal settlements. Principal settlements are excluded as these are not rural locations and it is therefore not appropriate to include businesses wishing to locate in these settlements as falling within the scope of policy 8. Criterion (b) allows for developments adjacent to settlement boundaries where a specific operational and locational need can be demonstrated. It is not considered that criterion (b) will either prevent or allow development which would otherwise be acceptable or unacceptable under criterion (a); proposals only have to accord with one of the three criterion. It is therefore not considered that the wording of criterion (b) risks undermining the intention of criterion (a). Furthermore, proposals have to be compatible with the suite of policies contained within the LDP and this provides additional protection.

No modification is proposed to the Plan.

Alistair Godfrey (0410/01/003): Where a proposal is required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective Housing Land Supply, these will be assessed against TAYplan Policy 1 (CD022, page 8). Part B of TAYplan Policy 1 sets out the sequential approach which prioritises land within principal settlements before land on the edge of principal settlements. No further clarification is considered necessary.

No modification is proposed to the Plan.

Alistair Godfrey (0410/01/003): It is not considered necessary to set a specific distance within which proposals will be considered 'adjacent to' a settlement, and outwith proposals will be considered 'not directly adjoining' a settlement boundary. If the red line boundary of a proposed development abuts the settlement boundary then it will be considered 'adjacent to' the settlement and will therefore only be considered if it meets one of the

criteria (a) to (c). If there is a gap between the red line boundary and the settlement boundary then it will fall to be assessed against either Policy 8 Rural Business and Diversification or Policy 19 Housing in the Countryside.

No modification is proposed to the Plan.

Scone Estate (0614/01/023): Policy 6 already states that where there is no defined boundary to a settlement then the Housing in the Countryside policy applies. No further clarification is considered necessary.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

Exceptions to the policy

Cleish and Blairadam Community Council (0510/01/002); Kinross-shire Civic Trust (0526/01/003); Krys Hawryszczuk (0536/01/002); Councillor Michael Barnacle (0584/01/007); Ken Miles (0592/01/002): The intention of Policy 6 is to restrict development to within a settlement boundary where one has been defined. Like other restrictive Plan Policies, for example, Policy 41 Green Belt, it is recognised that in some limited situations it may be appropriate to allow development where the benefits of the proposal outweigh the dis-benefits. Each of the exceptions (a) to (c) listed in Policy 6 are considered to bring potential benefits either in terms of meeting the Council's statutory obligations to maintain an effective housing land supply, in helping to sustain small settlements, or in supporting existing or consented economic activities. It is not considered necessary to restrict exceptions to the policy to those which can illustrate community benefit. Spelling out the exceptional circumstances under which development will be permitted outwith and adjacent to a settlement will give more control to the Council and more clarity to communities and developers than Policy PM4 in the adopted LDP (CD014, page 21). Requiring proposals to also meet the criteria set within other policies will add a further level of control. It is therefore appropriate to retain the exceptions (a) to (c) in the proposed Plan

No modification is proposed to the Plan.

Cleish and Blairadam Community Council (0510/01/002): Major developments require pre-application consultation to be carried out but it is unlikely that any proposals considered under Policy 6 will be major. There is no statutory requirement for a prior consultation process for local or householder applications. This said, the Council does encourage developers to engage with local communities on smaller developments and advice on this is set out in the Council's Guidelines for Developers and Individuals on Engagement (CD019).

No modification is proposed to the Plan.

Kinross-shire Civic Trust (0526/01/003): A distinction is made between the boundaries of principal and non-principal settlements under criterion (a). It is not considered appropriate to introduce a similar distinction for (b) as this criterion could apply to both principal and non-principal settlements alike. For criterion (c) Policy 24 requires proposals to be in accordance with TAYplan Policy 1 which directs development using the Principal Settlement Hierarchy (CD022, page 8). No further distinction between rural and urban

settlement boundaries is therefore considered necessary.

No modification is proposed to the Plan.

Ian Stratton (0480/01/001): The majority of the settlements within Perth & Kinross are located in the countryside and are surrounded by greenfield land. Criterion (b) is very restrictive and only permits development adjacent to settlement boundaries where a specific operational and locational need can be demonstrated. Around Scone there is the additional control provided by Policy 41: Green Belt. There is not therefore considered to be a valid reason for treating Scone differently to other settlements within Perth & Kinross under Policy 6.

No modification is proposed to the Plan.

Stewart Milne Homes (0290/03/008): SPP paragraphs 29 and 40 (CD004) apply to LDPs rather than to ad hoc applications. As part of the Plan preparation process each site was assessed against a range of factors and the sustainability of the site's location was central to determining which sites to include in the LDP (PKC SEA Appendix C – Site Template 2017, CD070). It is therefore argued that the Plan already allows for the expansion of those settlements which are in a sustainable location. The Council identifies a supply of land to meet the housing land requirement set out in TAYplan Policy 4 (CD022, page 22). Should a shortfall in supply emerge in future years then Policy 24: Maintaining an Effective Housing Land Supply sets out clearly the criteria against which proposals on unallocated sites will be considered, including the location criteria set out in TAYplan Policy 1. TAYplan Policy 1 supports TAYplan's spatial strategy 'to deliver a sustainable pattern of development' (CD022, page10)

No modification is proposed to the Plan.

New Settlement Boundaries

C Sinclair (0178/01/001); P Keir Doe (0598/10/001): It is often very difficult to identify meaningful boundaries for small settlements due to the more dispersed nature of many of these settlements. It is therefore considered that using Policy 19: Housing in the Countryside 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 19 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. This approach was supported by the Examination Reporter for the adopted LDP. The Reporter at that time concluded that 'the application of Policy RD3 and the accompanying supplementary guidance will provide an adequate framework for the consideration of development proposals....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 SPP to permit residential development in all rural area, and on the other, to encourage an efficient settlement pattern which contributes to reducing the need to travel' (CD015, pages 104-105, paragraph 14).

Comparison is drawn in the representations between New Fowlis and Abernyte, and other similar (and smaller) sized settlements which do have a boundary identified. Whilst settlement size was an important consideration in determining which settlements should

have a boundary and which should not, 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. A judgement was then made about whether a settlement boundary was required or whether the Housing in the Countryside Policy afforded adequate control.

Both New Fowlis (Strathearn Area Local Plan 2001, CD164, page 84) and Abernyte (Perth Area Local Plan 1995, CD138, page 85) had settlement boundaries identified in previous Plans. In Abernyte the site proposed for development falls outwith the previously defined settlement boundary. In New Fowlis the settlement boundary proposed extends beyond that which was previously identified.

At Abernyte the respondent suggests that the lack of housing in or around the settlement has been a considerable factor in the fall of the school roll. The Council uses a ratio of 0.27 pupils per new house in calculating developer requirements (Developer Contributions and Affordable Housing Supplementary Guidance, CD021, page 14). Only one additional primary school age pupil is therefore assumed to be generated from every four new houses built. Obviously this is an average figure and is highly dependent on the type of houses, but on this basis a sizeable development would therefore be needed to make any significant impact on the school roll at Abernyte. Any new development in Abernyte which could come forward as a result of identifying a settlement boundary is likely to be small scale. It is acknowledged that Abernyte Primary School is significantly under-occupied and the Council is currently assessing the option of changing the catchment area in order to ascertain whether it is possible to create a sustainable pupil roll (Report to Lifelong Learning Committee: Options Appraisal – Abernyte Primary School, CD062, paragraph 4.2).

At the time of these earlier plans the Housing in the Countryside Policy was less detailed and provided less guidance. There is no evidence to suggest that the removal of settlement boundaries since the adoption of the current LDP has prevented appropriate development proposals coming forward. For the reasons set out above it is considered that both New Fowlis and Abernyte are more meaningfully served by the more detailed policy provision in Policy 19 and the associated supplementary guidance than by a settlement boundary.

No modification is proposed to the Plan.

Reporter's conclusions:
Reporter's recommendations: