

Issue 50	Whole Plan Issues	
Development plan reference:	Habitats Regulations Appraisal (HRA) page 8 The Vision and Policies pages 9-95 Developer requirements Format Mapping Glossary pages 314-320 Jargon Supplementary Guidance page 322	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Brian Rickwood (0035) Lynne Palmer (0040) Mr Stuart Nichol (0041) Mr Crawford Wilson (0081) Elizabeth Gordon (0110) Alison Bowman (0129) Braes of the Carse Conservation Group (0161) Alan Palmer (0274) Stewart Milne Homes (0290) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) Kristin Barrett (0423) Theatres Trust (0454) Royal Society for the Protection of Birds (RSPB) (0546) Councillor Michael Barnacle (0584) Euan Bremner (0616) Bruce Burns (0663)		
Provision of the development plan to which the issue relates:	General representations to the Plan	
Planning authority's summary of the representation(s):		
<u>Habitats Regulations Appraisal</u> SNH (0353/01/001): Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Minor amendments are recommended to the text within the introductory section on Habitats Regulations Appraisal (HRA) to better reflect the terminology used in the Habitats Directive in relation to adverse effects on the integrity of Natura 2000 sites. The Vision and Policies		

Euan Bremner (0616/01/001) Considers the statements/issues at the beginning of the Proposed Plan regarding conditions which new development is expected to conform to are vague, highly subjective and of no real use. Their negative tone supports the common idea that planning is mainly about restricting change and objectors may use such provisions to oppose developments. The situation in North Scone is an example
A plan should impose clear "rules" on both the public and the authority. Vague aims and policies which can be "cherry-picked" and/or interpreted by the latter, applicants, or others to support their own stances should not be included in a plan.

Stuart Nichol (0041/01/006) Considers that overall it's a good Plan, with correct and up to date policies which are full of fine and appropriate words.

Braes of the Carse Conservation Group (0161/01/016) Give their wholehearted support to the overall vision and policies within the Proposed Plan.

Developer Requirements

Brian Rickwood (0035/01/004) Considers that the Council should determine matters relating to biodiversity, the waste water network, and transport and flood risk assessment, before choosing sites for development, rather than include them as developer requirements. At the very least all developments should be "subject to a satisfactory resolution of the above" and this caveat should be added to the plans.

Format

Councillor Michael Barnacle (0584/01/001) considers it disappointing that a Kinross-shire section of the Plan (LDP2) in terms of Spatial Strategy has been dropped and settlements for the whole authority area listed alphabetically.

Alistair Godfrey (0410/01/021); Bruce Burns (0663/01/001) The respondents consider that the area of Luncarty, Redgorton & Moneydie Community Council is misrepresented throughout Proposed LDP 2. The area is similar to the centuries old Parish of Redgorton that includes Luncarty, Redgorton, Denmarkfield and Bertha Park. These settlements greatly affected by proposals can be missed in the presentation, because information is not provided under settlement names as residents would expect, but frequently under 'Perth'. There is no easy way to find a section in the development plan that collates all the proposed changes for the area of Luncarty, Redgorton & Moneydie Community Council. It is impossible for the lay person to assess so many changes with information and maps scattered all over the PKC website.

Alison Bowman (0129/01/005) ; Alan Palmer (0274/01/002) Consider that it is impossible to respond to the Proposed Plan without having a full picture of all agreed or potential development proposals affecting the town. The Glenisla Golf Course development proposal is not shown in the Alyth and New Alyth settlement summary even though it has outline approval. In order to comment, it is vital to have a master plan showing all the potential developments in the area so that a reasoned judgement can be made.

Crawford Wilson (0081/01/001) Considers the Council's process and approach to the Local Development Plan confusing and frustrating. With 300 pages of draft proposals in

the most recent Local Development Plan 2 and 56 pages covering 103 different sites all over Perth and Kinross all at different stages in the Draft Action Programme.

Mapping

Kristin Barrett (0423/01/002): The respondent raises several points in relation to the presentation of settlement maps and indicative site drawings in the plan:

- Main roads or other features are not identified on the settlement maps. Locals need this identification to help them understand what your maps are trying to show. The respondent refers to a number of reference points (e.g. roads, facilities) which could be shown on the maps and the indicative site drawings.
- The keys for the maps are inadequate. For example, on several of the maps, there are two different green areas, light green and a medium green, but only one green is explained in the legend
- The shape of some sites on the indicative site drawings does not seem to match the site areas on the settlement maps. It is unclear what the blue and yellow dotted lines symbolise on the indicative site drawings.
- It is unclear what indicative landscaping means
- The photos on page 134 are rather dark and not relevant to E31

Alison Bowman (0129/01/003): Considers the indicative site drawings should have a scale on them.

Alison Bowman (0129/01/003): Kristin Barrett (0423/01/002): The indicative site drawings should have north points so that when commenting, the public can refer confidently and accurately to them.

SNH (0353/01/020) Section 4 - Settlement Statement maps "Proposed Landscape Area or Physical Landscape Works." This term is referred to in the legend of many of the settlements maps. We recommend more specific wording is required to describe what will be expected—for example "new woodland planting." To clarify what is expected from the development.

Glossary

Lynne Palmer (0040/01/004) The words sewer, sewerage, waste and effluent are not in the glossary

Theatres Trust (0454/01/006) Increased reference should be made to culture within the Plan and the definition of 'Social and Community Facilities' amended to 'Social, Cultural and Community Facilities' to emphasise the importance of cultural facilities in line with NPF3 and the role of Perth in particular as a place for cultural facilities.

RSPB (0546/01/025) The glossary should include definitions of: Natura site; Ramsar site; Special Area of Conservation (SAC); Special Protection Area (SPA); and Sites of Special Scientific Interest (SSSI). These terms, which relate to important designations protected by legislation and policy are not commonly known or understood, so their inclusion in the glossary would provide clarity.

Jargon

Elizabeth Gordon (0110/01/001) Appreciates that a massive amount of information has had to be presented for consultation and in as concise a way as possible. Unfortunately for a non-expert reader, the terms are often not clarified by use of planning jargon, which necessitates checks of the glossary and other sources.

Supplementary Guidance

Stewart Milne (0290/03/002) Consider that whilst the Proposed Plan is relatively concise and easy to read, it makes reference to Supplementary Guidance in a number of instances. This contradicts Planning Circular 6/2013: Development Planning (page 3 paragraph 8) (CD001) that Development Plans should be succinct and map based with the emphasis on the written material explaining the spatial strategy and the policies and proposals shown on the maps. The new planning bill also removes the ability for Supplementary Guidance to be prepared, adopted and issued with the Development Plan. This increases the need for the Proposed Plan to include all of the necessary information without reference to Supplementary Guidance.

Also, a number of new pieces of Supplementary Guidance are referred to in the Proposed Plan which are not contained in the pack of LDP documents or within the existing Supplementary Guidance documents. It is essential that these documents are produced alongside the Development Plan and available for full consultation as part of that process. Stewart Milne Homes therefore reserve the right to make further comment on emerging documents as the LDP 2 emerges.

Modifications sought by those submitting representations:

Habitats Regulations Appraisal

SNH (0353/01/001): Amend section on page 8 of the Proposed Plan to “Whilst it is not necessary to prepare the HRA until the Proposed Plan has to be submitted to Scottish Ministers it is considered advantageous to prepare it at this stage as it has helped inform and influence the Proposed Plan by ensuring that all policies and proposals will not have adverse effects on site integrity of the Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) within or in close proximity to Perth and Kinross.”

The Vision and Policies

Euan Bremner (0616/01/001) No specific modification sought

Developer Requirements

Brian Rickwood (0035/01/004) Seeks the determination of matters relating to biodiversity, the waste water network and transport and flood risk assessment before sites are allocated in the Plan, and the removal of these matters from developer requirements, or the addition of a caveat to the Plan requiring all developments to be subject to a satisfactory resolution of the developer requirement.

Format

Councillor Michael Barnacle (0584/01/001) No specific modification sought.

Alistair Godfrey (0410/01/021); Bruce Burns (0663/01/001) No specific modification sought

Alison Bowman (0129/01/005); Alan Palmer (0274/01/002) Include the Glenisla Golf Course proposal within the Alyth and New Alyth settlement summary.

Crawford Wilson (0081/01/001) No specific modification sought

Mapping

Kristin Barrett (0423/02/002):

- Identify key features on settlement maps and indicative site drawing (e.g roads, facilities, local facilities)
- Differentiate light green and a medium green in the legend of indicative site drawings
- Clarify what the blue and yellow dotted lines symbolise on the indicative site drawings.
- Clarify what indicative landscaping means

Alison Bowman (0129/01/003): Add a scale to the indicative site drawings

Alison Bowman (0129/01/003): Kristin Barrett (0423/02/002): Add north points to indicative site drawings

SNH (0353/01/020): Instead of generally referring to "Proposed Landscape Area or Physical Landscape Works" specify what is expected from the development e.g. new woodland planting.

Jargon

Elizabeth Gordon (0110/01/001) No specific modification sought

Glossary

Lynne Palmer (0040/01/004) Seeks the inclusion of the words sewer, sewerage, waste and effluent in the glossary

Theatres Trust (0454/01/006) Seeks the definition of 'Social and Community Facilities' to be amended to 'Social, Cultural and Community Facilities'

RSPB (0546/01/025) Requests the addition of the following terms and definitions to the glossary

Natura site: A Special Area of Conservation (SAC) or Special Protection Area (SPA)

Ramsar site: A wetlands area designated under the Ramsar Convention on Wetlands of International Importance.

Special Area of Conservation (SAC): A strictly protected site designated under the EC Habitats Directive (Directive 92/43/EEC). Special Areas of Conservation are classified for habitats and species (excluding birds) listed in Annexes of the Habitats Directive (as amended) which are considered to be most in need of conservation at a European level. These sites, together with Special Protection Areas, are called Natura sites.

Special Protection Area (SPA): A strictly protected site classified in accordance with Article 4 of the EC Birds Directive (Directive 2009/147/EC). Special Protection Areas are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory bird species. These sites, together with Special Areas of Conservation, are called Natura sites.

Site of Special Scientific Interest (SSSI): Sites of Special Scientific Interest (SSSIs) are those areas of land and water (to the seaward limits of local authority areas) that Scottish Natural Heritage considers to best represent our natural heritage — its diversity of plants, animals and habitats, rocks and landforms, or a combination of such natural features. They are the essential building blocks of Scotland's protected areas for nature conservation. Many are also designated as Natura sites. SNH designates SSSIs under the Nature Conservation (Scotland) Act 2004.

Supplementary Guidance

Stewart Milne Homes (0290/03/002) No specific modification is requested, however, it is implied that they wish to see all information in the Plan but that if Supplementary Guidance is to be produced it should be available for comment alongside the Proposed Plan.

Summary of responses (including reasons) by planning authority:

Habitats Regulations Appraisal

SNH (0353/01/001) If the Reporter is so minded the suggested modified text by the respondent should be added to the Habitats Regulations Appraisal section on page 8 of the Introduction as detailed in the 'Modifications Sought' section.

The Vision and Policies

Euan Bremner (0616/01/001) The Plan sets out the TAYplan vision and elaborates on this through the identification of visions for each of the policy groupings. These visions cover the entire Plan area and, by nature are general all-encompassing statements setting out a picture for the future. It is contended that not only the vision, but the more detailed objectives and policy framework set out in the Plan are all worded in a positive and enabling manner which supports and promotes sustainable economic growth. Policies are required to respond to a variety of development scenarios and therefore require a degree of flexibility to deal with a multitude of development proposals. As the Proposed Plan states in the third paragraph on page 8 under 'How to Use the Plan', "the Plan should be read in its entirety and individual policies and

land allocations do not set out the whole picture for the various types of development”, therefore cherry picking of policies is clearly not supported.

No modification is proposed to the Plan.

Developer Requirements

Brian Rickwood (0035/01/004) Before allocating sites within the Development Plan the Council is required to undertake a Strategic Environmental Assessment of each site. This assessment looks at matters such as the water environment, infrastructure, biodiversity, and suggests measures to mitigate any potential negative environmental impacts which development may generate, thus giving the Council the confidence to be able to identify sites as having development potential. The next stage in the process is to carry out further more detailed investigations to determine the specific development potential of the site. These investigations are hugely expensive and it is only with the confidence of a site allocation that a landowner/developer can be expected to commit to financing this more detailed work, and hence their inclusion in the Plan as developer requirements. These, as the title suggests, are required to be carried out to inform the planning application process and the recommendations used to determine the application decision and conditions attached to any consent.

No modification is proposed to the Plan.

Format

Councillor Michael Barnacle (0584/01/001) Placing the list of settlements alphabetically is intended to make the plan easier to read. This change was made from the Adopted Plan in response to customer feedback. Residents of many smaller settlements throughout the council area would not necessarily identify with the housing market areas in which they were allocated such as Strathearn and Strathmore. It is accepted that Kinross-shire is more readily identifiable as a distinct area, however as a whole the approach which emphasises individual settlements makes it easier overall for users of the Plan to find their respective settlements.

No modification is proposed to the Plan.

Alistair Godfrey (0410/01/021); Bruce Burns (0663/01/001) Whilst it is accepted that it would make it easier for the members of the Community Council if the Plan collated all the proposed changes for this area into one section, the Community Council is a very small group of the Plans users. Placing the list of settlements alphabetically will make it easier overall for users of the Plan to find their respective settlements.

No modification is proposed to the Plan

Alison Bowman (0129/01/005); Alan Palmer (0274/01/002) The settlement maps of the Adopted Plan (Alyth and New Alyth map page 279) (CD014) include a symbol to indicate significant housing proposals with planning consent. This approach was not carried forward by the Proposed Plan as this representation is only correct at one point in time - new consents may be granted and existing ones may expire during the lifetime of the Plan. One of the sites which were marked with this symbol in the Adopted Plan is the Alyth Golf Course site which lies to the east of the settlement boundary of Alyth.

Despite being a significant departure from the Development Plan, permission was granted for the mixed use development of site in 2010 due to the economic benefits it may bring to the area (09/01345/IPM) (CD249). During the lifetime of the Adopted Plan there were two attempts for progressing this site with one detailed planning application withdrawn in 2013 (13/00660/FLL) (CD250) and another refused in 2014 (14/00282/AMM) (CD251). The applicant could not present a comprehensive Masterplan and a detailed financial plan to show the funding links between successive phases and provide evidence that all aspect of the project can be delivered, not only housing.

There was a good reason to believe therefore that the site was not effective under the terms of the outline planning consent. This was reflected in the 2016 Housing Land Audit (CD051) which informed the Housing Land Strategy for the Proposed Plan. As of December 2017 when the Proposed Plan was finalised the applicant had not initiated any further discussions with the Council regarding a new detailed planning application. The outline planning consent was due to expire in August 2018 and the Council did not wish to highlight this as a housing/mixed use site in LDP2 as a landward allocation or the alteration of Alyth settlement boundary as this would have been contrary to TAYplan objectives (CD022) page 27 paragraph 1.

The applicant has now submitted a detailed planning application in July 2018 (18/01214/AMM) (CD252) for the first phase of the development. Should the application address the issues with the previous proposals and planning permission is granted, the site will be developed in phases over and possibly beyond the LDP2 period. Nevertheless, the housing land requirement in the Plan has to be met through sites which the Council considers effective and are in line with the Strategic Development Plan at the time of writing. If the site does progress during the LDP2 period, the next review cycle will present an opportunity to include it in the Plan and take it into account when establishing the housing land requirement.

No modification is proposed to the Plan.

Crawford Wilson (0081/01/001) It is acknowledged that there is a significant amount of information and supporting documentation required to be published in addition to the Development Plan itself, and that this can be confusing for the layperson. In an attempt to assist in the understanding of these various documents and the planning process, the Councils Development Plans Scheme (CD042) helpfully sets out an explanation of the documents and the process. In addition, the consultation events held during the Period of Representation were used to help the public understand and work through the documentation.

No modification is proposed to the Plan.

Mapping

Kristin Barrett (0423/02/002) Throughout the Plan, settlement maps have been created using a simplistic, black and white base map. The base map was chosen from various options as it allows for symbols and colours to stand out and works well for larger settlements where there are several designations. A more detailed base map may give more reference points however would also make the maps overcrowded and difficult to

read.

No modification is proposed.

Alison Bowman (0129/01/003): Kristin Barrett (0423/02/002) In terms of the detail and accuracy of the site drawings, it should be noted that they are illustrations and are only indicative. They are not drawn to a specific scale as they are not meant to be precise, but to provide a general idea of the opportunities and constraints on the site. The aim was to keep the illustrations simple and minimise the level of detail. While reference points such as roads and key landmarks may be useful, adding more detail is likely to make the drawings overcrowded. North points were also omitted for the sake of simplicity however the Council would not be opposed to adding these to the site drawings. The shape and outline of the sites might seem slightly different to the settlement maps as a result of a separate digitalisation process however there are no major discrepancies.

Kristin Barrett (0423/02/002) The respondent noted that the indicative drawings use two shades of green. The light green colour with a dashed outline represents areas which were specifically identified for proposed landscaping (e.g. potential formal open space or a landscape buffer). The areas with slightly darker green colour are vaguer, aimed at representing the breathing space between pockets of development which could potentially become green infrastructure. It is acknowledged that the key could be updated to clarify this.

Kristin Barrett (0423/02/002) The difference between Main Routes and Core Routes/Pedestrian Link is that Main Routes indicate potential accesses and roads for vehicles as well as pedestrians while Core Routes/Pedestrian links are mainly aimed at facilitating active travel (e.g. new Core Paths links).

No modification is proposed however if the Reporter is minded, the site drawings could be amended to add north arrows. In addition, to increase clarity, `Potential Green Infrastructure` could be added to the key for the slightly darker green areas and Core Routes/Pedestrian links could be amended to read as Active Travel Routes.

SNH (0353/01/020) The Plan refers to "Proposed Landscape Area or Physical Landscape Works" and "Indicative Landscaping" in the legend of maps and drawings. The choice of terminology was aimed at keeping the requirement general and the maps` legend applicable to every site. Site specific developer requirements often specify the type of landscaping required (e.g. play area or woodland buffer) however in some other cases it cannot be determined in advance what type of landscaping will fit in with the proposal/masterplan for the site.

No modification is proposed to the Plan.

Jargon

Elizabeth Gordon (0110/01/001) Every attempt has been made to keep the document as simple and reader friendly as possible, however, it has to be accepted that some of the terms required to be used are complex and necessitate the use of a glossary.

No modification is proposed to the Plan

Glossary

Lynne Palmer (0040/01/004) It is not considered necessary to include definitions for 'sewer, sewerage, waste and effluent' in the glossary as they are commonly used terms.

No modification is proposed to the Plan, However, if the Reporter considered it necessary to include a definition of these words within the glossary, the Council would be comfortable with this approach.

Theatres Trust (0454/01/006) It is not considered necessary to amend 'Social and Community Facilities' to read as "Social, Cultural and community Facilities as the definition included within the Plan currently includes reference to this type of facility.

No modification is proposed to the Plan. However, if the Reporter considered it appropriate to include the requested modification, the Council would be comfortable with this approach.

RSPB (0546/01/025) The council does not consider it necessary to include definitions of Natura site; Ramsar site; Special Area of Conservation (SAC); Special Protection Area (SPA); and Sites of Special Scientific Interest (SSSI), as the relevant legislation covering these designations contains a definition.

No modification is proposed to the Plan. However, if the Reporter considered it appropriate to include the requested modification, the Council would be comfortable with this approach.

Supplementary Guidance

Stewart Milne Homes (0290/03/002): Supplementary Guidance was introduced to remove detailed information from plans and to allow them to focus on the vision, spatial strategy, overarching and other key policies and proposals. Paragraph 81 of Circular 6/2013 Development Planning (CD001) states "Minor proposals and detailed policies may be removed to Supplementary guidance, especially if there is no significant change from the previous plan...". As the respondent acknowledges, this approach has resulted in the Proposed Plan being relatively concise and easy to read.

The new Planning Bill may likely change the current position in relation to Supplementary Guidance, however, it has yet to be enacted and therefore the Plan must comply with current legislation.

In relation to the timing of the production of Supplementary guidance paragraph 140 of Circular 6/2013 (CD001) advises that Supplementary Guidance can be prepared alongside the LDP, or subsequently. In line with legislation all existing Supplementary Guidance to be taken forward in association with LDP2 and any new guidance referred to in the Plan, will be formally consulted upon therefore and submitted to Scottish Ministers

No modification is proposed

Reporter's conclusions:
Reporter's recommendations: