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| Issue 38 | Kinross-shire Area – Kinross/Milnathort | |
| Development plan reference: | Kinross and Milnathort pages 223-231 | Reporter: |
| Body or person(s) submitting a representation raising the issue (including reference number): | | |
| Wilkie McCloskey (0018) Craig Machan (0019) Mrs Jean Reeve (0022) Mr Peter Reeve (0024) P Malcolm (0025) Robert Hall (0028) Tayside & Central Scotland Transport Partnership (Tactran) (0057) Anne Marie Machan (0123) Irene MacIntyre (0162) A & C Scholes (0215) Carol Ferrie (0217) Elizabeth Cormack (0218) Andrew Miller (0238) Christian Darbyshire (0270) Gillian Morris (0277) Martin Raymond (0280) Anne Gibb (0284) Stewart Milne Homes (0290/01) Mrs Duncan (0292) Kate Francis (0293) Caroline A Shortine (0313) Dr Brian Cook (0333) Mark Clark (0337) Iain Snoddy (0338) David and Gerry Baudains (0349) Pamela and Robin Snedden (0350) Scottish Natural Heritage (SNH) (0353) Christina Rodger (0361) | George and Kelly Cobb (0395) Peter and Maureen Sharphouse (0404) Emma and Jonti Bird (0435) Hatrick Bruce Ltd (0439) S. McCulloch (0458) Woodland Trust Scotland (0462) Kinross Estate Company (0466) Sheila M Wills (0473) Paul McBride (0476) Trish and Paul Grant (0484) Kinross-shire Civic Trust (0526) Mr Scott Paterson (0528) Norman G Middleton (0537) Keith Kinloch (0540) Edith Kinloch (0544) Robert Livingstone (0553) Galbraith Group (0555) Kinross Community Council (0558) Mr Adam Neilson (0566) Mrs Jane Smallwood (0572) Councillor Michael Barnacle (0584) Ken Miles (0592) Wallace Land Investments (0594) Colin Ferrier (0605) The Ferrand Trust (0624) GS Paterson (0636) Scottish Environment Protection Agency (SEPA) (0742) | |
| Provision of the development plan to which the issue relates: | Kinross and Milnathort settlement summary and site allocations | |
| Planning authority's summary of the representation(s): | | |
| <u>Settlement Summary</u> <i>Route Action Plans</i> Councillor Michael Barnacle (0584/01/004). Laments lack of reference to need for mitigation measures for Route Action Plans for A977, A911, B9097. [This comment is relevant to the majority of settlements in Kinross-shire] | | |

Community Masterplan Approach

Councillor Michael Barnacle (0584/01/038): Is a community masterplan approach facilitated by LDP2?

Level of Development

Councillor Michael Barnacle (0584/01/037). Has concerns about the current level of housing growth.

Wilkie McCloskey (0018/01/001) objects to any additional development in Kinross and Milnathort for the foreseeable future considering the Lathro Meadows, old High School and Linden Park sites are enough; due to quality of life starting to suffer.

Infrastructure Requirements

Robert Hall (0028/01/001); Wilkie McCloskey (0018/01/001): object to additional, potentially hundreds of houses, in Milnathort and Kinross as infrastructure cannot cope, roads are at dangerous levels, waiting times at junctions, pressure on school, school canteen, GP surgery and sewerage system.

Anne Marie Machan (0123/01/003), Irene McIntyre (0162/01/003); Craig Machan (0019/01/004), request further consideration given to infrastructure including one or more of the following:

- parking, and ensuring traffic flows and junctions are improved,
- consideration of capacity in schooling, social care and health services, including new investment in schooling.
- ensure drainage and water displacement a priority for new development to avoid further impact on Loch Leven Catchment area;

Settlement Map (MD077)

Milnathort Conservation Area

The Kinross-shire Civic Trust (0526/01/007), Ken Miles (0592/1/008) object to lack of a Milnathort Conservation Area. Consideration should be given to creating Conservation Area in Milnathort. Report "Milnathort - Proposal for a Conservation Area". [This issue is addressed in Issue 13 The Historic Environment: Policy 28]

Facility Mapping

Councillor Michael Barnacle (0584/01/003). Why is supermarket site and neighbouring Park and Ride not identified in Kinross settlement?

Cemetery Search Area

SNH (0353/01/025) prefers cemetery search area closest to Milnathort as a well designed cemetery here could contribute positively to defining the edge of the settlement with the rural landscape. Recommends developer requirements for structural tree and hedge planting along rural boundary and path to link with track to Burleigh castle. Search area to the north is not preferred as it is detached from the settlement.

SEPA (0742/01/119) requests requirement attached to proposals for cemeteries located outwith proposed allocations requiring intrusive ground investigation in line with guidance on assessing impacts of cemeteries on groundwater before any development occurs at the site as cemeteries can have a detrimental impact on groundwater.

Jean Reeve (0022/01/001), Peter Reeve (0024/01/001) Support cemetery search area at land South of Perth Road, Milnathort, as with empathetic design a new cemetery would be useful and an asset to the area

Sheila M Wills (0473/01/001) supports keeping the landscape to Loch Leven open from the north (Perth Road) even it means a cemetery for the proposed site.

Kinross Estate Company (0466/01/003) supports acknowledgment of requirement for more cemetery space. As both of the search area sites are owned by Kinross Estate Company and were promoted for housing development as part of the previous LDP and LDP2 Call for Sites and MIR stages, consider that allocating of new housing development at Perth Road site could act as enabling development to allow delivery of proposed new cemetery. (see New Site: H142 Milnathort 1 – Old Perth Road below[mapped as H142 (MD074)])

Landscaping

Stewart Milne Homes (0290/01/001) requests removal of indicative landscaping on H50 and removal of open space allocation between H49 and H50 [addressed in H50 below].

Settlement Boundary (MD077)

The Ferrand Trust (0624/01/001) objects to change of settlement boundary to exclude land south west of Pitdownies [mapped as H426](MD073)(RD006). Settlement boundary should revert to boundary in LDP1 (CD014 page 209) with land designated as white land or indicative landscaping. Land identified for many years within settlement boundary, strong and defensible boundary of M90. Core path of western edge creates logical edge. Council agrees not open space as in LDP1 as agricultural land with no amenity use. No justifiable reason why removed from settlement boundary. Retention within settlement boundary may bring future development such as assist in viability of H48. Any development will form appropriate urban edge incorporating landscaping and noise buffers to M90, and avoid high risk flood area. White land allocation will not affect strategy for or character of Milnathort. [Also see Extended Site: H48+H426 below]

Ken Miles (0592/01/006): Objects to settlement boundary excluding land at Kinross 1 and 5 [H136 and H140 respectively (MD072)] as M90 provides defensible boundary and should be reserved for employment land. [This is addressed in New Sites: H136 and H140 below].

Junction 7 Slip Road Safeguarding (MD078)

The Ferrand Trust (0624/01/002): Objects to safeguarding of land north of Stirling Road and east of M90 (RD007) for “potential junction upgrade”. Entirely on respondent’s land. Proposal should be removed and included in next LDP review if potential for project progresses. Safeguarding is premature and should not be included at this late stage of the LDP process. Potential junction upgrade first raised at Council committee on 4 October 2017 and not highlighted in MIR stage. Project of this scale should be included at

beginning of LDP process The Proposed LDP2 states an infrastructure study advised to protect the line of the potential upgrade. October 2017 committee report states Council are to propose to Transport Scotland to include upgrade in next Strategic Transport Projects Review. No evidence review has commenced. Proposal still pending, has not been assessed for viability or priority so no preferred route formally identified, no assessment of different options. Requests change to settlement boundary to exclude land covered by "potential junction upgrade" to M90. Land should not be open space as is active agricultural land not used for amenity but should remain within settlement boundary as M90 forms logical and defensible edge and should be "white land" or "indicative landscaping".

Ken Miles (0592/01/005): Supports commitment to fully operational north and south slips at Junction 7.

Tactran (0057/01/024): Notes inclusion of potential future upgrade of M90 Junction 7 and wishes to be consulted on any future work.

H48, Pitdownie

P Malcolm (0025/01/002): Notes plan ignores restriction on narrow access via Wester Loan as residents park on road making it single track. The traffic generated by 60 houses and 77 houses for Pace Hill (H49) will lead to congestion and risk to pedestrians.

Robert Hall (0028/01/002): Objects to increase in numbers increased from 25-30 to 38-60

Ken Miles (0592/01/004) objects to site for housing. Should be designated for employment use in conjunction with E19 as good access for proposed Junction 7 upgrade and too close to the motorway for housing.

Galbraith Ltd (0555/02/001) support retention of H48 allocation. Monitoring has revealed no new issues requiring removal of sites; this site has outline consent, landowner is actively marketing the site and a PLC house builder is interested.

Developer Requirements

Woodland Trust Scotland (0462/01/029): supports the requirement for woodland screen planting along the woodland edge but would like a requirement that the screening consist of native planting. This is addressed in Issue 16 A Natural Resilient Place: Policy 38 (Site Allocations).

Scott Paterson (0528/01/006): Appropriate ecological surveys to be carried out. Landscape works should include wildflower/open grassland areas rather than off-the-shelf tree planting.

Extended Site H48+H426: Extension of H48 Pitdownie to include Land to the South West (MD073)

The Ferrand Trust (0624/01/003) proposes that H48 be extended to include this adjacent field to the south [mapped as H426] and for it to be retained within the settlement boundary (RD008)(MD073). The resultant site would be 6ha but the indicative site capacity should remain at 38-60 units. Extending the allocation to incorporate field would assist in viability of site as it provides for difficult ground conditions to be addressed. First

outline planning permission 2008 but held back by the economic downturn and it has emerged that large parts of H48 are affected by spoil from the M90 needing extensive soil removal or compaction. Extending the H48 allocation to the south which is currently [in the Adopted Local Development Plan (LDP1) (CD014 at page 209)] in the settlement boundary will give greater capacity to meet higher end of housing range, will focus housing around the main access road, enhance the landscape buffer and Core Path. Development will need to be sited beyond flood risk, with requirements for burn crossing and landscaping/noise buffers to M90 and consideration of the Pipeline Consultation Zone, and extension of indicative landscaping from H48 to southern site.

H49 Pacehill

A & C Scholes (0215/01/001), Carol Ferrie (0217/01/001), Elizabeth Cormack (0218/01/001), Christian Darbyshire (0270/01/001), Andrew Miller (0238/01/001), Gillian Morris (0277/01/001), Mrs Duncan (0292/01/001); Kate Francis (0293/01/001); Iain Snoddy (0338/01/001), Christina Rodger (0361/01/001); George and Kelly Cobb (0395/01/001); Peter and Maureen Sharphouse (0404/01/001); Emma and Jonti Bird (0435/01/001); GS Paterson (0636/01/001) object to the allocation; AND

A & C Scholes (0215/01/001), Carol Ferrie (0217/01/001), Christian Darbyshire (0270/01/001), Mark Clark (0337/01/001), Gillian Morris (0277/01/001) Anne Gibb (0284/01/001) Caroline A Shortine (0313/01/001), David and Gerry Boudains (0349/01/001), Pamela and Robin Snedden (0350/01/001), S. McCulloch (0458/01/001), Paul McBride (0476/01/001); Trish and Paul Grant (0484/01/001); Norman G Middleton (0537/01/001), Keith Kinloch (0540/01/001), Edith Kinloch (0544/01/001), Colin Ferrier (0605/01/001) object to the increase in housing numbers from the previous plan; AND Martin Raymond (0280/01/002); Brian Cook (0333/01/001); Councillor Michael Barnacle (0584/01/039) raise concerns about the site allocation;

for one or more of the following reasons:

- Number of houses generally: Numbers were previously accepted by residents; application (17/00806/FLM) approved despite 70 public objections and contrary to LDP1.
- Will spoil the character of the village; density is out of character with the area and inappropriate for a rural area or village.
- Impact on traffic congestion: Wester Loan/North Street are already congested and difficult to cross and cannot cope with heavy volumes of traffic, especially where parking reduces passage to one lane, impacting on pedestrian safety, particularly school children, the elderly, wheelchair users; and impacting on businesses due to difficulty in loading vehicles.
- Impact of extra traffic on Milnathort Cross, on road and pavement surfaces and the environment.
- Impact on parking
- Concerns over the integrity of the bridge over Wester Loan due to HGV movements.
- It will impact on road access on Hattonburn/Old Perth Road.
- Unsafe access to the development on North Street because of the contour of the road at this point, as access point is on a blind summit; the road conditions on North Street and coming into Westerloan, and the speed of traffic coming over the hill from the outlying area. Plan not representative as shows two entrances where site only has one entrance from top of North Street.
- Impact and loss of woodland and grassland habitat, mature trees on border jeopardising local wildlife including bats, owls, herons, red squirrels, woodpeckers, and loss of recreational open space; woodland and countryside widely used by the

community.

- Inadequacy of infrastructure including excessive demand and lack of capacity of waste water system
- Impact on or lack of capacity of primary and secondary schools; primary school already at capacity.
- Impact on or lack of capacity at health centre
- Lack of capacity of shopping
- loss of productive agricultural land;
- loss of views; devaluation of property; standard of housing and impacts on maintenance costs
- Impact on residential amenity including noise pollution, disturbance, lack of privacy and adverse visual amenity;
- there have been no material improvement in the proposals to address the concerns raised by residents since the initial consultation,
- creation of an undesirable precedent for increases in housing numbers
- No added benefits to the village; need greater focus on community benefits.

Site Layout

Trish and Paul Grant (0484/01/001) state that the site drawing on p227 is incorrect as the site has only one access.

Developer Requirements

Woodland Trust Scotland (0462/01/030) supports the requirement for woodland screen planting along the northern boundary but would like a requirement that the screening consist of native planting. This is addressed in Issue 16 A Natural Resilient Place: Policy 38 Forestry Woodland and Trees.

H50 Old Perth Road

Carol Ferrie (0217/01/001) requests an independent thorough impact assessment is required to fully appreciate the implications of the plan and requests consideration given to brownfield sites in Milnathort before developing green areas

Carol Ferrie (0217/01/001) objects to the allocation and Jane Smallwood (0572/1/001) objects to number of houses for one or more of the following reasons:

- Increase in housing numbers from 7 to 32; old planning application agreed in this field for a reduced number of houses better meets LDP and services available.
- Field is very wet for this density
- Density would be higher than the rest of Milnathort and immediate locality
- Field is currently used by agricultural vehicles to avoid Milnathort
- increase in traffic and congestion through village and using Hattonburn Road and Old Perth Road; village already suffers insufficient width to allow vehicles to pass safely
- adequacy of road access on Hattonburn/Old Perth Road; dangerous blind corner on Hattonburn Road, and Old Perth Road is single track used by cyclists and pedestrians. Increased cars will pose high risk of accident.
- impact on / insufficient capacity of local schools and health care
- impact on woodland and grassland habitat;

Stewart Milne Homes (0290/01/001) welcomes identification of site but requests increase

in capacity to 25-50 homes to create a better design environment; making full and appropriate use of land per SPP.

Landscaping and Trees

Stewart Milne Homes (0290/01/001): Objects to indicative landscaping on south of site and open space indicated to the south of the site between H50 and H49 as shown on the settlement map. The landscaping and open space has been imposed without consideration of maintenance costs, create an unnatural and artificial boundary between the sites, and the settlement statement promotes linkages between the sites without an indication of how to achieve this, and is contrary to the Council's design guidance that open space should be meaningful and integral to a development and not on its periphery.

Woodland Trust Scotland (0462/01/031) support the site specific developer requirement for woodland planting as a noise attenuation measure but would like a requirement that this be native woodland planting.

Op24 Kinross Town Hall

Scott Paterson (0528/01/005): These buildings are used by swifts, development could incorporate swift nestboxes.

E18 Station Road South

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, Table 8.1 at pages 159-160).

Scott Paterson (0528/01/004): Appropriate ecological surveys and mitigation should be carried out prior to development as loss of rough grassland habitat locally significant. Any new buildings could incorporate nestboxes/bat boxes and other infrastructure to benefit wildlife.

SEPA (0742/01/094) objects to developer requirements and requests change that flood risk assessment (FRA) be included. Potential for flood risk has been identified so part of site may not be suitable for development. FRA needed to inform design to avoid increase in flood risk and dry pedestrian access. Culverted watercourses also need assessment. Also ensures developers recognise constraint to developable area of site and ensures flooding taken into account prior to submitting a planning application. The SEA identified a mitigation measure of a flood risk assessment at this site [(CD073 at page 36].

E21 Auld Mart Road

Hatrick Bruce Ltd (0439/01/001) own the site and propose allocation is changed from Employment to Mixed Use. Request broadening potential by enabling some development which can deliver home-working, live-work units and micro-business start-up opportunity. This would maintain existing and proposed employment use but deliver flexibility consistent with national guidance. Homeworking or live work units could be an option as location has public transport and digital connectivity and close to amenities. Flexibility would be consistent with para 95 Scottish Planning Policy (SPP) (CD004)) (plans should

encourage opportunities for homeworking and live-work units). Reasons are that land is under-used, environmentally poor state, and has generated no interest despite being allocated as an employment site for 24 years. Mixed use allocation could provide more flexible options for delivery of beneficial sustainable economic development. Other points include landowners require small portion of site only; the site is not meeting market expectations and reallocation to enable a wider range of uses would be in line with SPP para 103 (CD004); the planning system should allocate sites that meet the diverse needs of different sections flexibly enough to accommodate changing circumstances per SPP para 93; the proposals can provide an opportunity for small scale employment opportunity (per SPP para 95); home-worker housing would be compatible with existing uses as predominantly office based; part residential use of Market House (Riverside House) demonstrates harmonious residential/employment relationship; siting and design would protect amenity of homework units from other employment uses; opportunity for environmental improvement; change from Employment to Mixed Use would not undermine employment strategy or ability to deliver employment land; would provide suitable transition between estate housing in Auld Mart Road to south north and east with remainder of employment allocation.

Adam Neilson (0566/01/003) requests that the site is restricted to class 4 uses. The SEA for this site (CD073 page 303) states site suitable for classes 4,5,6. Class 5 unacceptable due to impact on amenity of close neighbouring residential properties. Class 6 unacceptable due to amenity impact and road safety issues from HGV movements on quiet residential Auld Mart Road.

Ken Miles (0592/01/003) supports site for employment use.

New Sites

H136 Kinross 1 and H140 Kinross 5 (both previously H46)(MD072)

The Kinross-shire Civic Trust (0526/01/008) supports the rejection of sites Kinross 1 for the reasons stated in the pre-MIR report and pressure on services.

Robert Livingstone (0553/01/001) do not want Kinross 1 included in LDP2 due to noise and pollution from M90 and access issue.

Kinross Community Council (0558/01/001) does not want Kinross 1 included in LDP2

Wallace Land Investments (0594/01/001) object to exclusion of West Kinross (H136 Kinross 1) for the following reasons:

- Site previously supported allocation for housing; could offer housing delivery and enhanced play provision.
- Reporter's decision on LDP1 excluded site due to fundamental concern that access would split Davis Park. Roads engineering solution previously presented confirms no intention to split park and existing core path would be retained and improved. Davis Park would be enhanced. Council previously agreed site for inclusion and that access could be achieved through Springfield Road, and noise mitigation could be effectively developed. Safe access would be provided off Springfield Road/A922 – land for this access owned by the Council. No need for access onto Gallowhill road as site will accommodate only 125-150 houses and due to flood risk and site levels. Masterplan attached (RD009).
- Site has strong defensible boundary to west (M90) and forms logical extension to

and would relate well to existing settlement and can integrate well with proposed open space. Structural planting along western edge would be provided.

- Current housing allocations in LDP2 will not be delivered. Per Homes for Scotland submission (0562/01/002) the 2016 Housing Land Audit (CD051) overestimates housing delivery, could be shortfall of 209 homes in Kinross area. Housing Land Audit 2017 allows for further homes to come forward beyond 2023 and 101 windfall. Site could accommodate these numbers and site could be safeguarded from 2023.
- SEA notes sewer restrictions: Main sewer upgrade and Milnathort sewer flood prevent projects, along with SUDS, should remove constraints. Ury Burn is 2170m away from Loch Leven SPA so would have minimal effect.
- New Kinross Primary School has capacity.

Employment Use

Ken Miles (0592/01/006) objects to exclusion of Kinross 1 and Kinross 5 but supports exclusion for housing due to location next to M90 and adequate supply. 8ha of land should be reserved for long term future potential suitable employment use classes should the need arise. This could provide opportunities for woodland screening, mixed use employment with sustainable access and environmental improvements through woodland.

E137: Kinross 2 (Turfhills) (MD071)

Kinross Community Council (0558/01/001) does not want Kinross 2 included in LDP2

Ken Miles (0592/01/001) supports exclusion of Kinross 2 for reasons given by the Council and previous Reporters Examination.

Wallace Land Investments (0594/01/002) objects to exclusion of E137 from settlement boundary. Site has potential for employment use in short and long term. Site is well related to existing development – the Council roads depot, Moto services and commercial development. SPP (CD004, para 93) supports allocation of mixed use opportunities. Very few employment land [allocations] have come forward. Additional employment sites should be identified to offer choice of opportunities. Complementary expansion of OP11, could provide enhanced gateway to area. Could incorporate leisure and employment to meet local needs. Previous allocation of E1[3]7 was supported by Council officers and reporter acknowledged advantage of being close to the motorway. Impact of proposed development on Turfhills House can be addressed with increased woodland planting, which would also prevent coalescence with Balado. Flood issues do not represent fundamental issue, can be assessed in masterplan and flood plain is an opportunity to improve landscape setting. Masterplan attached (RD010).

H142: Milnathort 1 (Old Perth Road)(MD074)

Sheila M Wills (0473/01/001) supports keeping the landscape to Loch Leven open from the north (Perth Road) even it means a cemetery for the proposed site as no more houses are needed for the area as there are not enough jobs, the park and ride will never be big enough and pressure on the health centre.

The Kinross-shire Civic Trust (0526/01/008) supports the rejection of Milnathort 1 for the reasons stated in the pre-MIR report and pressure on services.

Kinross Estate Company (KEC) (0466/01/002) builds on previous submissions at Call for

Sites and MIR stages stating that Housing Land Requirement for Kinross & Milnathort should be revised to reflect a shortfall of 206 units. As a result requests that the site be allocated in the Proposed Plan. This would deliver housing land requirements in a sustainable planned manner through release of greenfield land rather than relying on windfall development. The 10% reduction in the Kinross HMA to protect Loch Leven can be addressed through drainage and improved infrastructure. The site could also enable delivery of the proposed cemetery, new drainage and access, and a new entrance gateway to the northern approach to Milnathort and access to employment site E20 and a new landscaped edge to the settlement. Proposal map and sketch plan supplied along with suggested wording for developer requirements. Milnathort 1 is two adjacent sites owned by KEC previously considered in LDP1 2011 MIR as Housing Sites A & B on land south of Perth Road; Council conclusion was that sites met spatial strategy but were not taken forward into LDP1. Allocation would redefine existing north eastern boundary and enhance the setting of Milnathort. Well located close to services and M90, no known constraints demonstrated by series of assessment reports provided during LDP1 process (Engineering, Flood Risk, Transport, Noise, Landscape & Ecological). Range of access options. Would provide safe accessible sustainable location for new housing; range of tenures, open space and play areas would be provided. Would deliver c.200 units plus cemetery. Would integrate with earlier housing development and town, establish strong sense of place, provide landscape framework enhancing the setting of the approach to Milnathort; opportunities to improve the setting and accessibility of Burleigh Castle can be provided along with landscaping open space, green corridors and biodiversity enhancement.

H144: Milnathort 3. Employment Safeguarding at South Street (MD075)

The Kinross-shire Civic Trust (0526/01/008) supports the rejection of Milnathort 3 for the reasons stated in the pre-MIR report and pressure on services.

Adam Neilson (0566/01/001). This site at South Street [currently designated as Employment Safeguarding] should be allocated for residential development. Current strategy failing to deliver houses, need to allocate more sites delivering lower levels of completion, especially in Kinross HMA where delivery heavily skewed towards small number of larger sites. 10% reallocation to Perth for environmental reasons represents reduction in supply compared to demand. Allocation of brownfield site for residential use would have less environmental impact than greenfield site, residential use would allow for Council control of impact on Loch Leven. Excluding windfall sites per PAN 2/2010 (CD040) creates shortfall of 101 units. Consistent with Tayplan Policy 1. Council reason for retaining land as employment is to safeguard employment land but SEA Appendix E Kinross-shire (CD073) fails to recognise incompatibility of class 5 use with surrounding residential area. Adam Neilson imminent retirement could result in more intensive, noise generating, class 5 use. Site E20, also owned by Adam Neilson, provides more than adequate compensatory provision for the loss of employment site, and had intended to move operations to E20, to be financed by redevelopment of South Street for residential use. E20 planning permission lapsed because cross-subsidy option removed. Operation at 2ha South Street could take place on 0.5ha on 3ha E20. Revenue from South Street residential development could deliver serviced product at E20. Primary Schools currently at 80% capacity and infrastructure contributions could ensure provision made for any shortfall. Meeting has been held with Council Transportation Service, advice offered access suitable for up to 70 units.

Modifications sought by those submitting representations:

Settlement Summary

Route Action Plans

Councillor Michael Barnacle (0584/01/004) not specific about change sought but raises concerns about lack of reference to need for mitigation measures to support Route Action Plans for A977, A911, B9097.

Community Masterplan Approach

Councillor Michael Barnacle (0584/01/038): Not specific about change sought but asks if a community masterplan approach facilitated by LDP2.

Level of Development

Wilkie McCloskey (0018/01/001); Councillor Michael Barnacle (0584/01/037) do not want to see or have concerns about further additional development in Kinross & Milnathort.

Infrastructure Requirements

Wilkie McCloskey(0018/01/001); Robert Hall (0028/01/001) not specific about change sought but object to additional development in Kinross and Milnathort due to impacts on roads, school, GP surgery and sewerage.

Craig Machan (0019/01/006), Anne Marie Machan (0123/01/003) Irene McIntyre (0162/01/003) Take into account in settlement plans:

- parking, ensuring traffic flows and junctions are improved
- whether schools, health services, social care services are capable of accommodating new residents
- ensure drainage and water displacement a priority for new development to avoid further impact on Loch Leven Catchment area.

Settlement Map

Facility Mapping

Councillor Michael Barnacle (0584/01/003): Not specific about change sought but asks why supermarket site and neighbouring Park and Ride not identified in Kinross settlement.

Cemetery Search Area

SNH (0353/01/025) not specific about change sought but objects to southern site and prefers cemetery search area closest to Milnathort and recommends developer requirements for structural tree and hedge planting along rural boundary and path to link with track to Burleigh castle.

SEPA (0742/01/119) requests requirement attached to proposals for cemeteries located outwith proposed allocations requiring intrusive ground investigation

Settlement Boundary

The Ferrand Trust (0624/01/001): Settlement boundary should revert to boundary in LDP1 to include land southwest of Pitdownies H48 [mapped as H426(MD073)] with land designated as white land or indicative landscaping.

The Ferrand Trust (0624/01/002): Settlement boundary should revert to boundary in LDP1 to include land north of Stirling Road and East of M90 [H427 (MD073)] [see Junction 7 Slip Road Safeguarding below]

Ken Miles (0592/01/006): Objects to settlement boundary excluding land at Kinross 1 and 5 as M90 (MD072) provides defensible boundary and should be reserved for employment land [see also Kinross 1 below].

Junction 7 Slip Road Safeguarding

The Ferrand Trust (0624/01/002): Remove safeguarding of land north of Stirling Road and east of M90 (MD078) for “potential junction upgrade”.

H48 Pitdownie

P Malcolm (0025/01/002): No specific change sought but states plan ignores restriction on narrow access via Wester Loan.

Robert Hall (0028/01/002): Return housing numbers to 25-30

Ken Miles (0592/01/004): Change to employment use in conjunction with E19

The Ferrand Trust (0624/01/003): Extend H48 to include adjacent field to south and retain these sites within the settlement boundary [H48+H426 (MD073)].

Developer Requirements

Scott Paterson (0528/01/006): Appropriate ecological surveys to be carried out. Landscape works should include wildflower/open grassland areas rather than off-the-shelf tree planting.

H49 Pacehill

Elizabeth Cormack (0218/01/001); Andrew Miller (0238/01/001) Christian Darbyshire (0270/01/001), Gillian Morris (0277/01/001) Mrs Duncan (0292/01/001), Kate Francis (0293/01/001), Iain Snoddy (0338/01/001); Christina Rodger (0361/01/001); George & Kelly Cobb (0395/01/001); Peter and Maureen Sharphouse (0404/01/001), Emma and Jonti Bird (0435/01/001) GS Paterson (0636/01/001) object to the development although not specific about change sought.

Carol Ferrie (0217/01/001) requests an independent thorough impact assessment is required to fully appreciate the implications of the plan.

Housing Numbers

Gillian Morris (0277/01/001) and Anne Gibb (0284/01/001), Caroline A Shortine (0313/01/001), Mark Clark (0337/01/001), Stuart McCulloch (0458/01/001), Paul McBride (0476/01/001); Trish and Paul Grant (0484/01/001) Keith Kinloch (0540/01/001), Edith

Kinloch (0544/01/001) Colin Ferrier (0605/01/001) object to the increase in housing numbers but not specific about change sought.

A & C Scholes (0215/01/001), David and Gerry Boudains (0349/01/001) request housing numbers are reduced to a maximum of 50.

George & Kelly Cobb (0395/01/001) want housing numbers reduced to under 10.

Traffic Issues

A & C Scholes (0215/01/001) objects to the development as proposed and suggests a relief road alongside the motorway to address traffic issues.

David and Gerry Boudain (0359/01/001) request provision of safeguards for traffic, particularly pedestrians using the narrow streets in the village.

Site Layout

Trish and Paul Grant (0484/01/001) not specific about change sought but state that the site drawing on p227 is incorrect as the site has only one access.

Developer Requirements

H50 Old Perth Road

Carol Ferrie (0217/01/001) requests an independent thorough impact assessment is required to fully appreciate the implications of the plan and requests consideration given to brownfield sites in Milnathort before developing green areas

Carol Ferrie (0217/01/001) not specific about change sought but objects to allocation in first instance

Carol Ferrie (0217/01/001), Jane Smallwood (0572/01/001) not specific about change sought but object to housing number increase

Stewart Milne Homes (0290/01/001): Increase capacity of site to 25-50 homes

Landscaping and Trees

Stewart Milne Homes (0290/01/001): Remove 'indicative landscaping' and 'open space' annotations from settlement statement.

Woodland Trust Scotland (0462/01/031) would like to see any noise attenuation planting to consist of native planting.

Op24 Kinross Town Hall (p228)

Scott Paterson (0528/01/005): Requests development could incorporate swift nestboxes.

E18 Station Road South (page 229)

SNH (0353/04/001): Recommended that the following criterion is also added to the list of

Site Specific Developer Requirements on page 229:

- '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.'

Scott Paterson (0528/01/004) not specific about change sought but states appropriate ecological surveys and mitigation should be carried out prior to development as loss of rough grassland habitat locally significant. Any new buildings could incorporate nestboxes/bat boxes and other infrastructure to benefit wildlife.

SEPA (0742/01/094): Add flood risk assessment (FRA) to developer requirements.

E21 Auld Mart Road (230)

Hatrick Bruce Ltd (0439/01/001): Change Employment to Mixed Use

Adam Neilson (0566/1/003): Restrict site to class 4 uses.

New Sites

H136: Kinross 1 (MD072)

Wallace Land Investments (0594/01/001): Requests site is allocated and included in settlement boundary.

Employment Use

Ken Miles (0592/01/006): Requests Kinross 1 and Kinross 5 are reserved for long term future potential employment use.

New Site: Kinross 2 (MD071)

Wallace Land Investments (0594/01/002) requests Kinross 2 included in settlement boundary and allocated as an employment site.

New Site: H142 Milnathort 1 (Old Perth Road)(MD074)

Kinross Estate Company (0466/01/002) requests Milnathort 1 included in settlement boundary and allocated as a housing site.

New Site: H144: Milnathort 3 Employment Safeguarding at South Street (MD075)

Adam Neilson (0566/01/001): Remove employment safeguarding designation and allocate site for housing.

Summary of responses (including reasons) by planning authority:

Settlement Summary

Route Action Plans

Councillor Michael Barnacle (0584/01/004): The Route Action Plans for the A977 and the B9097 were developed in response to perceived extra traffic, however, there is no route action plan for the A911. Whilst partial funding is in place for the A977, there is no "identified" funding for the B9097, and therefore it is not appropriate to include any reference to it within the Development Plan. In relation to the A977, no specific interventions are identified within the Plan as they can all be carried out within the road boundary and any measures to address the impact of development will be additional and separate to the route action plans. Mitigation measures required as a relevant and proportional result of development will be assessed through Transport Assessments at site specific proposal stage.

No modification is proposed to the Plan. However, if the Reporter considered it appropriate the Council would not object to the inclusion of a statement within the following settlement summaries as follows:

Blairingone, Powmill, Rumbling Bridge and Balado - "Any proposals for development within the village requiring traffic mitigation should complement the mitigation identified in the Route Action Plan for the A977";

Crook of Devon and Drum - "Any proposals for development within the village requiring traffic mitigation should complement the mitigation identified in the Route Action Plan for the A977 and B9097."

Scotlandwell - "It is recognised that the constrained nature of the village centre creates conflicts between traffic and pedestrian movement. However, potential improvements have to date not been identified. In addition the footpath from Scotlandwell to the village hall is recognised as being sub-standard and various options are being assessed."

Kinnesswood - "It is recognised that the constrained nature of the village centre creates conflicts between traffic and pedestrian movement. However, potential improvements have to date not been identified."

In addition if the Reporter considered it appropriate add the following paragraph after the third paragraph on page 89 of the Plan (3.2 A Connected Place).

The local roads of the area are a dynamic network affected by changes in travel patterns and major developments. From time to time new pressures arise such as the opening of the Clackmannanshire Bridge at Kincardine and the major development proposed at Westfield in Fife. Although both these development are outwith the Council area, like developments within Perth & Kinross, they can necessitate the creation of route action plans. Most route action plans can be developed within the road boundary and do not feature in the LDP. Where proposals with land use implications outwith the road boundary are identified they may need to feature in a future LDP. Where development proposals arise adjacent to, or impacting upon, a road which is the subject of a route action plan, cognisance should be taken of these plans.

Community Masterplan Approach

Councillor Michael Barnacle (0584/01/038): Community masterplans can be put forward to be recognised as material considerations where they serve or are related to the purpose of planning. The Council is aware of the proposal in the Planning Review for local

place plans and supports community involvement in the planning process through engagement.

No modification is proposed.

Level of Development

Councillor Michael Barnacle (0584/01/037), Wilkie McCloskey (0018/01/001): The housing numbers allocated in the Proposed Plan to the Kinross Housing Market Area are directed from TAYplan (CD022). The Proposed Plan pages 14-18 describes the spatial strategy which adopts the TAYplan hierarchical approach of focusing development in the Principal Settlements. This includes a 10% shift of housing numbers to Greater Perth to address pressure on the Loch Leven catchment. Further information is available in the Housing Background Paper (CD018).

No modification is proposed.

Infrastructure Requirements

Wilkie McCloskey (0018/01/001); Craig Machan (0019/01/004); Robert Hall (0028/01/001); Anne Marie Machan (0123/01/003), Irene McIntyre (0162/01/003): Preparation of the Proposed Plan was informed by infrastructure studies and consultation with partners in the Council and the Community Planning Partnership. The infrastructure study for Kinross & Milnathort (CD295 pages 8-12) shows the following:

- The proposed level of development will not give rise to significant traffic issues with only minor improvements or local mitigation required. The traffic model (CD294) was based on the Adopted Local Development Plan proposed sites, however no new sites have been put forward in LDP2 with only a small increase in house numbers.
- An assessment of parking in Kinross was carried out in 2016 and again in 2017, showing capacity (CD296), and as stated in the infrastructure report (CD295 page 9) will inform developer requirements as applications come through. The Proposed Plan requires new development to mitigate negative traffic impact and link to walking, cycling and bus networks.
- GP surgeries have capacity and there are no plans for their development, re-location or closure.
- Kinross Community Campus has been designed to support future levels of growth and no capacity constraints are identified.
- A new primary school has been constructed in Kinross with capacity to support future demand. Milnathort primary school may be impacted by growth but this will depend on the rate of completion. In the interim capacity may be provided for by redrawing catchment boundaries with Kinross primary, but the updated Developer Contributions guidance (CD021 page 34) recognises that school investment is required and contributions will be sought from development to support this.
- All developments in Milnathort and Kinross are required to connect to the public waste water treatment plants and, since the Waste Water Treatment Works at Milnathort was upgraded in 2016, both have capacity for new development.
- The need to address impacts on Loch Leven catchment area from surface water drainage is acknowledged through policy 44, the settlement summary, and site specific developer requirements of a drainage impact assessment for relevant sites.

Further consideration will be given to these impacts at planning application stage.

No modification is proposed.

Settlement Summary: Settlement Map

Facility mapping

Councillor Michael Barnacle (0584/01/003): The underlying map is the relevant OS map which shows the supermarket and park and ride, although the park and ride is not marked as such as no development is proposed here.

No modification is proposed.

Cemetery Search Area

SNH (0353/01/025): The cemetery search area indicated on the settlement map is supported by all respondents. SNH's objection to the north-eastern property for landscape reasons is pre-emptive at this stage. The search area as a whole is indicated by two markers over the two sections due to the presence of a burn between the two sites. As an in principle search area no decision has been made on which land may be included as further assessment will be required.

SNH (0353/01/025); SEPA (0742/01/119): The suggested developer requirements will be taken into account during future assessment and implementation of these sites but is not intended to form part of the LDP2.

No modification is proposed.

Settlement Boundary

The Ferrand Trust (0624/01/001)(0624/01/002): The boundary as drawn is robust as it contains the existing settlement and allocations and excludes current greenfield land. The land between the allocation at H48 Pitdownies and Junction 7 (H426 and H427) (MD073) has been identified by the respondents as not appropriate to be identified as open space or amenity. This area is currently in active agricultural use. The settlement boundary has been tightly drawn around the existing settlement to contain development. With adequate allocations for housing and employment identified in the area there is no need for further allocations here or additional white land to provide windfall development. See also Junction 7 Slip Road Safeguarding and Extended Site: H426 Land to South West of H48 Pitdownie.

Ken Miles (0592/01/006): H136 Kinross 1 & H140 Kinross 5 overlap to a large degree (MD072). The area of H140 Kinross 5 which is not covered by this overlap is within the settlement boundary. H136 Kinross 1 is addressed in New Sites below.

Junction 7 Slip Road Safeguarding

The Ferrand Trust (0624/01/002): The Junction 7 slip road routes (MD078) were introduced following concern raised during the MIR stage by respondents and the community council over the adequacy of Junction 7 in the light of the level of development in Kinross and Milnathort. In the MIR Responses- Other General Comments (CD143 page

11) it was noted that an infrastructure study had been carried out to inform the Proposed Plan. The Kinross & Milnathort infrastructure study (CD295 page 8) contained an assessment of traffic data which concluded that the proposed level of development required only minor or local improvements or mitigation to the road network. As stated in the MIR response, the Council took this into account during preparation of the Proposed Plan but nonetheless recommended that the Junction 7 slip road routes be protected. The protected lines ensure that the potential for this junction upgrade is not compromised as developing this land would severely limit future options for the slip road. The preliminary design has been designed in accordance with TD 22/06 "Layout of Grade Separated Junctions". The start of the northbound diverge taper must be clear of the existing overbridge structure and this was the starting point for the layout as proposed, resulting in few options as to the land required. At detailed design stage there may be scope to reduce the impact of the junction but currently the design as shown is intended to comply with standards which will be acceptable to the Overseeing Authority.

However it is acknowledged in the committee report of 22 November 2017 (CD297 para 2.42) that no detailed feasibility study, nor business case has been developed for this project, and that Transport Scotland currently has no proposals to upgrade the junction, nor does the Council have provision in its capital budget to facilitate such improvements. Such an upgrade may deliver benefits and indeed may be required in the future, but there is no proven need for a junction upgrade based on the proposals in the Proposed Plan. The issue was considered during the preparation of LDP1. The approach taken was that provided the land concerned remained outside the settlement boundary, this would limit the risk that any future development would likely be permitted that would prejudice future junction improvements. This remains an option for LDP2.

No modification to the map is proposed. However if the Reporter is minded to accept the modification the Council would be comfortable with removing the indicative junction and deleting reference to it in the Infrastructure Requirements as this would not have any implications for any other aspect of the plan.

OR if the Reporter is minded to maintain the slip road routes in the Proposed Plan it is noted that, as described above, the infrastructure study did not conclude the slip roads were required as stated in the Infrastructure Requirements. The Council would be comfortable with removing the first bullet point under the heading of Infrastructure Requirements and instead add a separate sentence reflecting the Council's position:

'In order to ensure the potential for an upgrade to M90 Milnathort Junction 7 is not compromised, the Proposed Plan seeks to protect the line of the potential upgrade to provide southbound slips'

In either scenario the land involved should remain outside the settlement boundary as discussed above.

H48 Pitdownie

This site has outline planning permission dating to 2007 (07/00442/OUT) for an unspecified number of houses on 2.9ha of the 5.1ha site. There have been several extensions in time to this permission granted including most recently in July 2018 (18/00338/IPM).

P Malcolm (0025/01/002): Traffic restrictions at the junction of Wester Loan and Manse

Road are recognised in the initial outline planning application for this site in the supporting statement (CD298) with upgrades proposed including parking provision. The Decision Notice for the 2018 in principle application (CD299) requires a detailed Transport Assessment at detailed planning application stage. The Council Transport Planning team has also found the site acceptable by testing through the Kinross & Milnathort traffic model (CD297). Impacts on traffic and parking are further addressed in Settlement Summary above.

Robert Hall (0028/01/002): The housing numbers have been assessed on a consistent methodology across the Council area as set out in the Housing Background Paper. The allocated number of homes in LDP1 was 40 (CD014 at p 205).

Ken Miles (0592/01/004): The site requirements in the Proposed Plan include a requirement for noise attenuation to address the proximity of the M90. Further detail on this is provided by the Environmental Health team at planning application stage. The Decision Notice (CD299) for the current in principle permission includes a condition for a scheme to protect the housing from M90 road noise .

There is live planning permission on this site for housing and due to its topography and access is not a suitable site for employment.

No modification is proposed.

Developer Requirements

Scott Paterson (0528/01/006): As there are no specific biodiversity concerns raised about this site, the need for ecological surveys will be assessed at a site level basis in accordance with policies 36, 38 and 39. With regards to biodiversity provision, trees will be required for noise attenuation purposes, other landscaping will be encouraged to support a range of biodiversity particularly in the provision of open space. Guidance is available for developers from the Tayside Biodiversity Partnership (CD301; CD089) and new guidance on Open Space will set out expectations in more detail.

No modification is proposed.

Extended Site: H426 Land to South West of H48 Pitdownie (MD073)

The Ferrand Trust (0624/01/003): The Ferrand Trust owns both this land and part of the adjoining H48, to which this land is proposed to be an extension. It is recognised that the respondent does not propose to increase the housing allocation already assigned to H48. However the constraints identified by the respondent are significant including ground conditions, flood risk and the need for a bridge. The adopted plan had this land marked as open space, and the Proposed Plan publically removed this area from the settlement boundary as it is not appropriate as open space. Due to the changes in levels a bridge would be required and need to be of sufficient height to avoid interfering with the flow of the burn during flood. Alternatively an access to the South would need to overcome difficulties caused by proximity to the existing junction 7 slip roads. No evidence has been produced to address these difficulties in the Ferrand Trust's submissions and as less constrained sites exist it is not appropriate to allocate this site in the Plan.

No modification is proposed.

H49 Pacehill

This site has detailed planning permission (17/00806/FLM) and the site allocation reflects that this site has been given full consideration under the planning permission process in addition to the strategic environmental site assessment at the Plan preparation process.

A & C Scholes (0215/01/001), Carol Ferrie (0217/01/001), Elizabeth Cormack (0218/01/001), Andrew Miller (0238/01/001); Christian Darbyshire (0270/01/001), Gillian Morris (0277/01/001), Martin Raymond (0280/01/002); Anne Gibb (0284/01/001); Mrs Duncan (0292/01/001); Kate Francis (0293/01/001); Caroline A Shortine (0313/01/001); Brian Cook (0333/01/001); Mark Clark (0337/01/001) Iain Snoddy (0338/01/001), David and Gerry Boudains (0349/01/001); Pamela and Robin Shedden (0350/01/001); Christina Rodger (0361/01/001); George and Kelly Cobb (0395/01/001); Peter and Maureen Sharphouse (0404/01/001); Emma and Jonti Bird (0435/01/001); Stuart McCulloch (0458/01/001), Paul McBride (0476/01/001); Trish and Paul Grant (0484/01/001); Norman G Middleton (0537/01/001), Keith Kinloch (0540/01/001), Edith Kinloch (0544/01/001), Councillor Michael Barnacle (0584/01/039); Colin Ferrier (0605/01/001); GS Paterson (0636/01/001):The issues raised by the respondents have been considered and addressed through the planning application process resulting in an approved application:

- The housing numbers were reviewed following the methodology applied to all sites within the Proposed Plan as set out in the Housing Background Paper (CD018, page 22). The planning permission granted for 77 homes fits within the range as assessed and the Committee Report for that application (CD302)) identifies that the density range is comparable to other edge of town areas in Milnathort.
- The Committee Report also recognises the concerns raised by respondents over traffic congestion, parking and the access at North Street.
- The Transport Planning team has assessed the transport assessment provided with the application (CD303) and agreed that the development would not cause significant net detriment to the local transport network.(CD304).
- The committee report outlines in detail the biodiversity considerations noting that conversion from arable land to housing provides opportunities to enhance biodiversity, while mitigation measures are put in place to ensure protected species are not harmed. The mature trees will be retained and woodland planting required.
- The development is required to connect foul drainage to the public system which was recently upgraded and has capacity.
- Infrastructure was addressed through the SEA. It has been recognised that Milnathort Primary School is reaching capacity and consequently developer contributions have been sought to mitigate this.
- The agricultural nature of the land was noted in the committee report and the loss of which did not outweigh other considerations.
- The site drawing in the Proposed Plan reflects what has been agreed in the site application, namely a landscape buffer between the gardens of existing residences to the south and the gardens of the new houses to help address concerns of visual amenity. The proposed site layout (CD305) includes retention of existing trees and provision of additional planting along here as well.
- The Committee Report (CD302 para 85) recognises that the setting of precedent for other development is not a material consideration.
- Additional benefits are not material consideration.

No modification is proposed.

Site Layout

Trish and Paul Grant (0484/01/001): The site drawing indicates an access to the east of H49 through the woodland shown on the settlement map on p 225 between H49 and H50. The granted planning permission (17/00806/FLM) provides for a single access to North Street on the west of the site. The woodland has been granted a Tree Protection Order (TPO)(CD307), however with appropriate mitigation there is an anticipated need for a multi-user pathway and potential for a vehicle access through this woodland to connect to future development at H50 as shown in the site plan for the current granted permission (CD305). The site drawing is intended to be indicative, however it does not reflect the granted permission or the recent TPO.

No modification is proposed. However if the Reporter is minded the Council would not object to replacing the site drawing with a modified version which better reflects the approved layout as provided (CD306).

H50 Old Perth Road

Carol Ferrie (0217/01/001):The site allocation reflects that this site has been given full consideration through the Proposed Plan process including a strategic environmental site assessment and will undergo further detailed appraisal at the site level planning application stage. The spatial strategy for a successful sustainable place (page 14) recognises that the Plan seeks to utilise brownfield land within settlements and that brownfield opportunities are extremely limited and that greenfield sites are supporting the sustainable growth of the area will rely on greenfield land release.”

Carol Ferrie (0217/01/001); Jane Smallwood (0572/1/001): In addition to the issues of appropriate housing numbers below, the Environmental Report notes other issues raised (CD073 pp 334-345):

- The density has been assessed at medium to reflect the surrounding area.
- Developer contributions to education will be required to help address any capacity issues.
- General infrastructure concerns of traffic, schooling are addressed above under Settlement Summary. Potential site specific impacts on roads are addressed through the developer requirement for ‘Road and access improvements to the satisfaction of the Council as Roads Authority and investigate access connection with H49.
- Significant woodland planting is required to the north of the site as noise attenuation and for a multi-user route, and will also be required if an access is taken through the band of woodland on the west of the site. Further opportunities for habitat and biodiversity enhancement will be explored through the planning process.

The developable area of this site has been assessed using the standard methodology applied across the Proposed Plan and does not need to be reduced in the Plan. While assessed for a medium density the Housing Background Paper sets the housing numbers at lower than average (70%) due to flood risk (CD018 page 22). Concerns raised about the increased number since the previous plan regarding flood risk and access will be addressed through developer requirements which may limit the housing available on site further.

No modification is proposed.

Stewart Milne Homes (0290/01/001): The above explanation identifies the constraints to the site and consequently why housing numbers should also not be raised in the Proposed Plan.

No modification is proposed.

Landscaping and Trees

Stewart Milne Homes (0290/01/001): The open space and landscaping around this site are identical to those in the adopted LDP reflecting the original planning permission for this site (08/00805/AML) for 5 houses and a community woodland. The open space referred to in the west between H49 and H50 objected to is not an artificial barrier but an existing mature woodland protected by a Tree Preservation Order (CD307). While an access may be necessary through here – with subsequent compensation - the woodland will be retained as described in the SEA site assessment (CD073 pages 334-335) and Committee Report for H49 (CD302 at para 106) and shown in the proposed amended site drawing (CD306). The access, either a multi-user path or a vehicle access will provide the linkage between the sites and the woodland will then be central to the two developments when taken as a whole and not on its periphery. The indicative landscaping to the west and south west provides a buffer to the woodland and enhances recreational amenity. It is correct that maintenance is not factored into this decision but can be factored into the design of landscaping at planning application stage. The open space guidance will provide more detail on landscaping expectations and possible maintenance options.

No mitigation is proposed.

Op24 Kinross Town Hall

Scott Paterson (0528/01/005): Policy 39 reflects the Council's ambition to protect and enhance all wildlife. Specific biodiversity requirements would be dependent on ecological surveys. Swift and bat surveys and mitigation would normally be required for a building of this type in this location so a specific developer requirement is considered unnecessary.

No modification is proposed.

E18 Station Road South

SNH (0353/04/001): It is accepted that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in Table 8.1 of 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.

Scott Paterson (0528/01/004): Policy 39 reflects the Council's ambition to protect and enhance all wildlife. Biodiversity enhancement will be encouraged at planning application stage. There are no priority habitats or protected species recorded for this site which warrant a specific requirement for surveys or enhancement.

No modification is proposed.

SEPA (0742/01/094): As the SEA identified a flood risk assessment for this site a flood risk assessment ought to have been included as a requirement. If the Reporter is minded the Council would not object to a recommendation that 'Flood Risk Assessment' be added to the list of developer requirements.

E21 Auld Mart Road (MD075)

Hatrick Bruce Ltd (0439/01/001): The SEA (CD073 pages 298-308) notes applications for residential use here have previously been refused due to the loss of employment land and for their proximity to an industrial site. The relatively flat site here neighbours existing industrial and business uses and is therefore suited to employment use and not residential – mixed or otherwise. A previous application for housing here (07/00716/FLL) was refused and the appeal decision (CD293) notes that there was demand in the area there was evidence that of potential developers being told the site was not available. At examination of LDP1 the site was noted to be in a predominantly industrial/commercial area, and that it is well located to cater for a modest development for employment use, and better suited to employment than residential. A current planning application was approved for a storage building and associated fencing on this site in May 2018 (18/00575/FLL) demonstrating that the site continues to be viable as an employment allocation.

Adam Neilson (0566/01/003): Policy 7A states that any proposed development must be compatible with surrounding land uses and the impact on the amenity of neighbouring residential areas, including from the imposition of HGV traffic, would be addressed as part of any development proposal here. Unnecessarily restricting the use classes here without a clear indication of impacts may affect the potential development of the site.

No modification is proposed.

New Sites

H136 Kinross 1 (MD072)

The Kinross-shire Civic Trust (0526/01/008); Robert Livingstone (0553/01/001); Kinross Community Council (0558/01/001); Wallace Land Investments (0594/01/001): This allocation was removed during examination of LDP1 (CD015 page 706) amidst substantial controversy which would need to be addressed prior to any allocation. It was further submitted during the pre-MIR stage and Appendix 3 of the MIR for sites not taken forward (CD284, page 44) shows this was rejected as previous concerns raised during LDP1 had not been addressed. The comments supporting the Proposed Plan from the Kinross-shire Civic Trust and the Community Council indicate a housing allocation would not receive public support. At examination of LDP1 the Reporter considered that suitable noise attenuation measures could address the effects of the location of this site next to the M90. The prime consideration for removing the site from the Proposed Plan was due to the impact on Davis Park. Wallace Investments makes clear the intention is not to split Davis Park with an access road but to widen and upgrade the existing track leading from Springfield Road along what is currently a core path (which the respondent commits to retaining and enhancing). Wallace Investments states that the Reporter incorrectly concluded that an access either directly from the A922 or off Springfield Road as proposed would split the park. At paragraph 6 of the examination report (CD015 page 706) the Reporter primarily concluded that "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". And

“the new road would serve to “split the park or separate it from the adjoining housing area which it serves” [emphasis added]. The Reporter took the view that the proposed upgrade in conjunction with the necessary engineering works would have a detrimental effect on the amenity of the park and did not simply address whether the road would or would not split the park. The attached photo (CD308) shows the difference in levels and the current narrowness of the track which would require significant works to allow for a road. The proposed upgrade and provision of open space in the representation is welcomed. However the inclusion of this site is not warranted at this time due to the unresolved difficulty in access provision and due to adequate more suitable allocations in the Proposed Plan being available.

The Housing Land Audit (CD051) does not overestimate delivery (addressed in Issue 1 A Successful, Sustainable Place - Housing Land Strategy) and within Milnathort and Kinross there are currently sufficient allocations to meet housing requirements. Wallace Investments suggests that providing for this site in the Plan could meet anticipated windfall housing numbers. Windfall developments are typically small and unexpected and factored into the housing land requirement on that basis. Larger sites are allocated to meet housing land requirement numbers following environmental and feasibility assessment.

No modification is proposed.

Employment Use

Ken Miles (0592/01/006): The suggested long term speculative allocation for employment uses does not reflect the approach for set out in paragraph 79 of SPP (CD004 para 79) which requires spatial strategies to reflect development pressures and the economic needs of the area. As noted in the examination report from LDP1 (CD015 page 700) the Council is not opposed to part of the site being made available for non-residential use in the future where compatible with existing neighbouring uses, however the issues of access and greenspace amenity still remain with the potential additional issue of heavy goods vehicles near a residential area.

No modification is proposed.

E137: Kinross 2 (MD071)

Wallace Land Investments (0594/01/002): This large site (18 ha of developable land on a 48ha site) outside the settlement boundary was allocated in the Proposed Plan for LDP1 (CD014, pages 203,209) as sites E17 and E36. The Council roads depot is located in the north east corner of the site. The Examination Report from LDP1 (CD015 page 684) notes the sites have been rejected before in 1997 and 2003. The LDP1 Examination Report (CD015, pages 683-684, 669-670) shows the allocation was supported by the Council in the Proposed Plan for LDP1 but was removed by the Reporter, as the site is separate from Kinross in visual and functional terms, with no convenient, safe pedestrian or cycle link with the towns or an indication or how that would be provided, the countryside setting, the strong boundary provided by the motorway, and the lack of need for a site of this site to meet TAYplan expectations. The site was also put forward at pre-MIR stage for the Proposed LDP2 but not carried forward into the MIR due to TAYplan's promotion of town centres first, difficulties with servicing and existing flexibility and choice of effective sites. See MIR Appendix 3 Pre MIR Sites not Taken Forward (CD284, page 44) and the site SEA (CD073, page 248). Wallace Investments states that the site would be complementary to Op11, however the site SEA (CD073 page 213) makes clear that the

site is specifically allocated to focusing on traveller's and not local needs. The Council disagrees with Wallace Land Investments' suggestion there is not enough choice in the allocations within Kinross and Milnathort and maintains that TAYplan's town centres first policy and the need for active travel improvements to junction 6 of the M90 are overriding considerations and have not been addressed by the respondent. Additionally while the proposal was submitted during the pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation.

No modification is proposed.

H142: Milnathort 1 (Old Perth Road)(MD074)

Kinross Estate Company (KEC) (0466/01/002): There is no shortfall of housing land in Kinross and Milnathort (addressed in Issue 1 3.1 A Successful, Sustainable Place p.13-18-Housing Land Strategy). There is no need to allocate land to replace the numbers currently attributed to windfall. While windfall development is by its nature unexpected, the approximate number of houses delivered by windfall can be predicted and has already been taken account in the need for new large allocations and the rejection of this site. The decision to allocate 10% of the housing quota away from the Kinross HMA is based on a precautionary approach to alleviate pressure on Loch Leven. As explained in the Housing Background Paper (CD018, page 3) this approach was previously considered and accepted during examination of LDP1.

Kinross Estate Company's (KEC) representation states that the development would redefine the existing north eastern boundary. The approach from the north east is characterised by the open views across to Loch Leven and Benarty hill beyond which would be impacted by housing here. There is no apparent need to redefining the boundary here. As pointed out by other representations and during the examination of LDP1 (CD015 page 708) the Reporter agreed that the area currently forms part of the attractive landscape setting to Milnathort. Development here would impact on public views across the site to Burleigh Castle, the Lomonds, Benarty Hill and Loch Leven. This issue has not been addressed in the KEC representation. KEC offers to address flooding, provide landscape enhancement, and delivery of the cemetery however given the landscape issues and the lack of need for additional sites noted in the SEA site assessment (CD073 pages 359-371), these considerations do not outweigh the preference for existing sites within the settlement boundary.

No modification is proposed.

H144: Milnathort 3 Employment Safeguarding at South Street (MD075)

Adam Neilson (0566/01/001): Mr Neilson objects to the employment safeguarding zone over the northern part of H144 not covered by E21. However while Mr Neilson has objected to the use classes on E21 (see above) he has not objected to the principle of E21 as an employment allocation. The SEA site assessments for both E21 and the larger H144 (CD073 pages 298-308, 383-393) note the importance of retaining existing established employment allocations while better opportunities for housing exist elsewhere. That Council maintains that position.

There is no shortfall in housing land in Kinross & Milnathort (addressed in Issue 1 A Successful, Sustainable Place - Housing Land Strategy). It is agreed that brownfield site

allocation is preferred to greenfield allocation for housing but this argument also applies to employment allocations. The suggestion to finance the servicing of E20 through a housing allocation here is not supported given the industrial nature of neighbouring E21, established employment uses, buildings and services on site.

The risk of the site becoming an issue due to “more noise-generating” class 5 uses is limited, particularly given that the existing industrial use is also noise generating. The Council’s Environmental Health team has not identified any complaints from neighbouring residents. Any development proposal will need to conform with Policy 7A (a) which requires that any proposed development must be compatible with surrounding land uses. Existing class 4 and 6 uses cannot change to a class 5 use without planning permission, and the use of any existing class 5 site will be subject to enforcement under Part III of the Environmental Protection Act 1990 (CD029).

No modification is proposed.

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| Reporter’s conclusions: |
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| Reporter’s recommendations: |
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