

Issue 36	Highland Area – Settlements with Proposals	
Development plan reference:	H40 – Ballinluig North, page 126 Kenmore, page 214 H42 – East of primary school, Kenmore, page 215 Murthly, page 244 H45 – West of Bridge Road, Murthly, page 245	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Major CB Innes (0017) Rachel Paton (0058) Perth & Kinross Heritage Trust (PKHT) (0272) Scottish National Heritage (SNH) (0353) Thomas Stuart Fotheringham Esq (0379) Simon Seath (0417)		Woodland Trust Scotland (0462) Atholl Estates (0538) Murthly and Strathbraan Estates (0581) Spittalfield & District Community Council (0609/01 & 0609/02) A&J Stephen Limited (0622)
Provision of the development plan to which the issue relates:	Development sites in Highland area non-tiered settlements	
Planning authority's summary of the representation(s):		
<u>Ballinluig – Site H40</u> Perth & Kinross Heritage Trust (0272/01/004): Site H40 has been identified as having archaeological potential and this should be reflected in the site specific developer requirements. Woodland Trust Scotland (0462/01/001): Site H40 is adjacent to an area of ancient semi-natural woodland at the eastern boundary of the site. The site specific developer requirements should ensure that any potential native edge effects from development are mitigated. Atholl Estates (0538/01/001): Site H40 should be expanded to include land east of the village for the following reasons: <ul style="list-style-type: none">• Village can accommodate further low density housing;• Extending the existing allocation would enable infrastructure to come forward to service the expansion area;• Core woodland belt can be retained to create a logical eastern boundary;• Logical direction of growth of the village;• Landscape capacity to accommodate the development;• Will address the current forecast housing shortfall in the Highland HMA;• Access options exist through the existing site H40 or off the main road junction. 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. The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (CD056, pages 155-156, Table 8.1).

Kenmore Settlement

Rachel Paton (0058/01/001): Object to the omission from the Proposed Plan of the area which has planning consent for tourism uses to the East of Mains of Taymouth (Decision Notice for planning application 07/01739/FUL, CD360).

Simon Seath (0417/01/001): Object to the settlement boundary at the southern end of Aberfeldy Road which allows for a small area to be built on. This area is lower than the land already built on and is subject to flooding.

Murthly – Site H45

Major CB Innes (0017/01/001); Spittalfield & District Community Council (0609/01/001 & 0609/02/001): Object to site H45 for some or all of the following reasons: flood risk on or near the site; drainage impact issues; and the capacity range which has been identified. Vehicular access is also an issue. The crossroads is a busy junction and further traffic entering from the Bradystone Road direction would be dangerous. Another entrance further north would prejudice the safety of vehicles turning the corner before the road passes under the railway bridge.

Murthly – Extension to site H45

Murthly and Strathbraan Estates (0581/01/001); A&J Stephen Limited (0622/01/012): Support the allocation of site H45 but consider that the site should be extended westwards to include site H121 (Land at Douglasfield/West Bridge Road) for some or all of the following reasons:

- The existing site boundary is too constrained. The extension will give greater depth to the site allowing the creation of a focal point around a "village green" opposite the village hall rather than the existing linear site.
- The extended site would encourage continued growth and enhancement of services and facilities in the settlement and contribute to the housing supply target for the Highland Area, and Scotland's overall housing supply and affordable homes targets.
- The site directly abuts the settlement edge and the proposed use is compatible with existing / neighbouring uses. The site is well contained visually by topography, proposed strategic planting and existing development. The site is accessible by all transport modes and facilities, is in a marketable location, is controlled by a single local developer, and all service connections are available.
- There are no other competing housing allocations within Murthly.

Murthly and Strathbraan Estates (0581/01/001): The Council's reasons from their site assessment (CD072, pages 224-233) for not including site H121 in the Proposed Plan are overly restrictive or can be easily mitigated as follows:

- Recognise the poor waterbody status and flood risk identified. Murthly has a history of bad flooding, particularly around the crossroads area and the area east of

the pub/restaurant. Housing development on site H121 could include a surface water drain through the site which would relieve the existing flooding constraints on the site, the built-up area around Station Road, and on the area east of the pub/restaurant. The pipeline would be part of a greater public benefit but the significant costs involved mean that it cannot be funded without the allocation of the whole of site H121 in addition to site H45. The Plan states that additional development within Murthly would require further investigation into the waste water and water networks. The pipeline would also provide a solution for these issues and allow Murthly to accommodate further growth.

- The Primary School is over capacity but developer contributions could contribute to the expansion of the school.
- Murthly has poor services and facilities but more facilities are available a short distance away in Dunkeld, Birnam and Perth. Bus stops are easy walking distance from the site.
- A planting framework can be provided to shield from prevailing wind and siting would take account of solar orientation.
- Site H121 is greenfield but many of the Plan allocations are also on greenfield sites due to the lack of developable brownfield sites. The Council recognise the use of greenfield sites as inevitable to accommodate growth ('Special Meeting' held on 22nd November 2017, CD044).
- The Network Rail buffer on the northern edge of the site would be considered in the site layout.
- Site H121 is an agricultural field and part of a larger site, with a defensible road boundary. To the south-west and west lie several other residential buildings and businesses which are located within the road boundary for the larger site and these are already out-with the settlement boundary. The inclusion of site H121 would therefore be fitting with the surrounding land uses and character of the area. A planting framework would provide additional placemaking and integrate the development with the surrounding countryside environment. The road boundary would ensure development does not encroach further into the countryside.
- Development will provide more landscaping and a village green adding significant value to Murthly.
- Murthly is not a tiered settlement but expansion would ensure it can continue to grow in line with the surrounding villages and remain one of the largest settlements. The TAYplan sequential approach directs development to tiered settlements but also allows for the expansion of other settlements in certain circumstances (CD022, page 8). Sites are allocated in non-tiered settlements (including site H45 in Murthly) suggesting there is insufficient land in principle settlements. Murthly can accommodate and support additional growth and the allocation of site H121 would meet specific local needs for the enhancement of local services and facilities through developer contributions and flood protection through the implementation of the proposed water pipeline. Site H121 therefore conforms with TAYplan.
- A Habitat Regulations Appraisal would be used to protect the significant environmental quality of the River Tay SAC and surrounding biodiversity.
- An archaeological survey would identify the areas which can and cannot be developed in the interests of protecting the archaeological site of interest.

Murthly – New Sites

Spittalfield & District Community Council (0609/01/002 & 0609/02/001): Support the non-inclusion in the Proposed Plan of the other Murthly sites (land behind Druids Park – Site H122, land at Gellyburn Field – Site H123, and land adjacent to the pub on Station Road –

Site H124).

New sites are proposed for housing by Murthly and Strathbraan Estates at: land behind Druids Park – Site H122 (0581/01/003), and land at Gellyburn Field – Site H123 (0581/01/004), and by Thomas Stuart Fortherinham Esq at land adjacent to the pub on Station Road – Site H124 (0379/01/001) for some or all of the following reasons:

- Murthly is one of the largest villages within the Highland Area and has the capacity to expand
- Housing development and developer contributions will help provide services and facilities within the village
- The allocation of additional housing land is in accordance with the sequential approach in TAYplan
- The allocation of additional land would contribute to exceeding the Highland Area housing target and meeting Scotland's housing supply and affordable housing targets.
- The Council recognise that further expansion of Murthly could occur pending further investigation into waste water and water networks

For each site the respondent considers that Council's reasons from their site assessment (CD072, pages 224-260) for not including the site in the Proposed Plan are overly restrictive or can be easily mitigated. Issues common to each site are:

- Primary School – The primary school is over capacity. Developer contributions could contribute to the expansion of the school.
- Services and Facilities – Existing services and facilities are poor. More facilities are available a short distance away in Dunkeld, Birnam and Perth. Bus stops are easy walking distance from the site. Developer Contributions could be obtained to contribute to bettering the services and facilities.
- River Tay SAC – A Habitat Regulations Appraisal would be used to protect the significant environmental quality of the River Tay SAC and surrounding biodiversity.
- Contrary to TAYplan – Murthly is not a tiered settlement but expansion would ensure it can continue to grow in line with the surrounding villages and remain one of the largest settlements. The TAYplan sequential approach directs development to tiered settlements but also allows for the expansion of other settlements in certain circumstances (CD022, page 8). Sites are allocated in non-tiered settlements (including site H45 in Murthly) suggesting there is insufficient land in principle settlements. Murthly can accommodate and support additional growth and the allocation of the site would meet specific local needs for the enhancement of local services and facilities through developer contributions and flood protection through the implementation of the proposed water pipeline. The allocation of the site therefore conforms with TAYplan.
- Greenfield Site – The site is greenfield but many of the Plan allocations are also on greenfield sites due to the lack of developable brownfield sites. The Council recognise the use of greenfield sites as inevitable to accommodate growth ('Special Meeting' held on 22nd November 2017, CD044).

Further issues are considered under the individual sites.

Site H122 – Land behind Druids Park

Murthly and Strathbraan Estates (0581/01/003): Additional comments on the site

assessment (CD072, pages 234-242):

- Waterbody/Flooding – The larger part of Site H122 is not likely to flood and site layout will take into account the waterbody status and flood risk. Sustainable Drainage and mitigation measures would be incorporated into the scheme to reduce the impacts and probability of flooding.
- Ancient Woodlands Inventory – The site would be a modest extension to the settlement. The Burnbane Plantation Ancient Woodland is a defensible boundary to the south-east. A planting framework would be implemented to limit adverse impacts on the woodland. The north of the site is adjacent to a sewage works centre and this boundary would be planted to shield the site from the sewage works and provide a defensible barrier.

Site H123 – Land at Gellyburn Field

Murthly and Strathbraan Estates (0581/01/004): Unlike Murthly, Gellyburn has not expanded in recent years. Site H123 would be an expansion to Gellyburn and would provide additional homes to further support the future housing and economic needs within the Highland Area. Additional comments on the site assessment (CD072, pages 243-251):

- Waterbody/Flooding – Site layout will take into account the waterbody status and flood risk. Sustainable Drainage and mitigation measures would be incorporated into the scheme to reduce the impacts and probability of flooding.
- Coalescence – Murthly and Gellyburn are separate settlements. Murthly is bigger and has a settlement boundary. Gellyburn is smaller and consists of two small settlements, with no settlement boundary. Site H123 would be an extension to the Gellyburn settlement. The site boundary is indicative for the purposes of the Proposed Plan and the final layout could change to potentially reflect the developments on the opposite side of the road. Using coalescence as a reason for non-inclusion is therefore premature.
- Prevailing Winds – A planting framework can be provided to shield from prevailing wind and siting would take account of solar orientation.
- Topography – The topography of the site can be used to the future development's advantage; through the incorporation of the development proposal into the topography the site would be lesser effected by prevailing winds and reduce the visual impact of development.

Site H124 – Land adjacent to pub on Station Road

Thomas Stuart Fortherinham Esq (0379/01/001): Additional comments on the site assessment (CD072, pages 252-260):

- Waterbody/Flooding – Poor waterbody status and the history of flooding of this site are recognised, however these issues can be mitigated. The flood risk on this site can be minimised by the pipeline proposed with site H121. The pipeline would also ensure further residential developments in Murthly are fully supported by a functioning waste water and water network.
- Topography – Siting and design layout will be considered at the application stage to ensure the north facing slope does not affect solar gains.
- Site H124 is an infill site. It would be a natural extension to the settlement and provide a further site for housing.
- Intrusion to Countryside/Lowland Hills Landscape Area – The Council's reasoning

that development on this site risks intrusion to the open countryside and is in full view of the B road to the west is unfounded as the site is an infill with buildings to the north and west. The B road has developments on both sides and further development would be fitting with the current buildings within the vicinity of this site. Landscaping/tree planting would be an integral part of this scheme and a framework for development and how to integrate it into the countryside setting would be provided at the application stage.

Modifications sought by those submitting representations:

Ballinluig – Site H40

Perth & Kinross Heritage Trust (0272/01/004): Update site specific developer requirements to reflect the likelihood of an archaeological investigation and / or protection of Scheduled Ancient Monuments being required.

Woodland Trust Scotland (0462/01/001): An additional site specific development requirement for a buffer area of native tree planting for screening purposes.

Atholl Estates (0538/01/001): Extend site H40 to include land east of the village.

SNH (0353/04/001): It is recommended that the criteria at bullet points 10 and 11 (page 126) are updated slightly as follows to clarify the need to avoid adverse effects specifically on the integrity of the River Tay SAC :

- 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 SAC.**
- 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 SAC.'**

Kenmore Settlement

Rachel Paton (0058/01/001): Amend settlement boundary to include the area which has an existing planning consent (ref 07/01739/FUL) at East of Mains of Taymouth, Kenmore.

Simon Seath (0417/01/001): The settlement boundary should be amended to run along the edge of the garden of 6 Aberfeldy Road.

Murthly – Site H45

Major CB Innes (0017/01/001); Spittalfield & District Community Council (0609/01/001 & 0609/02/001): No specific modification sought but assume the site should be deleted.

Murthly – Extension to site H45

Murthly and Strathbraan Estates (0581/01/001); A&J Stephen Limited (0622/01/012): Extend site H45 to include site H121 (Land at Douglasfield/West Bridge Road). A&J Stephen Limited (0622/01/012): Phase 1 for 15-20 houses and phase 2 for 60-70.

Murthly – New Sites

Murthly and Strathbraan Estates (0581/01/003): Identify site H122 (Land behind Druids Park) for housing.

Murthly and Strathbraan Estates (0581/01/004): Identify site H123 (Land at Gellyburn Field) for housing.

Thomas Stuart Fortherinham Esq (0379/01/001): Identify site H124 (Land adjacent to pub on Station Road) for housing.

Summary of responses (including reasons) by planning authority:

Ballinluig – Site H40

Perth & Kinross Heritage Trust (0272/01/004): Site H40 already has planning consent for 15 houses. As part of the consent the developer is required to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation agreed by the Perth & Kinross Heritage Trust (Decision Notice for planning application 14/00589/FLL, CD361). It is not therefore considered necessary for the site specific developer requirements to reflect the likelihood of an archaeological investigation and / or protection of Scheduled Ancient Monuments being required.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to including the following site specific developer requirement: 'Evaluation of archaeological potential and mitigation may be required'.

Woodland Trust Scotland (0462/01/001): Policy 38: Forestry, Woodland and Trees seeks to protect existing woodland, especially those with high natural, historic and cultural heritage value and any potential impact on the Ancient Woodland adjacent to site H40 would therefore be assessed at planning application stage. It is not therefore considered necessary to make specific reference under site H40 to the mitigation of potential edge effects from development on the woodland.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to adding the following to the last site specific developer requirement '...and mitigation of any negative edge effects on the adjacent ancient woodland'.

Atholl Estates (0538/01/001): The proposed expansion to site H40 is very similar to that put forward by the same respondent through the last Plan. A slightly larger site was included within the previous Proposed Plan and was subject to the Examination process.

The extension area H365 (MD025) is part of a much larger area of Ancient Woodland which extends northwards and eastwards. The previous Examination Reporter placed significant weight on this concluding that 'the eastern section of the site is clearly identified as being part of a designated Ancient Woodland protected by Scottish Government Policy. Accordingly, it is not considered that it would be appropriate to include the eastern section of the site within the designation' (CD015, page 615, paragraph 4). The Reporter considered that the appropriate course of action would be to carry out a detailed tree survey of the woodland to assess its potential for development prior to it being included within the housing designation. No evidence has been submitted in the representation that

such a survey has been carried out.

As discussed under Issue 1: A Successful Sustainable Place, there is no need for any further housing land to be identified in the Highland Housing Market Area to meet the housing land requirement. It is not considered that any of the other arguments put forward in the representation for expanding site H40 outweigh the strong presumption against the removal of ancient semi-natural woodland in Policy 38B: Trees, Woodland and Development, and Scottish Government Policy on the Control of Woodland Removal (CD007, page 7).

No modification is proposed to the Plan.

SNH (0353/04/001): It is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (CD056) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy 36A: 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.

Kenmore Settlement

Rachel Paton (0058/01/001): The planning consent for site Op374 (planning application reference 07/01739/FUL, CD360) is for recreational facilities and 58 residential units. The proposal was partly contrary to the Development Plan as it extended beyond the settlement boundary of Kenmore. On balance, however, the case officer considered that the benefits from the development of further tourist facilities in the village justified approval in this case.

The planning consent was subject to a condition that the approved houses could only be used for holiday accommodation and could not be occupied as a sole or main residence (Decision Notice for planning application 07/01739/FUL, CD360, condition no.23). A subsequent application (refer 09/00732/FLL, CD362) to remove this occupancy condition was refused on the grounds that 'this would significantly affect the Council's ability to control this development and set a precedent for similar requests on other tourist developments which have been permitted in both form and location inappropriate for mainstream housing' (Committee Report for planning application 09/00732/FLL, CD362, paragraph 6). If this site were to be included within the settlement boundary and left as undesignated land there is a risk that this would weaken the argument for retaining the occupancy restriction. The proposal which has planning consent, but is as yet unimplemented, can go ahead without requiring any change to be made to the settlement boundary. The Council's preference would be to leave the settlement boundary as is for LDP2. The approach to this area could be reconsidered through a future LDP.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would wish that the area be included within the tourism designation (rather than left as undesignated land) in order that Policy 9: Caravan Sites, Chalets and Timeshare Developments would apply to any future planning applications.

Simon Seath (0417/01/001): In many of the smaller settlements across Perth & Kinross

the boundary has been drawn to allow some scope for small scale infill development which can help to sustain existing services and facilities in these communities. Policy 50: New Development and Flooding presumes against development in areas which are functional flood plan, are at risk of flooding, or would increase the risk of flooding elsewhere. It is therefore not considered necessary to amend the settlement boundary at the southern end of Aberfeldy Road (MD044) on the grounds that the area is subject to flooding as this can be addressed through the existing policy framework.

No modification is proposed to the Plan.

Murthly – Site H45

Major CB Innes (0017/1/001); Spittalfield & District Community Council (0609/01/001 & 0609/02/001): TAYplan Policy 1 allows for some development in non-principal settlements (CD022, page 8). Site H45 has been carried forward from the adopted LDP (CD014, page 192). The previous Examination Reporter concluded 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' (CD015, page 617, paragraph 13). Existing site specific developer requirements for the site include a Flood Risk Assessment, Drainage Impact Assessment, and road and access improvements to the satisfaction of the Council as Roads Authority. The calculation of the capacity of the site (Housing Background Paper, CD018, pages 20-21) assumes a low density of development in a single row (due to the linear nature of the site) which it is estimated will reduce the developable area of the site to 60%. At a capacity of up to 12 units this is only two units more than that identified in the adopted LDP.

No modification is proposed to the Plan.

Murthly – Extension to site H45

Murthly and Strathbraan Estates (0581/01/001): In addition to their main representation, Murthly and Strathbraan Estates raise several detailed concerns relating to the Strategic Environmental Assessment (SEA) for the extension to site H45 (site H121, MD045). The current assessment – as part of the Environmental Report Addendum (2017) – reflects the Council's views. Any technical corrections and/or clarifications to the assessment will be included in the Post Adoption Statement once the Local Development Plan has been formally adopted. This will be made available for public viewing online and in hard copy, in accordance with Environmental Assessment (Scotland) Act 2005. It is, however, considered appropriate to make reference within the responses on individual sites, to those SEA issues which are relevant to the consideration of whether the site should be included in the LDP.

The adopted Plan states that 'roadside development is a strong characteristic of residential development within the area, therefore it is proposed that this will be continued on the west side of the Bridge Road with the allocation of site H45' (CD014, page 192). Site Specific Developer Requirements for Flood Risk and Drainage Impact Assessments to be carried out have been added to the Proposed LDP. The capacity range identified for the site in the Proposed LDP is only two units more than that in the adopted Plan, and there is an existing requirement for road and access improvements to be carried out. No further issues were identified through the SEA update (CD076, pages 34-35) which would mean that the site should be removed from LDP2.

Murthly and Strathbraan Estates (0581/01/001); A&J Stephen Limited (0622/01/012): Turning to the proposal to extend site H45 to include site H121. The original small village of Murthly has grown significantly over the last two decades with the redevelopment of the former hospital site to the north of the railway line, and further development to the south east. The former Highland Area Local Plan settlement map shows the extent of development which has taken place in Murthly since 2000 (CD169, page 82). As abovementioned, site H45 was intentionally allocated as a linear site to reflect the pattern of development on the opposite side of Bridge Road. The proposed extension to site H45 would result in a development of a completely different character and would extend the village westwards into open countryside. In this respect, whilst the previous Examination Reporter supported the allocation of the existing site H45 he concluded that 'any larger housing development on this site would constitute a significant intrusion into open countryside and would substantially alter the character of the village' (CD015, page 617, paragraph 12). Whilst there are defensible boundaries to the south (road) and to the north (railway line), the western boundary is completely open. The road boundary referred to in representation 0622/1/012 is a significant distance even further west from the proposed site boundary and would therefore do little to prevent development continuing to encroach into the countryside. The extension of site H45 was not consulted on through the Main Issues Report.

As discussed under Issue 1: A Successful Sustainable Place, no additional land is required to meet the housing land requirement in the Highland Housing Market Area. In line with TAYplan Policy 1, the majority of the housing land requirement in the Highland Housing Market Area will be met within the principal settlements (CD022, page 8). In their representation A&J Stephen Limited indicate that the extended site (H45 plus H121) would accommodate 75-90 houses. A development of this scale does not support the TAYplan spatial strategy of directing the majority of growth to the largest settlements.

TAYplan Policy 1 does allow for some development in non-principal settlements providing that it can be supported by the settlement, and the countryside; that it genuinely contributes to the outcomes of the Plan; and it meets specific local needs or does not undermine regeneration efforts in other settlements.

It is acknowledged that additional development in Murthly may help support existing facilities in the village, and encourage the provision of new and expanded facilities. Any additional drainage and / or flood prevention works required as a result of a Drainage Impact and / or Flood Risk Assessment for an extended site may also offer wider benefits to properties outwith the site to the east and south. These potential benefits, however, have to be offset against the fact that an extended site would represent a very significant further expansion to a village which has already grown rapidly over the last 20 years. The respondent notes that the primary school at Murthly is over capacity and that developer contributions could contribute towards the expansion of the school in line with Policy 5: Infrastructure Contributions. The presumption that a contribution towards primary education would fully mitigate the cost of increasing school capacity does not consider whether there is space to accommodate an extension, nor the wider costs such as improvements to communal areas and additional staffing. Further investigation would be required to review the infrastructure of the current school and it is unlikely to be economically viable for the Council to provide additional capacity to accommodate a development of this scale.

Overall it is not considered that the settlement or the surrounding countryside can support additional development of this scale, and the extended site is therefore not considered

justifiable under part C of TAYplan Policy 1.

The representation from A&J Stephen Limited seeks the extension of site H45 to come forward in two phases. Although not specifically requested in the representation, it is appropriate to consider whether extending site H45 to only include the area proposed for phase 1 would be acceptable as an alternative to the allocation of the larger site. The reason for extending the existing site boundary to include an additional area to the south in phase 1 is to allow the provision of a village green opposite the village hall and a larger development of 15-20 houses. The representation appears to suggest that this would be preferential to the existing linear development envisaged by the current allocation. As abovementioned, however, site H45 was intentionally allocated as a linear site to reflect the pattern of development on the opposite side of Bridge Road. As such, whilst only extending site H45 to include the area proposed as phase 1 would be likely to have less of an impact, it would still potentially alter the character of this part of the village.

For the reasons above the Council considers that the existing site boundary at H45 should be retained.

No modification is proposed to the Plan.

Murthly – New Sites

Thomas Stuart Fortherinham Esq (0379/01/001); Murthly and Strathbraan Estates (0581/01/003); Murthly and Strathbraan Estates (0581/01/004): Much of the argument set out above in relation to site H45 is also applicable to the new sites which have been put forward in the representations. No additional land is required to meet the housing land requirement in the Highland Housing Market Area and in line with TAYplan Policy 1 the majority of the housing land requirement in the Highland Housing Market Area will be met within the principal settlements –Murthly is not a principal settlement (CD022, page 9).

It has already been acknowledged above – in relation to the expansion of site H45 – that additional development may help support existing services and facilities, reduce the risk of flooding in parts of the village, and generate developer contributions towards education provision. Murthly has, however, already grown significantly over the last 20 years and it is not considered that any benefits arising from more housing development can offset the potential detrimental impact of further growth on the setting and character of the village. It is not therefore considered that the allocation of any of the additional sites suggested can be justified under any part of TAYplan Policy 1 (CD022, page 8).

In addition to their main representation the respondent raises several detailed concerns relating to the SEA for each of the sites. The current assessments – as part of the Environmental Report Addendum (2017) – reflect the Council's views. Any technical corrections and/or clarifications to the assessments will be included in the Post Adoption Statement once the Local Development Plan has been formally adopted. This will be made available for public viewing online and in hard copy, in accordance with Environmental Assessment (Scotland) Act 2005. It is, however, considered appropriate to make reference within the responses on individual sites, to those SEA issues which are relevant to the consideration of whether these sites should be included in the LDP.

Site H122 – Land behind Druids Park

Murthly and Strathbraan Estates (0581/01/003): The site (MD046) is 6.17ha and is similar

in size to the extended H45 site. As above-mentioned, it is suggested that the extended H45 site could accommodate 75-90 houses. It is reasonable to assume that, being of a similar size, site H122 could potentially accommodate a similar sized development; this cannot be considered a modest expansion to a settlement the size of Murthly.

No modification is proposed to the Plan.

Site H123 – Land at Gellyburn Field

Murthly and Strathbraan Estates (0581/01/004): The Proposed LDP does identify a settlement boundary for Gellyburn. The two settlements of Murthly and Gellyburn have separate identities and this is reflected in the separate settlement boundaries. It is acknowledged that there is a small gap between the boundary of site H123 (MD047) and the settlement boundary at Murthly but it is considered reasonable to assume from the site boundary submitted that the allocation of the whole of site H123 for housing, and its inclusion within the settlement boundary, could result in the coalescence of the two settlements. The risk of coalescence is therefore considered a valid concern which should be taken into account at this stage.

Unlike site H45, the land on either side of the B9099 which joins Murthly and Gellyburn slopes upwards from the road. There is only a narrow strip of land where new houses could be built at the same level as the existing houses on the eastern side of road. Any housing development further up the slopes would be highly visible and have a detrimental impact on the setting of the village.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification it is suggested that, rather than a site allocation, part of site H123 is instead included within the settlement boundary. Also, that the boundary only extends as far as the existing houses on the eastern side of the B9099, and the depth of the area included within the settlement boundary is reduced to exclude the sloping area.

Site H124 – Land adjacent to pub on Station Road

Thomas Stuart Fortherinham Esq (0379/01/001): This site (MD048) was included within the previous Proposed Plan for a maximum of 20 houses but the Examination Reporter removed it from the Plan due to the potential risk of flooding (CD015, page 616, paragraph 10). In reaching his conclusion the Reporter gave significant weight to SEPA's concerns that the site was within an area potentially vulnerable to flood risk and any development on the site would therefore increase the number of properties at risk.

Since the last Examination an adjacent site to the north west has been granted planning consent (and has been developed) for a restaurant and bar. This development was subject to conditions to ensure that flood risk was taken into account and fully mitigated (Decision Notice for planning application 11/01594/FLL, CD363, conditions 23-25). In their response to the previous Examination SEPA stated that 'It is noted...that there is a proposal to mitigate flood risk at the adjacent site....development at allocation H44 is dependent on the mitigation works being undertaken at this adjacent site and the alleviation of flood risk issues in the general area. If this work is undertaken and flood risk issues in the area are resolved then development of the site may be possible if, at that time, an appropriate flood risk assessment is undertaken and the results demonstrate that development of the site would not exacerbate flood risk' (CD364). Whilst some works have been carried out to mitigate the risk of flooding in this area, some issues remain. As such

any proposals for development in the area would have to produce a Flood Risk Assessment.

The northern part of site H124 is already included within the settlement boundary as undesignated land and could therefore come forward for development. The wider site is not an infill site; it has no defined boundary to the south or the east. Development on the southern part of the site would extend into what is currently open countryside and would be visible from the B9099.

In light of the above the Council consider that the settlement boundary should remain as is and that development should be restricted to that part of site H124 which is already within the settlement boundary.

No modification is proposed to the Plan.

Reporter's conclusions:
Reporter's recommendations: