

Issue 39	KINROSS-SHIRE AREA SETTLEMENTS WITH PROPOSALS	
Development plan reference:	Balado pages 120-121 Blairingone pages 142-143 Crook of Devon and Drum pages 177-178 Ochil Hills Hospital pages 247-248 Powmill pages 288-289 Rumbling Bridge pages 291-292 Scotlandwell & Kilmagadwood pages 297-298	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Craig Machan (0019) Jake Beatson (0039) Kenneth J Claydon (0053) Stewart Roberts (0084) David Gibb (0085) Anne Marie Machan (0123) Michael Thorn (0132) John Wheatley (0140) Hugh Wallace (0147) Irene McIntyre (0162) Newbigging Farm Partnership (0164) John Fraser (0166) Jane Wallace (0210) AC Morrison (0211) Katherine Wallace (0212) Steven McLeary (0320) Lisa Marshall (0346) Christopher Marshall (0347) Scottish Natural Heritage (SNH) (0353) Edinburgh MI (0373)		Lesley Tennent (0384) Fossoway & District Community Council (0393) Bob Kay (0436) Jeff Gunnell (0456) Woodland Trust Scotland (0462) Mrs Amparo Echenique (0489) Mr Christopher MacFarlane (0490) Mr Mike Hally (0516) Wendy McPhedran (0517) Krys Hawryszczuk (0536) Portmoak Community Council (0541) N Alexander Esq (0549) Councillor Michael Barnacle (0584) P Keir Doe (0598/02 & 0598/03) John Beales Esq (0601) Dave Batchelor (0632) Steve Long (0739) Scottish Environment Protection Agency (SEPA) (0742)
Provision of the development plan to which the issue relates:	Non-tiered settlements in Kinross-shire with allocated sites.	
Planning authority’s summary of the representation(s):		
Balado		
Settlement Summary		
Foul Drainage		
Anne Marie Machan (0123/01/001); Craig Machan (0019/01/001); Irene McIntyre (0162/01/001); Steven McLeary (0320/01/001); Lisa Marshall (0346/01/002); Christopher Marshall (0347/01/002): Support requirement for development of over 4 houses to connect to mains sewer due to Loch Leven protection and to protect private water supplies.		
SEPA (0742/01/026): objects to settlement summary re “identified for growth as it is considered a sustainable location for limited small-scale development” due to significant		

foul drainage challenges for proposed sites. Sites likely to be very permeable so unsuitable for discharge to soakaway and private water abstractions in the vicinity of the sites, unsuitable to discharge to South Quiech watercourse so would require piping 1.2km. Cannot advise whether capable of CAR consent as would require extensive investigation. Public waste connection at 0.9km does not have capacity; other at 1.5km, developer would be responsible for costs. Public solution could be 4-5 years away. Requests wording of settlement summary and E35 and H51 updated to identify potential issues and timescales involved in achieving a foul drainage solution at these sites.

### E35 Balado Bridge

#### *Contaminated Land*

SEPA (0742/01/078); (0742/02/034): The site is former military airfield, not aware of any evidence to suggest radioactive contaminants but radium 226 from aircraft dials may be present. Recommends developer requirement.

#### *Flood Risk*

SEPA (0742/01/077): Objects to developer requirements as site is in area of flood risk, so seeks change that flood risk assessment (FRA) be included as developer requirement. As identified in SEA (CD073 pages 32-41) part of site is at flood risk and SEA identified mitigation measure of an FRA, FRA will be required to inform design of development that avoids increase in flood risk and ensures dry pedestrian access. Any culverted watercourses are also required to be assessed. Requirement in accord with Council's statutory duties.

#### *Foul Drainage*

SEPA (0742/01/026), (0742/01/080): Considers significant drainage challenges at sites . Likely to be permeable ground unsuitable for discharge to soakaway and private water abstractions in the vicinity, unsuitable to discharge to South Quiech watercourse so would require piping 1.2km. Cannot advise whether capable of CAR consent as would require extensive investigation. Public waste connection at 0.9km does not have capacity; other at 1.5km, developer would be responsible for costs. Public solution could be 4-5 years away. Requests developer requirement to identify potential issues and timescales involved in achieving a foul drainage solution.

#### *Air Quality*

SEPA (0742/01/079): Supports limitation for employment uses and requirement for air quality consideration but suggests identification of reason for air quality consideration of the adjacent poultry farm as it may operate 24 hours a day.

### H51 Balado

#### *Foul Drainage*

Councillor Michael Barnacle (0584/01/23): H51 should be connected to mains drainage.

SEPA (0742/1/026), (0742/01/109): Considers significant drainage challenges at site. Likely to be permeable unsuitable for discharge to soakaway as private water abstractions in the vicinity, unsuitable to discharge to South Quiech watercourse so would require piping 1.2km. Cannot advise whether capable of CAR consent as would require extensive investigation. Public waste connection at 0.9km does not have capacity; other at 1.5km, developer would be responsible for costs. Public solution could be 4-5 years away.

Requests developer requirement to identify potential issues and timescales involved in achieving a foul drainage solution

## **Blairingone**

### Settlement Summary and Boundary

#### *Ground Conditions*

Jake Beatson (0039/01/002) objects to identification of development sites as considerable concern because seems to be no consideration of the issues related to mining subsidence in the area. Evidence provided.

#### *Landscaping and Developer Requirements*

Amparo Echenique (0489/01/001):

- The indicative landscaping shown in settlement summary map must remain.
- The settlement boundaries must be respected.
- Agree that development is needed but the Council is responsible for making it organic and;
- encouraging people to interact with their communities and PKC should evidence they have worked towards these aims.

#### *Settlement Boundary*

Councillor Michael Barnacle (0584/01/027): Development proposals should be seen in the light of work by Fossoway Community Strategy Group and settlement map (CD315).

### MU74 Blairingone

#### *Ground Conditions*

Jake Beatson (0039/01/003): Objects to proposal as site is on or adjacent to recent opencast workings of Lambhill with history of infill with human waste products. Concerned that ground disturbance will release waste products. Also concerns about the soundness of the ground due to the existence of mine workings as site on east and south bounds site of village hall where sink hole opened up.

#### *Landscaping*

SNH (0353/01/030): Recommends amending developer requirements regarding woodland to “retain existing native woodland belt and augment with appropriate new native planting and set development sufficiently back from woodland” in order to retain existing native woodland and habitat connectivity with adjacent woodland areas, and mitigate potential landscape impacts.

Amparo Echenique (0489/01/002); Christopher MacFarlane (0490/01/002): Landscaping should include native species and access paths and adhere to policy 1B(h) [incorporation of green infrastructure]. The landscaping as indicated should be respected.

#### *Site and Infrastructure*

Amparo Echenique (0489/01/002); Christopher MacFarlane (0490/01/002): MU74 should

only consider small development, the Boundaries should be as per drawings in this LDP2, Number of houses should not exceed 30 units. The development should not go ahead without developing community services. The community must be included in decision making and be done in an easier way.

Councillor Michael Barnacle (0584/01/028): Supports MU74 as is large and could accommodate development to safeguard primary school future.

### E22 Vicars Bridge Road

Amparo Echenique (0489/01/003), Christopher MacFarlane (0490/01/001): As a result of MU74, E22 should consider a community centre, shop and post office.

## **Crook of Devon and Drum**

### Settlement Summary

Councillor Michael Barnacle (0584/01/033) notes settlement summary regarding former fish farm brownfield site, would be content for holiday accommodation or housing on site, but notes preference for roadside development ignores existence of Devon Lade at roadside here.

Steve Long (0739/01/003): Supports roadside development echoing character of original village.

### Settlement Map (MD058)

Newbigging Farm Partnership (0164/02/001). Supports settlement map and allocation of MU266.

Councillor Michael Barnacle (0584/01/042): Development proposals should be seen in the light of work by Fossway Community Strategy Group and settlement map (CD316).

Steve Long (0739/01/001): Proposes additional area of open space to be included (RD0739) (MD065) as previously originally planning condition for West Crook Way development; is very safe play park and socialising space, unfortunately council has taken away play equipment. With increase in numbers reversion to original intention would be of benefit to community. Request retained for community rather than becoming a building plot.

Steve Long (0739/01/002): Supports open space identified on settlement map as indicated in representation document (RD012) as football pitch the community worked hard to raise funds for. States that developers could be asked to provide funds for pavilion to use as football pitch and school sports field.

### Settlement Boundary

#### *Line South of MU266 (H420)(MD064)*

John Fraser (0166/01/001) requests extension of settlement boundary on south edge of MU266 to south side of dismantled railway from Station Road in west to Crook Moss in east for purposes of access to future development site, community footpath, contribution

to the Iona to St Andrews pilgrims' walk. Is owner of land involved and provides email support from Newbiggings Farm Partnership, owner of MU266 land.

Councillor Michael Barnacle (0584/01/031): Supports settlement boundary and agrees southern boundary of settlement at MU266 should continue to be the line of the old railway.

Steve Long (0739/01/004): Supports settlement boundary with exception of requesting removal of MU266 [addressed under MU266 below].

*New road, parking area (RT400)(MD064) and associated housing (H404)(MD066).*

Hugh Wallace (0147/02/001) proposes to upgrade an existing track which leads from the unnamed road running NW-SW in the north of the settlement to link with Back Crook to provide access to primary school and Back Crook Road due to the narrow entrance at the eastern end of Back Crook. Also proposes parking area adjacent to the track to the 9 Acres Scout camp and the current settlement boundary – marked on the supplied map as 'proposed school drop off area'. This would be served by the new road. Mr Wallace states that this could be paid for through a requirement on the MU266 development [see MU266: Developer Requirements] or from a row of housing along the unnamed road [H404]. [Follow up correspondence with Mr Wallace identifies this to be a settlement boundary change (RD013)]

P Keir Doe (0598/02/001) objects to exclusion of proposed 19.85 ha site north of Naemoor Road from settlement boundary (see New Sites: H389 below)

P Keir Doe (0598/03/001) objects to exclusion of two fields south of Naemoor Road, either side of Monarch Deer Farm from settlement boundary (see New Sites: H155 and H390 below).

### MU266 Junction of A977 and B9097

#### *Objections*

Jane Wallace (0210/01/001), Katherine Wallace (0212/01/001), Hugh Wallace (0147/01/001); Steve Long (0739/01/004) object to development for one or more of following reasons;

- Proven need: there is no proven need for more housing in the area, with large developments already taking place in Kinross and Milnathort. The development constitutes over development.
- Community support: the previous consultation concluded that major development in Crook of Devon and Drum was not supported and the reduced proposals do not answer the community's objections.
- Sufficient consultation: There has not been sufficient time for public consultation following the change in housing numbers to 30 houses.
- Community benefit: With reduced development comes less "community benefit" and as traffic calming measures are proposed, the need for the developer's financial support is less, and is less desirable.
- Traffic safety: Will make A977 busier and there are serious safety issues on the A977 and school road; the exit from the school road is dangerous if turning east.
- Village Separation: Separation of Crook and Drum would be blurred or lost;
- Village Setting: It would affect the village setting. Would question 30 houses at gateway to village.

- Employment use/farm shop is objected to as is back door to more housing, there is no commercial organisation pushing for premises in the village or guarantee a developer would be found for anything but housing.
- Viability of farm shop.
- The field has always been agricultural land /greenbelt.
- Land is liable to flooding despite recent additional drainage.
- Due to flooding would be better promoted with nature trails/woodland.
- The village's infrastructure will not be able to accommodate it including waste water treatment and primary school.
- It would affect well-used core paths.

### *Developer Requirements*

Hugh Wallace (0147/02/001) (0147/01/002); Katherine Wallace (0212/01/001); Steve Long (0739/01/004) object to the development as noted above but if it has to happen would like to see one or more of the following:

- number of houses: restricted to 20
- remove employment uses/farm shop as is back door to more housing
- housing location: restricted to southern and eastern sections of field to contain travellers site as an original justification for proposal
- landscape buffer :minimum depth of 45m and should be primarily woodland and happen in advance of development
- excavation material: be disposed of in immediate locality to provide backfill to nearby disused fish farm site
- gift of part of site: to adjacent village hall for football pitch and play/bbq area.
- contribution to football field pavilion as part of the financial contribution to education
- upgrading of track and new parking area north of Back Crook Road paid for by MU266.
- Level of local consultation increased dramatically
- Ensure planning approval takes account the need for screening
- Location of the development as far from the Village Hall as possible
- Ensure maximum community benefit for minimal development and risk.
- Ensure any employment use associated with country supplies to keep within the context of the village setting.
- Use of existing flooding water feature as part of the entrance feature and footpath network to Crook Moss
- There are already bus stops within 200m of the development that can be easily walked to, unlikely that 30 more dwellings would encourage an increase in bus service.

### *Affordable Housing*

John Wheatley (0140/01/001) is happy to leave the question of rezoning to the Planning Authority but notes the lack of enthusiasm of the majority of the Community Council and public for the present proposal, acknowledges the need for affordable housing in the area although a distinct unhappiness remains about community benefit being the sole or principal justification for large scale developments. Notes the history of the site including the extensive consultation exercise resulting in a general feeling that no further development was appropriate for the Crook of Devon and Drum area, reflected in no such development being included in the Main Issues Report (CD046 pages 66-67). The Local elected councillors anxious to secure community benefits for the area successfully moved the Planning Committee to rezone the site. The principal benefit in mind was the provision

of a roundabout, now overtaken by provision of traffic mitigation, so the focus shifted to the provision of affordable housing. However these proposals failed to meet with the approval of the Community Council, the majority of respondents to a local consultation exercise (CD317) or attendees at Community Council meeting of November 2017. The details of the provision of affordable housing is unclear. Requests that consideration be given to including in developer requirements details of delivery of affordable housing, including reference in conditions to shared equity scheme or housing association/Council involvement and that affordable housing be delivered contemporaneously or in advance of other housing on the site.

AC Morrison (0211/01/001) notes that the focus of community benefits changed from roundabout provision to affordable housing and new proposals did not achieve majority support from the Community Council or members of the public because of a lack of clarity as to number of houses and affordable housing proportion but thinks that a recent commitment to 50% of affordable housing and maximum of 30 houses as per the Proposed Plan would be supported. Requests that affordable housing be delivered first and joint ownership shared equity should form part of the affordable housing provision.

### *Support*

SNH (0353/01/027) supports statement (in settlement summary) that drainage from the development should connect to Public Waste Water Treatment Works as increase in capacity at Drum sewerage treatment works would be beneficial to Loch Leven catchment as providing opportunity for existing discharges to connect to the works and remove more phosphorus from the catchment.

Councillor Michael Barnacle (0584/01/032) supports MU266 as a growth project to fund upgrade of water treatment works. Revised proposals met with mixed response from community. Satisfied with developer requirements in LDP2. A977 mitigation cannot be met through PKC budget. Rural villages need affordable housing. No requirement for football pitch.

Newbigging Farm Partnership (0164/01/002; 0164/02/001). Owners of site support allocation; supports description of "maximum of 30 homes, employment uses, farm shop /restaurant"; look forward to working with the Council to deliver high-quality development offering significant long-term community benefits

SEPA (0742/01/074): supports developer requirement for Flood Risk Assessment and Drainage Impact Assessment as accords with statutory duties; and developer requirement for masterplan to be informed by peat survey and management plan as majority of site is class 5 carbon rich soils.

### New Site: H389 Land to North of Naemoor Road (MD061)

P Keir Doe (0598/02/001): Propose 19.85ha development site for housing. There are few settlement expansion opportunities around Crook of Devon due to surrounding site constraints. Site surrounded by robust settlement boundaries, would offer a natural settlement extension option. Village has established services and transport links.

### New Site: H155 and H390 Land to South of Naemoor Road (MD059)

P Keir Doe (0598/03/001): Propose two sites comprising fields either side of Monarch

Deer Farm. Site A [H155] is 6.65ha. Site B [H390] is 8.66ha. Both sites immediately adjacent to village with range of services. Site A has previously been considered for construction of 90 houses in LDP1 MIR report and for inclusion in settlement boundary. Site A would be natural settlement extension and could accommodate c 100 houses. Site B could offer generous settlement extension option or on its own natural second phase of development to site A. There are few settlement expansion opportunities around Crook of Devon due to surrounding site constraints. Site A and B surrounded by robust settlement boundaries and would provide natural settlement extension option. Village has established services and transport links.

Fossoway & District Community Council (00393/01/003) support the Plan not including [H155] as the community is against housing here, impact on village setting, loss of green space, impact on access and amenities. Scale and density of development as seen in previous applications is inappropriate and village would not be able to cope with an extension of this magnitude.

### **Ochil Hills Hospital**

#### Op19 Ochil Hills Hospital (MD081)

##### *Boundary*

Kenneth J Claydon (0053/01/001): Objects to boundary of development site. Requests his property and that of Mr Cook of Athronhall Farm on south of allocation be removed as indicated in representation

##### *Housing Numbers*

Edinburgh MI (0373/01/001) objects to the number of homes permitted on site (35) which reflects the current planning permission (05/02058/OUT, 10/02159/AMM, 12/00247/FLM). Planning permission implemented 2015. Delivery has been set back by market conditions since original proposal in 2005; projections of values of each home have dropped from £600,000 – 800,000 to £400-450,000 (RD014). In addition original proposal to utilise onsite private water supply refused (12/01959/FLL) so connection to mains - water supply required increasing costs by over £500,000 (RD015)). 35 home development now marginal and will not be supported by a lender. Cites Policy 1D in Proposed LDP2 and 2017 Housing Background Paper (CD018) in support of a range of 35-65 homes, as low density range of up to 15 homes/ha and developable area of 5ha. Notes Housing Background Paper justification for adhering to 35 units due to phosphorus mitigation strategy accompanying original planning application. Alternative and additional proposals for phosphorus mitigation would be required in support of any increase in the capacity range on site, a reduction in house sizes may assist.

##### *Woodland*

Woodland Trust Scotland (0462/01/032): Supports proposal for a comprehensive woodland management plan and specific proposals for its implementation. The Trust does not want to see loss of any ancient woodland at this site so advise that appropriate native tree screening planting is required.

##### *Drainage*

SEPA (0742/01/083): Supports retention of option for public drainage solution or diversion outwith the catchment but recommends requirement be expanded to reflect the drainage options at the site that have already been agreed as part of CAR licence and phosphorus mitigation.



## **Powmill**

### Settlement Boundary & Summary

Woodland Trust Scotland (0462/01/012): There is ancient semi-natural woodland north of Powmill settlement boundary where development is unacceptable.

Councillor Michael Barnacle (0584/01/044) states development proposals should be seen in the light of work by Fossoway Community Strategy Group and settlement map (CD318).

Councillor Michael Barnacle (0584/01/034A): Supports suggestion of design-based workshops for the community which can explore Fossoway Community Strategy Group settlement map.

### E23 Powmill Cottage

Woodland Trust Scotland (0462/01/013): There is ancient semi-natural woodland (ASNW) in the southern part of the site but unsure whether ASNW falls within the site boundary. Would object if allocated site on ancient woodland and request restricting boundary of site to exclude ASNW and to allow a buffer.

### H53 Gartwhinzean

Michael Thorn (0132/01/001): Issues of surface water flooding so should ensure substantial upgrade to drainage; need to investigate potential asbestos contamination on site as debris from fire damaged hotel buried on site; no public transport apart from DRT1 and journey required to surgeries and hospitals; limited shopping within Powmill; access currently from A977 which is very busy, and access from Mill Gardens would be very disruptive to residents.

Lesley Tennent (0384/01/001): Some housing can be supported but not excessive figures indicated as lack of facilities in area. If development goes ahead would like to see benefits for the community which is lacking in many amenities.

Councillor Michael Barnacle (0584/1/034B): Housing is on the high side, should recognise amenity of neighbouring Mill Gardens; notes there is no requirement for A977 mitigation measures to be addressed through contributions, including improvement of the A977/A823 junction with reference to provided newsletter article (RD016).

Woodland Trust Scotland (0462/01/014): There is a small native woodland adjacent to the western edge of the site; compensation should be provided for any trees felled and a tighter boundary should be allocated to provide a buffer.

### New Site: H370: Land north of Powmill Farm House Steading

Bob Kay (0436/1/001): Objects to settlement boundary and exclusion of site presented for development on site north of Powmill Farm house steading. Previously submitted as 715 in 2010 MIR. [Proposed site is 715 excluding 713] There is a need for eco-friendly affordable housing in the area. Original proposal 10 years ago for 23-25 houses [during Main Issues Report stage for LDP1] but due to changes in housing and economic circumstances this could be increased if smaller more affordable houses considered.

Excerpts included are from MIR for LDP1 of sites considered in Powmill provided including sites 715 and 713. History of site: first put forward in 2000 when was within village boundary for 23 detached houses in 713 & 715. Involved demolition of milk bar and replacement including grocery shop. Milk bar still hotch potch of buildings and shop opens infrequently. By time of published plan (LDP1) site excluded from boundary with no reason other than site removed as a result of reduced need for housing. In all other aspects Council considered it suitable but objection upheld and site removed from village envelope which has reverted to irregular shape without permanent physical boundaries which site could provide i.e. Aldie road to the north and an access road. Notes that the comments on the site for the current Local Plan it appears that the situation has not changed as regards the physical attributes of the site. Further information provided on biodiversity, landscape, site description. Proposal would be to reduce number of units on the site to a number to be agreed, use as much green technology as possible and provide much needed affordable housing and increase tree planting. [Following requested clarification with respondent, identified that 15 houses proposed -additional layout provided (RD017)].

## **Rumbling Bridge**

### Settlement Map (MD086)

Councillor Michael Barnacle (0584/01/044) states development proposals should be seen in the light of work by Fossoway Community Strategy Group and settlement map (CD319).

Stewart Roberts (0084/01/001); David Gibb (0085/01/001) object to the indicative landscaping adjacent to E24 [addressed in E24 Rumbling Bridge below].

### E24 Rumbling Bridge (MD085)

Stewart Roberts (0084/01/001); David Gibb (0085/01/001) object to the indicative landscaping shown to the north west of and adjacent to E24. This includes part of their properties at 3 and 2 Birkfield Park (respectively) as shown on provided maps (RD018), (RD019).

## **Scotlandwell and Kilmagadwood**

### Settlement Boundary (MD089)

Portmoak Community Council (0541/01/009): To support connecting Scotlandwell safely with rest of Portmoak, Community Council requests current settlement boundary along west border be reviewed to include re-connecting Scotlandwell with Kilmagadwood, coupled with appropriate Open-Space zoning.

N Alexander Esq (0549/01/001) requests inclusion of Scotlandwell1 H161 in LDP2 [which would require amendment to settlement boundary] [see New Site H161 Scotlandwell 1 below]

Jeff Gunnell (0456/01/001), Mike Hally (0516/01/001), Wendy McPhedran (0517/01/001) Dave Batchelor (0632/01/001) support settlement boundary as it includes buildings in Kilmagadwood and does not allow extension outside this. A further reason to prevent building beyond the indicated boundary of Kilmagadwood is recent archaeological findings on land to the north west of the hamlet.

Krys Hawyrszczuk (0536/01/001) supports retention of existing separate settlement boundaries for Scotlandwell and Kilmagadwood, especially preventing development on undeveloped land between Portmoak church and east of Kilmagadwood. No development between Kilmagadwood boundary and Woodmark as important to reserve these two sites as open space.

Councillor Michael Barnacle (0584/01/040) supports settlement boundary.

Portmoak Community Council (0541/01/009) welcomes statement re providing additional parking or path improvements and linkages. A safe 24/7 lit all-weather path linking Scotlandwell, Church, Hall, Kilmagadwood and Kinnesswood wood is essential as present path unsafe.

#### H54 Scotlandwell

SEPA (0742/01/100) requests developer requirement for peat survey and management plan to minimise disturbance or excavation and implement mitigation measures. Majority of this site is class 5 soils and ER Addendum (table 13)(CD067 page 111) identifies part of area has carbon rich soils (CRS).

#### New Site: H161 Scotlandwell1

N Alexander Esq (0549/01/001) requests inclusion of H161 Scotlandwell1 per representations made at pre-MIR and MIR stages. Reasons for inclusion:

- Housing Background Paper (CD018) indicates shortfall in Kinross area of 4 units, with 18% flexibility allowance, sites with ability to meet housing needs should be included. LDP2 refers to Scotlandwell as able to accommodate a small amount of growth, site H161 would compensate for this shortfall.
- Answers to PKC reasons in Site Assessment (CD073, pages 472-481) for not including H161: 1) PKC says H161 not compatible with Tayplan (CD022 Policy 1, page 8) tiered approach; this allocation would provide natural extension to eastern boundary similar to H54 – if H54 is not contrary to Tayplan then H161 is not either. H161 falls into Tayplan's other category of allowing limited development in other areas. H161 is compliant with Tayplan as is small-scale site, would support local community through contribution of funds towards improvement works at the local equestrian business – one of the largest local rural employers in the area. Proposed improvement works would allow this business to further business relations, thus significant wider benefit. H161 would be small natural extrusion to Scotlandwell settlement [boundary], would be shielded by new planting on east so minimise significant intrusion to the countryside.
- 2) PKC says H161 would promote ribbon development however Scotlandwell is established ribbon footprint so overly restrictive to use such reasoning.
- 3) PKC says H161 would be extension to settlement's footprint: H161 enclosed by defensible boundary, including forestry access road and planting to prevent further sprawl, not overlooked, sympathetic small-scale development would aesthetically enhance approach from east.
- 4) Portmoak primary reaching capacity: Developer contributions could be sought towards expansion of Portmoak Primary.
- 5) Greenfield site: H161 should be acceptable as PKC has recognised use of greenfield sites as inevitable and lack of brownfield sites in Scotlandwell.
- 6) H161 has good visible access to A911 and close proximity to public transport links. Distances to Primary School considered acceptable by Department of

Education for active travel.

- 7) Loch Leven and Lomond Hills SLA. Unjust to exclude as H54 and whole of Scotlandwell in SLA, framework planting would prevent further intrusion to character of village.

### New Site: H163: Scotlandwell 3

John Beales Esq (0601/01/001) objects to exclusion of site H163 from settlement boundary and requests allocation for housing / open space development as an extension to H54. Site previously considered as option in LDP1 Main Issues Report as part of H54 land allocation. Reasons for inclusion:

- Site will provide logical extension to village and existing housing allocation,
- Will also help sustain schools.
- Homes for Scotland response to Proposed LDP2 ((0562/01/002) states overestimation of delivery could lead to shortfall of 209 homes in Kinross area. Unlikely all sites identified in proposed LDP2 will come forward. If no further housing land required before 2023 current allocation on H54 could be extended to this site to allow for lower density and allow for open space.
- Open approach from south makes site sensitive to appearance, height and massing of new development. But new development should be sensitively designed and take into account local and further afield viewpoints. Developing to south accepted by the council in allocating H54 so extension to this would be acceptable from a landscape perspective. Allocation would allow for lower density in keeping with immediate surroundings. Allocation would allow for provision for H54 to safeguard view from burial ground per LDP Policy PM1B(b) (CD014).
- Site would incorporate and improve on current Open Space north of site currently not formally maintained. Allocation would allow extension south to provide formal, useable area, pedestrian links could be formed as shown in attached plan.
- Supports LDP Policy PM1B(g). Site will create natural eastern boundary with landscaping.
- Transport links in Scotlandwell accessible and site meets PM1B(e).
- Will help deliver affordable housing. Opportunity to create family accommodation and play facilities. Could provide young people opportunity and employment through construction phase.

### **Modifications sought by those submitting representations:**

#### **Balado**

##### Settlement Summary and Boundary

##### *Foul Drainage*

SEPA (0742/01/026): Wording of settlement summary to be updated to accurately identify the potential issues and timescales involved in achieving a foul drainage solution for development.

##### E35 Balado Bridge

##### *Contaminated Land*

SEPA (0742/01/078) (0742/02/034): Include developer requirement for investigation of potential radium 226.

### *Flood Risk*

SEPA (0742/01/077): include flood risk assessment (FRA) as developer requirement

### *Foul Drainage*

SEPA (0742/01/026), SEPA (0742/01/080): Update wording to identify potential foul drainage issues and timescales involved in achieving a solution at this site.

### *Air Quality*

SEPA (0742/01/079): Add to developer requirement for by identifying that reason for air quality consideration is the adjacent poultry farm.

### H51 Balado

### *Foul Drainage*

Councillor Michael Barnacle (0584/01/023): Require H51 to connect to mains drainage.

SEPA (0742/01/026), (0742/01/109): Update wording to identify potential foul drainage issues and timescales involved in achieving a solution at allocated sites.

## **Blairingone**

### Settlement Summary and Map

### *Ground Conditions*

Jake Beatson (0039/01/002) not specific about change sought but seeks assurance that the known presence of ancient and recent mine workings has been taken fully into consideration in the selection of sites.

### *Landscaping and Developer Requirements*

Amparo Echenique (0489/01/001) is not specific about change sought but states that:

- the current requirements with regards to landscaping and settlement boundaries should be respected
- and that the Council should evidence work towards aims of making development organic and
- encouraging people to interact with their communities.

### *Settlement Map*

Councillor Michael Barnacle (0584/01/027) not specific about change sought but requests that proposals should be seen in the light of work by Fossoway Community Strategy Group and settlement map (CD315).

### MU74 Blairingone

### *Ground Conditions*

Jake Beatson (0039/01/003): Not specific about change sought but concerned about human waste infill and soundness of ground at or adjacent to site.

### *Landscaping*

SNH (0353/01/030) Amparo Echenique (0489/01/002); Christopher MacFarlane (0490/01/002):

- Replace proposed developer requirement regarding woodland with “retain existing native woodland belt and augment with appropriate new native planting and set development sufficiently back from woodland”;
- Landscaping requirement should include access paths.

#### *Site and Infrastructure*

Amparo Echenique (0489/01/002): Not specific about change sought but requests:

- should only consider small development; houses should not exceed 30 units
- boundaries should be adhered to
- development should not go ahead without developing community services
- community must be included in decision making.

#### E22 Vicars Bridge Road

Amparo Echenique (0489/01/003), Christopher MacFarlane (0490/01/001): Site should include community centre, shop and post office as a result of MU74.

#### **Crook of Devon and Drum**

#### Settlement Summary

Councillor Michael Barnacle (0584/01/033) not specific about change sought but notes that preference for roadside development ignores existence of Devon Lade at roadside at former fish farm site.

#### Settlement Map

Councillor Michael Barnacle (0584/01/042): Not specific about change sought but states development proposals should be seen in the light of work by Fossway Community Strategy Group and settlement map (CD316).

Steve Long (0739/01/001) proposes addition of open space as indicated to settlement map.

Steve Long (0739/01/002) not specific about change sought but notes developers could be asked to provide funds for a pavilion on football pitch as indicated.

#### Settlement Boundary

#### *Line South of MU266*

John Fraser (0166/01/001) requests extension of settlement boundary on south edge of MU266 to south side of dismantled railway from Station Road in west to Crook Moss in east.

#### *New Road and Parking Area (RT400) and associated housing (H404)*

Hugh Wallace (0147/02/001) seeks site for parking and new road adjacent to settlement boundary [RT400] to provide access to Back Crook and the primary school.

Hugh Wallace (0147/02/001) Requests adjustment to settlement boundary to provide new housing to west of Bankfoot [H404] to pay for parking and road [RT400].

#### *New Sites*

P Keir Doe (0598/02/001) requests settlement boundary to include site north of Naemoor Road (addressed in New Sites H389 below)

P Keir Doe (0598/03/001) requests settlement boundary amended to include site south of Naemoor Road (addressed in New Sites H155 and H390 below).

#### MU266 Junction of A977 and B9097

#### *Main objections*

Hugh Wallace (0147/01/001) objects to allocation as proposed, Jane Wallace (0210/01/001), Katherine Wallace (0212/01/001); Steve Long (0739/01/004) object to the inclusion of this site in the Proposed Plan.

#### *Developer Requirements*

If allocation not removed Hugh Wallace (0147/01/001), (0147/01/002) requests:

- Number of houses: reducing number of houses to 20;
- Remove employment use/farm shop;
- Housing Location: restricting housing to south and east of field;
- Landscape buffer: requiring landscape buffer to be primarily woodland and no less than 45m in depth, with planting in advance of development;
- Excavation material: requiring disposal of excavation material in immediate locality, and assist with providing backfill for disused fish farm site;
- Gift of land: gift of part of site to village hall for football pitch and play/bbq area.
- Provision of new parking area and road (H400) paid for by MU266.

Katherine Wallace (0212/01/001) requests:

- Increased consultation: level of local consultation increased dramatically
- Screening: ensure screening
- Location: location away from village hall
- Benefit: maximum community benefit for minimal development and risk.

Steve Long (0793/01/004) requests:

- Employment use to be associated with country supplies
- Use of existing flooding water feature as part of entrance feature and footpath network to Crook Moss
- Not specific about change sought but notes no need for additional bus stop.

#### *Affordable Housing*

John Wheatley (0140/01/001), AC Morrisson (0211/01/001), Katherine Wallace (0212/01/001) request one or more of the following developer requirements:

- specific details of methods and conditions of delivery of benefits, particularly affordable housing.
- Masterplan / planning conditions to include shared equity scheme, or housing association or Council involvement in delivery of affordable housing.
- affordable housing to be required to be delivered in advance of, or

contemporaneous with provision of other housing on site.

#### New Site: H389 Land to North of Naemoor Road

P Keir Doe (0598/02/001): Add allocation for 19.85ha site North of Naemoor Road

#### New Site: H155 and H390 Land to South of Naemoor Road

P Keir Doe (0598/03/001): Add allocation for two sites A [previously site H155] 6.65ha and B 8.66ha [H390] respectively east and west of Monarch Deer Farm.

### **Ochil Hills Hospital**

#### Op19 Ochil Hills Hospital

##### *Boundary*

Kenneth J Claydon (0053/01/001) requests his property and that of Mr Cook of Athronhall Farm on south of allocation be removed from site allocation boundary.

##### *Housing Numbers*

Edinburgh MI (0373/01/001) requests change from single figure site capacity (35 units) to be amended to range of 35-65 units (masterplan attached) with site specific requirement addition of acceptable strategy to deliver and sustain phosphorous reduction gains in accordance with Policy 44.

##### *Woodland*

Woodland Trust Scotland (0462/01/032) advises that appropriate native tree screening planting is required to protect ancient woodland.

##### *Drainage*

SEPA (0742/01/083) requests developer requirements re drainage to be expanded to reflect drainage options agreed at the site.

### **Powmill**

#### Settlement Boundary & Summary

Woodland Trust Scotland (0462/01/012) requests that area of Ancient Semi-Natural Woodland [in the] north of the settlement is designated and informed through the LDP that these areas are not available for development.

Councillor Michael Barnacle (0584/01/044) is not specific about change sought but states development proposals should be seen in the light of work by Fossoway Community Strategy Group and settlement map CD318).

#### E23 Powmill Cottage

Woodland Trust Scotland (0462/01/013) requests that the site boundary excludes and provides a buffer from areas of ASNW.

#### H53 Gartwhinzean



Michael Thorn requests that development should ensure adequate provision for substantial upgrade to perimeter drainage and site should be investigated for asbestos contamination before development. Further comments regarding public transport, facilities and access are made with no specificity as to changes sought.

Lesley Tennent (0384/01/001) Cllr Michael Barnacle (0584/1/034B not specific about change required but raise concerns over high number of houses.

Councillor Michael Barnacle (0584/01/034B): Not specific about change sought but states:

- should recognise amenity of neighbouring Mill Gardens;
- notes there is no requirement for A977 mitigation measures to be addressed through contributions.

Woodland Trust Scotland (0462/01/014) requests compensation should be provided for any trees felled in the woodland adjacent to the west of the site and a tighter boundary should be allocated to provide a buffer.

#### New Site: Land North of Powmill Steading

Bob Kay (0436/01/001) requests allocation of additional site for 15 houses North of Powmill Farm Steadings.

### **Rumbling Bridge**

#### Settlement Map

Councillor Michael Barnacle (0584/01/044) not specific about change sought but states development proposals should be seen in the light of work by Fossway Community Strategy Group and settlement map(CD319).

#### E24 Rumbling Bridge

Stewart Roberts (0084/01/001); David Gibb (0085/01/001): request removal of their property boundaries from the site allocation.

### **Scotlandwell and Kilmagadwood**

#### Settlement Boundary

Portmoak Community Council (0541/01/009) requests current settlement boundary along west border reviewed to include re-connecting Scotlandwell with Kilmagadwood, coupled with appropriate Open-Space zoning.

N Alexander Esq (0549/01/001) requests extension of settlement boundary to include Scotlandwell1 H161 [addressed in H161 Scotlandwell 1 below].

#### H54 Scotlandwell

SEPA (0742/01/100) requests addition of developer requirement for peat survey and management plan

#### New Site: H161 Scotlandwell 1

N Alexander Esq (0549/01/001) requests inclusion of H161: Scotlandwell 1 in LDP2.

New Site: H163 Scotlandwell 3

John Beales Esq (0601/01/001) requests amendment to settlement boundary and allocation of H163.

**Summary of responses (including reasons) by planning authority:**

**Balado**

Settlement Summary

*Foul Drainage*

SEPA (0742/01/026): SEPA is correct to point out that significant challenges face developers trying to connect to public waste water treatment or providing private treatment. A publically maintained septic tank at Balado Crossroads would need upgrading if a development is to connect to there. However developers are likely to be aware of the need to address this issue at an early stage. A public connection remains the Council's preference due to the potential impact on the Loch Leven catchment area however Policy 44 and Policy 51 both recognise that there is potential for a private solution. Notwithstanding SEPA's concerns regarding the difficulty of providing private solutions it has been shown to be possible. A recent application for 8 houses proposed a private scheme which SEPA approved both in terms of phosphorus mitigation and impact on private water supplies (18/00540/FLL)(CD320).

The requirement in H51 of 'provision of a suitable drainage scheme which provides required mitigation' recognises that while a public solution is preferred a solution could be provided to both address policy 44 and be consistent with policy 51C. Restricting the options to a public connection as suggested would limit the potential for this site to come forward with a workable solution.

No modification is proposed.

E35 Balado Bridge

*Contaminated Land*

SEPA (0742/01/078); (0742/02/034): The concern about potential radioactivity on this site is recognised. The Council would look for input from SEPA for a planning application here.

If the Reporter is minded the Council would not object to an additional developer requirement for E35 as noted below:

- Consideration of potential land contamination issues, including an assessment of risk from radioactivity.

*Flooding*

SEPA (0742/01/077): The SEA of E35 referred to (CD073 pages 32-41) includes a flood risk assessment requirement as mitigation in order to ascertain the developable area of the site due to the medium flood risk along the burn on the southern edge of the site. If the Reporter is minded to agree to this modification the Council would not object to a Flood

Risk Assessment bullet point being added to the Site Specific Developer Requirements.

No modification is proposed.

*Foul Drainage*

SEPA (0742/01/026), (0742/01/080): See response under settlement summary above.

*Air Quality*

SEPA (0742/01/079): The identification of the reason for consideration of air quality issues is not considered necessary as it may limit the application of any assessment.

No modification is proposed.

H51 Balado

*Foul Drainage*

Councillor Michael Barnacle (0584/01/23); SEPA (0742/1/026), (0742/01/109): See response under settlement summary.

**Blairingone**

Settlement Summary and Boundary

*Ground Conditions*

Jake Beatson (0039/01/002): The mining history of the area has been addressed. The need for a full assessment has been translated into the settlement summary which addresses the respondent's concerns. "An engineer's report into the stability of ground conditions with particular regards to old mine workings" is required.

See below under MU74 for site specific concerns.

No modification is proposed.

*Landscaping and developer requirements*

Amparo Echenique (0489/01/001): The creation of a landscape framework is a developer requirement in the Proposed Plan for site MU74.

The development of areas outside settlement boundaries is addressed in policy 6 which states that 'built development will be contained within that boundary' with a limited exception for developments adjacent to the settlement boundary.

The desire for organic growth can be met through infill development and the application of Policy 1: Placemaking to ensure such small developments fit with the character of the neighbourhood. Larger developments such as MU74 however can bring benefits that would not otherwise happen and the certainty of a larger allocation is sometimes needed for a developer to justify the investment in infrastructure. The respondent has not objected to the principle of this development.

Major developments are required to consult with communities and the Council's Guidelines for Developers and Individuals on Engagement (CD019) also provides

guidance to encourage developers to engage with affected communities.

No modification is proposed.

#### *Settlement Map*

Councillor Michael Barnacle (0584/01/027): The proposals largely accord with the work of the Fossoway Community Strategy Group (CD315), with B1, B4 and B5 on that map allocated within the Proposed Plan. B5 (the southern half of MU74) and B4 (E22) are noted as subject to construction of a bypass. The larger site MU74 is subject to traffic calming measures on the A977.

No modification is proposed.

#### MU74 Blairingone

##### *Ground conditions*

Jake Beatson (0039/01/003): The SEA for MU74 (previously H149) (CD073, pages 52-62) recognises past mining activities as a constraint and a preliminary (desktop) assessment of the northern half of this site has been carried out by the proposed developers as set out in the Desk Study Report provided by the developers (CD321). The MIR Summary of Responses to Questions (CD141 at Q37) notes that the submission at MIR stage on behalf of the developers also recognised that the southern half included infill as part of the mine restoration and they accepted that ground conditions will need to be assessed and addressed. MU74 developer requirements include a requirement for updated ground condition investigations.

The southern half of the site was part of Lambhill open cast mine. Following restoration of the former mine site to agricultural land there is a record of poultry, abattoir and sewage waste being used as fertiliser both spread on, and injected into, the land in the area. This was the subject of a petition to Parliament and a subsequent investigation although the exact land in question is not identified in the available parliamentary records (CD322). The report resulted in changes to regulations governing the use of waste. The report states that raw sewerage was applied until 1997 and treated sewerage applied until 1998. The land appears to have been subsequently used as agricultural land for 20 years. The Fossoway Community Strategy Group map (CD315) notes this land marked B5 as suitable for development and this issue was not raised either during an interim consultation carried out with the community in February 2017 or during the MIR stage. The Council Environmental Health Team have advised that the use as described would not be expected to pose a problem for this development, however there is potential that activity from more than 20 years ago to impact on development. SEPA have also advised (CD323) that although abattoir waste would be unlikely to have an effect but there may be an impact from heavy metal contamination from sludge. The desk top ground condition report produced by the proposed developers as noted above has already recognised that a site investigation into potential contamination would be necessary. It is also usual practice for the Environmental Health Team to be consulted at application stage and the need for assessment advised.

No modification is proposed. However if the Reporter is minded the Council would not object to a further developer requirement as below:

- Investigation of any contaminated land on the site together with a programme of appropriate remediation works.

### *Landscaping*

SNH (0353/01/030); Amparo Echenique (0489/01/002); Christopher MacFarlane (0490/01/002): The current wording of the landscaping developer requirement is intended to meet the requirements of Proposed Plan Policy 38, but the Council does not disagree with SNH that it could more directly address retention of the existing woodland. As pointed out in Issue 16 Policy 38 while native planting will usually be preferred, specific requirements will depend on a site assessment of the appropriate species to be used.

The Council does not consider that a requirement to set development “sufficiently back from woodland” provides any further guidance than that provided in the protection of trees under policy 38A(b).

No modification is proposed. However if the Reporter is minded the Council would not object to replacing the current developer requirement with ‘protect and enhance existing woodland’ to reflect other similar proposals.

Access paths are expected as part of placemaking criterion and with reference to Policy 1B(e) of the Proposed Plan. No modification is proposed.

### *Site and Infrastructure*

Amparo Echenique (0489/01/002); Christopher MacFarlane (0490/01/002):

- Housing on this site is not expected to progress rapidly and is limited to 30 units to 2028.
- The boundaries are as indicated on the plan.
- The site is identified as suitable for community services such as small retail or community uses and this will be a material consideration addressing the respondent’s concerns.
- Development will be subject to the usual notification and consultation requirements.

No modification is proposed.

### E22 Vicars Bridge Road

Amparo Echenique (0489/01/003), Christopher MacFarlane (0490/01/001): This site is best restricted to employment use due in part to the proximity of the waste water treatment plant. The small retail and community uses proposed by the respondent have been identified as suitable uses for the neighbouring site MU74. While the scale of development in Blairingone is unlikely to be sufficient to justify a community centre, a shop will be encouraged by new development although it is not within the Council’s control to deliver this. A shop is likely to be more viable if it can benefit from passing trade. For this reason MU74 provides a better opportunity than E22.

No modification is proposed.

### **Crook of Devon and Drum**

### Settlement Summary

Councillor Michael Barnacle (0584/01/033): As the former fish farm is not an allocated site there is no stated preference for housing or otherwise on this site and any application

would be considered on its merits. The reference to roadside development is a general reference to the style of development within the village and is not intended to reflect the fish farm only. In order to make this clear the Council confirms it intends to make a non-notifiable modification to separate the final sentence from the preceding paragraph to make this clear as set out in the Non-notifiable Modifications List (CD375). This reflects the position in LDP1.

No modification is proposed.

#### Settlement Map (MD058)

Councillor Michael Barnacle (0584/01/042): The settlement map (CD316) provided by Councillor Barnacle largely reflects the settlement map in the Proposed Plan. The areas marked as suitable for development on the respondent's map fall within the settlement boundary. There are two notable exceptions. The first is the field to the East of Monarch Deer Farm marked on the respondent's map as unsuitable for development and annotated as "Woodland and Village setting". This area is excluded from the settlement boundary in order to protect it from development. See also New Site: Land South of Naemoor Road below. The second is the exclusion from the respondent's map of the site allocated in the Proposed Plan as MU266, discussed below, which the respondent now supports.

No modification is proposed.

Steve Long (0739/01/001): The requested open space is recognised by the Council as amenity space and maintained by the Council. This, the size of the park and the presence of a path through the site protects it from development and identification within the plan is unnecessary.

No modification is proposed.

Steve Long (0739/01/002): The identification of requirements for open space provision is assessed on a site by site basis relative to the impact of the development in accordance with Circular 3/2012 on Planning Obligations and Good Neighbour Agreements (CD168), unless previously identified as a requirement through the Developer Contributions and Affordable Housing supplementary guidance (CD021) which is not the case here.

#### Settlement Boundary

##### *Line South of MU266 (H420)*

John Fraser (0166/01/001): Currently the disused railway embankment mapped as H420 (MD064) is cut off from Station Road by fencing and an agricultural shed as shown in the photo (CD324). The suggested improvement to pedestrian access to Crook Moss and walkways is welcome however pedestrian access would be expected through the site to provide access from Station Road. If pedestrian access was desired to the embankment for recreational purposes there is no need to adjust the settlement boundary for a path. There has not been a request to extend the boundary of MU266 itself to include the railway embankment for vehicular access purposes which is the alternative proposed reason for this representation. Considering the mixed response to this site, the consequence of a change to proposed access would be inappropriate at this stage of the plan process.

No modification is proposed.

*New road and parking area (RT400) and associated housing (H404)*

Hugh Wallace (0147/02/001): To provide the proposed parking area and road (RT400) does not require an adjustment to the settlement boundary or other change to LDP2. Policy 6 provides for development outwith the settlement boundary where justifiable on the basis of a specific operational and locational need.

There is currently adequate parking for staff at the school. The Education service has advised that this proposal would not be appropriate or affordable(CD356), and the Traffic and Network Manager has advised there are no known problems with parking or access to the school(CD357). The walking route from the proposed parking area to the school is a narrow road with tight corners and no footpath.

The adjustment to the settlement boundary (H404) would provide an extension west of the three houses on the edge of the settlement boundary in the north west of and on the edge of the settlement [see photo CD325]. This would compose a strip of houses along a narrow road which would constitute ribbon development and, despite the proposed upgrade to the track, would be significantly separated from the centre of the village. There is currently sufficient opportunity for housing within the settlement boundary both for infill development and through the allocation of MU266.

No modification is proposed.

MU266 Junction of A977 and B9097

Jane Wallace (0210/01/001), Katherine Wallace (0212/01/001), Hugh Wallace (0147/01/001); Steve Long (0739/01/004): A larger site in this location, including the field to the South West of the site had previously been proposed during the preparation of LDP1. At examination of LDP1 (CD015, page 775) the Council opposed the inclusion of this site due to its prominent position adjacent to the A977, ground conditions, no link to the settlement pattern and that it would blur the separation of Crook of Devon and Drum. The Reporter agreed the site was not suitable due to the erosion of the countryside gap between Crook of Devon and Drum and its prominence on approach from the east. This larger site was proposed at Call for Sites stage for LDP2 but was not taken forward due to non-conformity with TAYplan spatial strategy, and the lack of need for additional housing land (CD284 page 49). However a smaller site for 50 homes was put forward in the MIR for LDP2 (CD046 pages 66-67) to address the issues of settlement separation and scale while potentially supporting a roundabout for traffic calming and drainage improvements. The response to consultation on the MIR was mixed, with support generally conditional on delivery of the proposed benefits. An additional interim public consultation was therefore conducted in February 2017 to further explore the level of support for this site. There were 53 objections to the proposal and 26 supportive comments including 8 comments that qualified their support to the deliverability of benefits (CD317 page 2-3). Traffic calming measures (not including a roundabout) have since been proposed by the Council which will be carried out regardless of development here. The Community Council opposed the development in response to the consultation of February 2017(CD326), and in a meeting of November 2017 (CD327) stated that their position would not change unless the community clearly supported the proposal. The Community Council have not made a representation on the site during the Proposed Plan consultation. The Proposed Plan carries forward the site from the MIR with a revised proposal designed to address some of

the concerns including a reduced number of homes and the landscape buffer to the A977.

#### *Main objections*

- Proven need: The Housing Land Requirement at p 17 shows a shortfall of 4 homes in the Kinross HMA, with the majority of allocations proposed in the only principal settlement in the area. TAYplan strategy is to allocate housing to tiered settlements first. Tayplan (CD022, p 8) states 'Local Development Plans may also provide for some development in settlements that are not defined as principal settlements (Policy 1A). This is provided that it can be accommodated and supported by the settlement, ... it meets specific local needs or does not undermine regeneration of the cities or respective settlement' The Proposed Plan at p16 "seeks to allocate limited growth to those settlements with a range of facilities capable of serving local needs". The village has a range of services that can accommodate and will support a development of this size including shops, a petrol station, pub and school. Developer requirements are anticipated to mitigate other adverse impacts on the village. These include improvements to core paths, traffic and recreational facilities. The proposal also contributes to the outcome of the Proposed Plan through the provision of affordable housing, the need for which is acknowledged by respondents AC Morrison (0211), John Wheatley (0140) and Councillor Michael Barnacle (0584). Current waiting lists support this (CD328)
- Community support: History of support discussed above. The current proposal has been amended as a result of the consultation already carried out including the amendment to a reduced number of houses. The concerns raised by the community over the history of the site are largely addressed.
- Sufficient consultation: There has been significant consultation on this proposal both during the MIR, and during the further interim public consultation in February 2017 which was well responded to by the community. The current proposal has been amended to reflect those concerns including the reduction in housing numbers. This amended proposal has now been the subject of further public consultation as part of the Proposed Plan publicity and events programme.
- Community benefit: The respondents state the proposal is less desirable given the reduction in benefits offered or needed, primarily the roundabout. The Council does not consider this to be a relevant argument due to the likelihood that provision of a roundabout would fail the test of planning obligations as set out in Circular 3/2012 Planning Obligations and Good Neighbour Agreements (CD168). Developer requirements that have been included relate more to the consequences of the development but are still likely to benefit the village as a whole including A977 mitigation, foot path provision, a bus shelter and extra parking.
- Traffic safety: A transport assessment (CD329) was carried out on behalf of the developer which indicated a minimal impact on traffic. Based on the original proposal for 50 houses, this showed at page 4 minimal impacts on the A977 and B9097, with a maximum of a 3% increase in traffic on the A977, well within the road's capacity. At page 5, an analysis of traffic on the A977, B9097 junction, again based on 50 houses, showed increases well within capacity. There is a development requirement for a transport statement in the Proposed Plan and this and the development as a whole will be subject to review by the transport planning team.
- Village separation: The separation of the villages would be reduced with the introduction of housing on this site as made clear in the examination of LDP1. On approach to Drum from the west the perception of separation would largely be retained due to the trees and small field on the south of the A977 between the B9097 and the first house to the east. The houses on the north side of the A977 are



set well back behind a tall hedge. Heading towards MU266 from Drum, landscaping along the A977 and good design could reduce any impact along this road and visibility of the proposed entrance. This is reinforced by the retained field east of the B9097, and the line of the B9097 itself.

- Village setting: The visibility of the proposed development on the approach from the A977 and B9097 will affect the village setting through a loss of open agricultural land. The limitation of the number of houses to 30 and proposed landscaping provides some mitigation along with the requirement for provision of an entrance feature in the masterplan.
- Employment Use: the objection to employment use as a back door to more housing is mitigated by the Plan restriction to a maximum of 30 houses
- Agricultural land: While a loss of land currently being used for agriculture the SEA for this site (CD073 pages 85-95) shows this is not identified as prime agricultural land and is currently used for grazing.
- Flooding: The SEA recognises the significant area of surface water flooding will affect the developable area and the low number of houses recommended for this site reflects that. A flood risk assessment and drainage impact assessment are developer requirements supported by SEPA (0742/01/074).
- Infrastructure:
  - o Scottish Water would prefer development here to connect to Crook of Devon waste water treatment plant which has advised of limited capacity here (CD330) Scottish Water has a commitment to provide the necessary water and waste water asset infrastructure to enable delivery once their 5 Growth Criteria are met. Whilst network upgrades will be the developer's responsibility, insufficient capacity is not seen as a barrier to development.
  - o The developer requirements include a review of traffic safety and mitigation measures.
  - o Fossoway Primary School in 2017 had sufficient capacity to accommodate this development (CD124).
- Core paths: The core paths currently do not run through the site. The developer requirements include upgrading footpaths, links to core paths and access to Crook Moss.

There is a recognised need for more affordable housing in this area which this site can provide while the majority of the constraints, with the exception of adverse effects on landscape and setting, can be mitigated or overcome.

No modification is proposed.

#### *Developer Requirements*

Hugh Wallace (0147/02/001) (0147/01/002); Katherine Wallace (0212/01/001); Steve Long (0739/01/004):

- Number of houses: The Housing Background Paper (CD018) notes a developable area of 2.3ha over the 3.1ha site, with a medium capacity giving a range of 38 – 57. However this has been reduced to 30 to recognise the limited likelihood, or desirability, of a large site being delivered during a short time span.
- Removal of employment use: See above under Main Objections.
- Housing location: The site as a whole will discourage encroachment of other development and it is unnecessary to restrict the location of the houses beyond what will already be required as a result of good design and a detailed assessment of the site including flooding, soil, and amenity of neighbouring uses.
- Landscape buffer: The developer requirement asks for a 'significant landscape

buffer'. The exact depth will be dependent on a detailed site assessment of noise and visual amenity.

- Excavation material: Soil movement will be subject to SEPA and Scottish Government policies and regulation and will depend on both the type of soil excavated and its intended use. It is not considered appropriate to require deposition of this material on a site without a proposal for the receiving site or where the land is not within the control of the developer.
- Gift of land: A play park has been proposed by the developer and would be subject to consultation with the Council greenspace team. No gift of land is required to provide this. There is already a football pitch nearby and the size of the proposed development is unlikely to require a further one. Cllr Michael Barnacle (0584/1/32) notes there is no need for a football pitch.
- Increased consultation: As described above there has already been a considerable amount of consultation carried out leading to the outline specifications of the development as included in the Proposed Plan. Any proposal will also go through further consultation as part of the planning application process.
- Screening: The developer requirements including screening would be addressed through the planning application process.
- Location: the location of the houses will be subject to a detailed assessment of the site including flooding, soil, and amenity of neighbouring uses.
- Benefit: Planning conditions and planning obligations will be secured in line with Scottish Government guidance (Circular 3/2012 Planning Obligations and Good Neighbour Agreements)(CD168)
- Provision of new parking area and upgraded track: Planning conditions and planning obligations are secured in line with Scottish Government guidance (Circular 3/2012 Planning Obligations and Good neighbour Agreements)(CD168) which require, in part that planning obligations must relate to the development being proposed and "there should be a clear link between the development and any mitigation offered as part of the developer's contribution." There is no evidence this would be an enforceable requirement given the location of the development in relation to the school. As discussed above there is also no need for the parking area or upgraded track.
- Employment use is likely to include a farm shop as originally proposed in the consultation material of February 2017 (CD331). The Plan can only restrict the use classes on a site rather than categories, and to do so would restrict the ability of the employment designation to reflect local need.
- The entrance feature and paths will be subject to the results of the required Flood Risk Assessment and will be reviewed at detailed planning application stage.
- The developer requirement is for bus shelters at existing bus stops rather than an additional bus stop as shown in the consultation material of February 2017 (CD331 page 3).

No modification is proposed.

### *Affordable Housing*

John Wheatley (0140/01/001); AC Morrison (0211/01/001): As outlined in Policy 20 the delivery of affordable housing will be negotiated with the developer at the time of application. The mix of tenure and timing of delivery will be influenced by the Strategic Housing Investment Plan and Housing Needs and Demand Assessment at the time of application. Although the timing of the delivery of the affordable housing cannot be guaranteed to be before the private sector housing, due to financial programming, it will be required to be secured, through land transfer or legal agreement before the site

commences.

No modification is proposed.

New Site: H389 Land to the North of Naemoor Road (MD061)

P Keir Doe (0598/02/001): This site was not put forward at any previous stage of the Proposed Plan or during LDP1 and the respondent has not provided any evidence that the community has been consulted. The suggested number of houses has not been provided however the size of the proposed site at 19.85ha suggests a significant number of houses which does not accord with Tayplan (CD022) strategy or the Proposed Plan's approach to tiered settlements, namely (at p16) the Local Development Plan strategy which seeks to allocate only limited growth to those settlements with a range of facilities capable of serving local needs. The respondent states that the site would provide robust settlement boundaries, however such a large development would shift the centre of the village to the north. This site has not been the subject of public consultation, and a site of this size should not be included at this stage of the plan process given its potential impacts on the settlement. Significant issues exist with impact on the landscape setting of the village. This is shown clearly in the photo provided in the respondent's submission at p 5 showing views across the site from Back Crook Road to the hills beyond. Access is also a significant issue which has been shown to be a barrier to H155 discussed below. The only existing access across the River Devon to the village is an historic single lane bridge which would be unsuitable for the amount of land proposed to be developed here. No information on providing access, or other infrastructure including drainage, has been provided in the submission. No evidence of the feasibility or deliverability of such a large site has been provided.

No modification is proposed.

New Site: H155 and H390 Land to the South of Naemoor Road (MD059)

P Keir Doe (0598/03/001): The proposal is put forward in two sites outside the settlement boundary. Site A (previously considered as H155: Crook of Devon Naemoor Road) on its own or in combination with site B (H390) or with site B as a second phase of development to site A.

The history of the Site A (H155) is noted in the SEA (CD073 pages 146-157). Site A was considered through the Kinross Local Plan review where the high costs of servicing the site was identified as a constraint. The upfront cost to construct a new bridge over the river Devon, uncertainty whether suitable land is within the control of the developer and drainage infrastructure costs were noted to be an issue and would not justify an exception to Tayplan strategy. The suggested capacity of over 100 houses would be difficult to integrate into the existing community. In the examination of LDP1 (CD015 page 774) the Reporter noted the site was sufficiently related to the village centre but it was inappropriate to include the site due to the uncertainties of addressing access and drainage infrastructure. The Community Council submission highlights too the importance of this area on the village setting and green space. No further information has been put forward in P Keir Doe's submission to address these issues. No evidence of feasibility or deliverability of the delivery of such a large site has been provided.

Site B has been put forward as an addition to or future extension to Site A and the same arguments for rejection of this proposal are therefore put forward.

No modification is proposed.

## **Ochil Hills Hospital**

### Op19 Ochil Hills Hospital (MD081)

#### *Site Boundary*

Kenneth J Claydon (0053/01/001): The indicated properties are within an area identified for indicative landscaping in association with the proposed opportunity allocation. The boundary of the extant planning application (10/02159/AMM), as shown in the Edinburgh MI's submission (0373/01/001)(CD322), reflects the requested adjustment. However the landscaping requirement in the Proposed Plan is designed to protect the landscape setting of the development. Currently the portion of Mr Claydon's land within the indicative landscaping area and the neighbour's land to the south are already wooded so it is unlikely that any additional planting would be required here and the landscaping requirement seeks to protect that.

No modification is proposed. However if the Reporter is minded, the Council would not object to the proposed modification of the area of indicative landscaping.

If the Reporter is minded to agree to this adjustment, the subsequent impact on the settlement boundary also needs to be addressed. Due to the desire to protect the setting of the opportunity site the land to the south of Mr Claydon's land should not become white land. The settlement boundary would also therefore need to be adjusted as shown in map MD081: Proposed Site Adjustment and Settlement Boundary Adjustment map– Ochil Hills Hospital (Op19).

#### *Housing Numbers*

Edinburgh MI (0373/01/001): The argument put forward for the required increase in housing capacity is that the site is no longer viable with the current numbers largely due to the cost of providing a connection to the public water supply following a refused application for a private supply. The Reporter on appeal of that refusal took a precautionary approach in upholding the Council's decision given the lack of evidence of the catchment area of the proposed supply and the potential consequences for existing supplies should a prolonged dry spell occur. The potential high cost of a public supply was recognised. The position of the respondent that increased numbers are necessary to pay for such a supply is not challenged, however, it was noted in the appeal decision regarding the water supply (CD333, page 10) that the developer gave an assurance in 2011 that connection to a private supply would occur.

The Housing Background Paper (CD018, page 24) shows that during preparation of the Proposed Plan the indicative housing numbers were considered against the need for phosphorous mitigation and were restricted to those in the live application. To adhere to the phosphorus mitigation requirements for 35 houses the applicant was required to remove 118ha of land from agricultural use and plant 31ha of new woodland. Offsetting in this way is no longer an accepted phosphorus reduction measure. An application for an increased number of houses on this site would require a new application. Mitigation of all (up to) 65 homes would be required to meet the standards of Policy 44 and either connect to the Milnathort waste water treatment facility, discharge to an outfall which drains outwith the Loch Leven catchment, or provide 125% mitigation of the phosphorus likely to be generated. SEPA have also advised (CD334) that since the CAR authorisation for this site

was put in place discharge standards have also tightened; treatment would require significant ground investigations and tertiary treatment and that there is no guarantee the small burn could take the discharge. Achieving 125% phosphorus mitigation requires upgrading of existing loads usually by upgrading existing neighbouring septic tanks or connecting them to a new proposed treatment facility taking into account the existing treatment of that home. The worked example in the Supplementary Guidance (CD020, para 7) estimates for a proposed 3 bedroom house (5 population equivalent (PE)) would require upgrading the septic tank of a 5 bedroom house (or more accurately 6.25PE). As a basic estimation 65 homes would require the upgrade or connection to secondary treatment of over 80 homes which far exceeds the number of houses in the neighbouring area.

Such a large site would be contrary to TAYplan hierarchical approach of focusing development in the Principal Settlements and would be particularly inappropriate given the lack of facilities and infrastructure in the area.

Given the conflict with TAYplan of delivering a larger site and the doubt expressed by SEPA of the ability of a larger development to meet the requirements of Policy 44, the limited maximum number of homes assigned to this allocation is appropriate and should not be increased. The developer has made clear that market conditions do not allow the site to be developed with the current permitted housing numbers and that the current allocation is no longer viable. Unless the site can be shown to be feasible with the current numbers the Council would consider removing the site from the next Plan.

No modification is proposed. However if the Reporter felt that the lack of evidence of viability of this site was sufficient to recommend removal, the Council would not object. This would still allow the Council to consider development of the site on a smaller scale under the Housing in the Countryside policy.

#### *Woodland*

Woodland Trust Scotland (0462/01/032): The site has live planning permission and woodland creation has been approved by the Forestry Commission (CD335). Both the Forestry Commission and SNH raised the issue of woodland and ancient woodland on this site during examination of LDP1 (CD015, page 731). The current wording of the requirement follows the Reporter's recommendations.

No modification is proposed.

#### *Drainage*

SEPA (0742/01/083): The developer requirements currently include "provision of a public drainage system with capacity to accommodate surrounding development" and "diversion of effluent outwith Loch Leven Catchment or mitigation measures." While SEPA's objection refers to the conditions of the current CAR licence, as discussed above any new application would be subject to more stringent requirements, and the current phosphorus mitigation method would not be available. The objection however addresses the fact that the current permission allows for a private system and does not require provision of a public system as set out in the Proposed Plan developer requirements. Indeed Scottish Water has confirmed they would not adopt a system here due to its size and remoteness. It is therefore accepted that confining the available waste water options to a public solution is unrealistic.

It is noted that the need to address policy 44 is already stated in the Settlement Summary.

The fifth bullet point of Op19 developer requirements for 'Diversion of effluent outwith Loch Leven Catchment or mitigation measures' is therefore redundant.

If the Reporter is minded the Council would not object to the fourth and fifth bullet points of Op19 being replaced with a single requirement of :

'Provision of a suitable drainage scheme which provides required mitigation'.

## **Powmill**

### Settlement Boundary & Summary (MD084)

Woodland Trust Scotland (0462/01/012): Correspondence with the Woodland Trust (CD336) indicates that the area of ancient woodland referred to by the Woodland Trust appears to be the same area of concern regarding E23 addressed below.

No modification is proposed.

Councillor Michael Barnacle (0584/01/044): The map of the Fossoway Community Strategy Group (CD318) differs little from the Proposed Plan with the exception of the areas marked P4 and P5. P4 notes this area is not suitable for development; this area is best protected from development by excluding it from the settlement boundary. P5 is a large area identified as having limited development potential. This is a substantial area of development which would amount to significant development contrary to the Tayplan hierarchy if brought forward in addition to the brownfield development at H53 and was rejected by the Reporter during the examination of LDP1 (CD015, page 757). The proposed village green is best protected from development by keeping it outside the settlement boundary as noted by the Reporter in relation to LDP1 (CD015 page 756). The Council has committed in LDP2 to holding workshops to explore opportunities for Powmill.

No modification is proposed.

### E23 Powmill Cottage

Woodland Trust Scotland (0462/01/013): The site is bounded to the south of the site by the Gairney Burn. The mapped Ancient Semi-Natural Woodland is misaligned to OS maps (including on Scotland's Environment map) and therefore may include the woodland to the North of the Gairney Burn. However even allowing for this slippage the mapped ASNW appears to extend only to the edge of the site. This wooded area is on a steep slope to the rear of the site designation leading down to the Gairney Burn so is unlikely to be affected by development. The area of woodland on site and therefore abutting the ASNW is also safeguarded as open space with a condition for enhancement of biodiversity, natural space and riparian strip which provides the protection and buffer required.

No modification is proposed.

### H53 Gartwhinzean

Planning permission was granted for demolition of the existing buildings and creation of 12 plots in 2006 (06/01947/FUL). This was extended in time to 2013 (13/00130/FLL) with permission granted until March 2016. There has been no commencement of the development.

Michael Thorn (0132/01/001): In response to Mr Thorn's concerns:

- The concerns about surface flooding are recognised in the SEA and are addressed by the requirement for a flood risk assessment.

No modification is proposed.

- Identification of contamination issues is usually addressed through the development management process. The Council's Environmental Health team have advised that a developer requirement should be imposed.

If the Reporter is minded the Council would not object to a developer requirement of: "investigation and mitigation of potential asbestos contamination".

- Further considerations raised by Mr Thorn have been addressed through the SEA assessment (CD073 pages 406-415).

No modification is proposed.

Lesley Tennent (0384/01/001); Cllr Michael Barnacle (0584/1/034B): The number of houses should be seen in the context of the requirement for phasing of development on this site. The recently expired planning permission was for only 12 homes. The amenity of neighbouring Mill Gardens will be addressed through the development management process.

No modification is proposed.

Councillor Michael Barnacle (0584/01/034B): Cllr Barnacle requests contributions to A977 mitigation measures by reference to his newsletter. The newsletter refers to mitigation measures which were put in place to mitigate the impact of the Clackmannan bridge and are not related to further development in Fossoway. The respondent also refers to the fact that A977 mitigation measures are included in other site developer requirements, namely MU266 and MU74. The need for these requirements is recognised in the relevant SEAs based on an assessment of their impacts. The Councillor rightly points out that H53 had been expected to consider improvements to the A977/A823 junction as originally proposed in LDP1 (CD052, pages 230-231). This is because the original proposal was for a larger site of 120 houses which would have required access from both roads. At examination (CD015, pages 757-758) the Reporter limited the site to the present smaller allocation confined to the west of the A977. As the current site would not bring traffic onto the A823 there is no justification for seeking contributions to the upgrade of the junction, nor is the level of traffic generated by the H53 development likely in terms of overall impact to cause a significant issue on this junction. The developer requirements for this site include a Transport Assessment along with road and access improvements to the satisfaction of the council as Roads Authority. At the time of application assessment of traffic impact will be considered and any required improvements determined, but on the basis of the current site a site specific contribution requirement to upgrade the junction would not be justified.

Note: Councillor Barnacle has also raised the Route Action Plan for the A977 in general terms, with relevance to the Powmill settlement summary. This is addressed in Issue 38 Kinross-shire Area – Kinross and Milnathort.

No modification is proposed.

Woodland Trust Scotland (0462/01/014): The woodland referred to is native woodland but falls outside the development site so no trees would be expected to be felled as part of this development. A landscape framework is required as part of developer requirements which in conjunction with policy 38A(b) would be expected to protect this woodland.

No modification is proposed.

#### New Site: H370. Land North of Powmill Steading (MD083)

Bob Kay (0436/01/001): The proposed site incorporates part of a site submitted during the previous plan process (marked as 715 but excluding smaller site 713 in the respondents' documents)(CD309). It also falls within a much larger site (Powmill 1 MU159) which was submitted at pre-MIR stage. The Table of Pre-MIR Sites and Reasons for not being Taken Forward (CD284 page 53) states MU159 was not taken forward into the Proposed Plan primarily due to the TAYplan tiered settlement approach, the large area proposed, and existing opportunities within Powmill. There were also additional flooding, access and setting concerns. The current suggested smaller site is bounded by "the Milk Bar" on the A977 to the west, Aldie Road to the north, and the Powmill Farm Steadings access road on the east. In further correspondence (CD310) the respondent has also pointed out the lack of development at H53, that the area would be inconspicuous, with no flooding or access issues and has proposed donating surplus land to the community. The Examination Report (CD015 pages 756-757) shows that in the examination of both the Kinross Local Plan and LDP1 there were objections to an extension to the village boundary north of the Powmill Farm Steading shown in the draft plans – objections which were not upheld as the change was not included in either proposed plan. While concerns regarding flooding and setting associated the larger MU159 are reduced here, the site may still have an effect on the settlement pattern by extending the village further north on this side of the A977. With previous objections in mind, and the TAYplan strategy of directing development to the larger settlements, it would be inappropriate to include this suggested site at this stage. The suggested site was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR, so has not had the benefit of stakeholder engagement or public consultation. The settlement summary for Powmill anticipates design-based workshops to take a comprehensive approach to development of the village and to explore the appropriate level of development and potential sites. This opportunity for the landowner and community to be involved in weighing options that best support the vision for the village, is a preferable approach to introducing the site at this late stage.

No modification is proposed.

#### **Rumbling Bridge**

##### Settlement Map (MD084)

Councillor Michael Barnacle (0584/01/044): The settlement boundary on the Fossoway Community Strategy Group map (CD319) differs little from the Proposed Plan with the exception of an area marked as R3 which is excluded from the Proposed Plan. R3 is marked on the respondent's map as not appropriate for development and therefore the appropriate location for this is outside the settlement boundary. Areas marked as capable of development are within the settlement boundary.

No modification is proposed.



## E24 Rumbling Bridge (MD085)

Stewart Roberts (0084/01/001); David Gibb (0085/01/001): The two properties in question fall within the majority of the indicative landscaping shown to the north west and adjacent to the development site. The land here is undulating with rocky outcrops on the A823 side, and rises to a NE/SW ridge separating the houses at Birkfield Park from E24. It has been pointed out to Mr Gibb and Mr Roberts that the landscaping is indicative and does not indicate an employment use on their land in the Proposed Plan, but it is noted that the neighbour notifications they received did not distinguish between the landscaping or the employment use. This site existed in this form in the Kinross Area Local Plan (CD016) page 79) and LDP1 (CD014 page 233). In the Kinross Area Local Plan at page 70, E24 was zoned as "Rural Business" and the area encompassed by the indicative landscaping was identified as "encouragement for tree planting". At LDP1 examination (CD015 page 747) Mr and Mrs Roberts submitted an objection (CD311) to the employment site and also requested that the development should provide landscaping "incl stone walls or wood fences" to screen land owned by residents of Birkfield Park. The Reporter considered that the issues raised would be addressed at application stage to protect amenity but did not specifically refer to the landscaping requirement in the Plan. The Roberts in their representation on Proposed LDP1 noted that their own and their neighbour's land were incorrectly included in the site allocation but this was not treated as an objection during the examination.

The employment site consists of a hollow dropping from the roadside approximately 10m and rises again to a stone wall [see photo (CD312)]. The land continues to rise a short distance to the boundary of the respondents' land [CD313]) and on to a ridge approximately the same height of the road, before dropping down again to the houses below the level of the employment site. The top of the ridge between the site and residences is approximately the height of the roofline of the houses [see photo CD314)]. The ridge was observed to form a significant barrier to the noise from the A977. Landscaping is justified to protect the enjoyment of the land on the ridge as requested by Mr and Mrs Roberts during the consultation of LDP1, which would be assisted by the protection of the mature trees on part of the boundary; however the extensive landscaping identified up, over and down the ridge to the houses is not necessary to protect the current houses from potential noise on the site. This does not affect the need for the developer requirement for a landscape framework albeit on a smaller scale.

If the Reporter is minded to agree to the modification, the Council would not object to the removal of the landscaping requirement, with the site boundary adjusted to the ownership boundary s (MD085).

## **Scotlandwell and Kilmagadwood**

### Settlement Boundary

Portmoak Community Council (0541/01/009): The request to allocate open space on the West to connect the two villages is not supported by other respondents. Retaining the tight settlement boundaries provides greater protection from development than allocating open space. Maintaining the separation of the villages was supported by the Reporter in the examination of LDP1(CD015, page 740). This does not preclude the introduction or upgrading of safe pathways to connect the villages and the wider Portmoak area as suggested in the settlement summary.

No modification is proposed.

#### H54 Scotlandwell

SEPA (0742/01/100): As the Environmental Report identifies the presence of carbon rich soils is present, the application of policy 49 will dictate that an assessment is required.

No modification is proposed. If the Reporter is minded to include a developer requirement the following wording is suggested to be consistent with other site allocations::

‘an appropriate peat survey and management plan to minimise impact and implement suitable mitigation measures’

#### New Site: H161 Scotlandwell 1

N Alexander Esq (0549/01/001): There is no “housing shortfall” as discussed in Issue 1, 3.1 A Successful Sustainable Place, Housing Land Strategy. In many respects the comparison with H54 is valid however additional housing numbers here are not currently required. Additionally the SEA (CD073 pages 472-481) identifies that this site would have a negative impact on the character of the village and its conservation area and would promote ribbon development. The suggested site, in comparison with H54, would be further removed from the centre of the village, the church and Primary School.

No modification is proposed.

#### New Site: H163 Scotlandwell 3

John Beales Esq (0601/01/001): The suggested site sits to the east of the allocated proposal H54 and is proposed as an extension to this allocation. This was also raised by Mr Beales in the examination of LDP1 (CD015, page 735) to provide for a reduced density and footpath links to Friar Place. At this stage the Council did not object however the Reporter did not consider it necessary to extend the site to the east in order to meet TAYplan housing allocations. The following points address Mr Beale’s suggestion:

- Logical extension: The extension to the south to H54 was found at examination of LDP1 to be a logical extension to the village but noted the logical boundaries of hedges and that it did not adjoin the Conservation Area. The addition of the suggested site would form a larger site than is currently needed and would have adverse effects on the Conservation Area and countryside setting as discussed below.
- Schools: There is no need for extra housing to sustain Portmoak Primary which is currently operating at 73% capacity.
- Housing Need. The respondent is asking for more houses across this expanded site however there is no shortfall in housing in the Kinross area (see Issue 1 A Successful Sustainable Place – Housing Land Strategy). A larger allocation here would be contrary to the TAYplan strategy of allocating housing to the tiered settlements first. The Proposed Plan at page 16 “seeks to allocate limited growth to those settlements with a range of facilities capable of serving local needs”. The current proposed housing range on H54 is considered suitable for a non-tiered settlement of this size and additional houses are not required and would not be appropriate given the limited range of services in the village.
- Landscape and views: This site forms an important part of the countryside setting. The small area of open space to the north of the suggested site and south of the burial ground in Friar Place is noted in the Conservation Area Appraisal (CD337,

page 15 and map 7) as allowing for 'long important views over the flat farmland beyond' and 'it is vital that this area is left undeveloped to aid the setting of the burial ground and continue the key views through and beyond'. The site was consequently rejected for development during the examination of LDP1 (CD015, pages 739,742) due to its importance in connecting the conservation area to the countryside beyond. The current suggested site is part of the countryside referred to above and it would be inappropriate to have development here given the importance of these views. It is acknowledged that the respondent has proposed designing the development to protect these views but it is unclear how any development here would not affect this issue of setting. The comparison with H54 is not relevant to the issue of viewpoints as the same arguments do not apply to the views from the north. From the south the impact on setting taken alongside H54 would have a greater impact.

- Open Space: The suggested improvements to open space are acknowledged but do not justify an expansion of the site. Consideration of open space will form part of the assessment of H54.
- Landscaping, transport, affordable housing, family accommodation and jobs: These matters are considered as part of every application and are not considered to be of sufficient weight to outweigh the concerns above.

No modification is proposed.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>