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Mrs B Murray
Perth and Kinross Council
Sent By E-mail

Our ref: LDP-340-2

9 July 2019

Dear Mrs Murray

**PROPOSED PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of the above proposed plan. Having satisfied ourselves that the planning authority's consultation and engagement exercises conformed with their participation statement our examination of the proposed plan commenced on 5 November 2018. We have completed the examination and now submit our report.

In our examination we considered all 50 issues arising from unresolved representations identified by yourselves to the Proposed Local Development Plan. In each case we have taken account of the original representations, as well as your summaries of the representations and your responses to such, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process included site inspections and requests for additional information from both yourselves and other parties.

We did not require to hold any hearing or inquiry sessions.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, you are now required to make the modifications to the plan as set out in our recommendations.

You should also make any consequential modifications to the text or maps which arise from these modifications. Separately, you will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.



All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to yourselves. We will advise them that the report is now available to view at the DPEA website and will also be posted on your website.

The documents relating to the examination should be retained on your website for a period of six weeks following the adoption of the plan by yourselves.

It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.

Yours sincerely

Katrina Rice
Reporter

Philip Barton
Reporter

Jo-Anne Garrick
Reporter

Martin Seddon
Reporter

**REPORT TO PERTH AND KINROSS COUNCIL ON THE
PROPOSED PERTH AND KINROSS
LOCAL DEVELOPMENT PLAN 2 EXAMINATION**

Reporters: Katrina Rice BSc(Hons) DipTP MRTPI
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Date of Report: 09 July 2019

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Examination of conformity with the participation statement

Introduction

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) states that the person appointed to examine a proposed local development plan “is firstly to examine under this subsection the extent to which the planning authority’s actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a).”

Participation statement

2. The relevant participation statement is the version current when the proposed plan was published on 1 December 2017. This participation statement was contained in the Development Plan Scheme dated November 2017 and approved by the council on 22 November 2017. The participation statement was prepared by the council in order to ensure that interested parties and residents have an opportunity to engage and participate in the future planning of the area. A table provides a breakdown of the different stages in preparing the local development plan, when they are intended to take place, who the council would seek to engage in the process and how the council proposes to do this.

3. For the proposed plan, this includes the following:

- 9 week consultation period (6 week minimum required)
- Formally advertise in local press and on the internet
- Post on website and send e-bulletin/letter to all interested parties
- Formal consultation with key agencies, community councils
- Formal notification of publication of proposed plan to owner, lessee or occupier on a site or on neighbouring land to a proposal
- Provision of copies of the proposed plan to community councils, key agencies, libraries and council offices
- Ten drop in sessions across Perth and Kinross covering weekends and weekdays throughout the representation period
- Pre-consultation awareness briefings for community councils, action partnerships and community learning and development partners
- An online story-map summary of the proposed local development plan with provision for submitting comments online

Report of conformity with the participation statement

4. The council’s report of conformity with the participation statement was submitted with the proposed local development plan, in accordance with section 18(4)(a)(i) of the Act. A table in appendix 1 compares what the council said it would do in its participation statement with what it actually did at each stage in the plan preparation process. Various supporting evidence including samples of advertising and publications were also submitted as well as a summary of comments received regarding the public consultation events and the representation process.

5. Following my further information request, the council provided more information with regard to the following:

- 2,565 letters and emails were sent out to all interested parties including those who had commented on the MIR.
- Notices and an accompanying plan of the relevant proposal were posted out to premises on a proposal site or on neighbouring land to a proposal and were addressed to “the owner, lessee or occupier” in accordance with the regulations.
- Key agencies were emailed with a request for comment on the proposed plan policies prior to consultation. In addition they were notified of the publication of the proposed plan (November 2017) and sent a hard copy. Consultation authorities were consulted on the Environmental Report Addendum and the proposed plan through the SEA Gateway. Both the proposed plan and the Environmental Report were submitted to the SEA Gateway on 1 December with a request to forward to the consultation authorities.

The reporter’s conclusions

6. A number of representations regarding the consultation process consider that there has been a lack of engagement on the part of the council or refer to its complicated and technical nature. However, the council’s report of conformity with the participation statement clearly shows that it has achieved what it set out to do in its participation statement and has complied with the legal requirements. With regard to notification of neighbours, the process undertaken by the council appears reasonable. In any case I am satisfied that it is unlikely to have resulted in any prejudice for the 5 parties who have commented, as they have all submitted representations as part of this examination. I also note that the council intends to take on board various elements of the feedback when planning/organising future consultation exercises. While acknowledging that the process may sometimes appear overly complicated and bureaucratic, I consider that the overall level of consultation undertaken by the council was appropriate. It is not within my remit to examine the Environmental Report.

7. Having considered all of the information provided, including in the further information request, I find that the council has conformed with its participation statement with regard to consultation and the involvement of the public at large as envisaged by Scottish Ministers. I am satisfied that it is not necessary to submit a report to Ministers under section 19A(1)(b) of the Act. The examination of the proposed plan can therefore proceed.

Katrina Rice

29 October 2018

Issue 01	A Successful, Sustainable Place	
Development plan reference:	Section 3.1 A Successful, Sustainable Place p.13 - 18	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
<div> <div> <p>Gavin & Carmen Tripney (0029)</p> <p>Brian Rickwood (0035)</p> <p>Derek & Agnes Redfern (0048/01)</p> <p>James C Somerville (0056)</p> <p>Tayside & Central Scotland Transport Partnership (Tactran) (0057)</p> <p>Daisy Heriot Maitland (0077)</p> <p>Crawford Wilson (0081/01, 0081/02 & 0081/04)</p> <p>J & J Atherton (0088/01 & 0088/02)</p> <p>Ben Challum Ltd (0107)</p> <p>Alison Bowman (0129/01 & 0129/02)</p> <p>Martin Smith (0146)</p> <p>Mr & Mrs Fleming (0150)</p> <p>Braes of the Carse Conservation Group (0161)</p> <p>Kathleen Wilson (0167)</p> <p>David Wilson (0169)</p> <p>Andrew Dundas (0175)</p> <p>Muir Homes (0214/03)</p> <p>Martin Hogg (0227/01)</p> <p>George & Susan Allan (0249)</p> <p>Alan Palmer (0274)</p> <p>Stewart Milne Homes (0290/02, 0290/03)</p> <p>John W Rogers (0304)</p> <p>Peter & Patricia Murphy (0323)</p> <p>Gillian Allan (0342/02)</p> <p>Angus Barrie (0352)</p> <p>Scottish Natural Heritage (SNH) (0353)</p> <p>Mr & Mrs Short (0382)</p> <p>Christian Campbell (0388)</p> <p>Tom & Lucy Boylan (0398)</p> <p>Alan King (0405)</p> <p>Lynn Manderson & James Wilson (0421)</p> <p>Frank Stevenson (0422)</p> <p>Perth Civic Trust (0444)</p> <p>Scottish Government (0451)</p> </div> <div> <p>Theatres Trust (0454)</p> <p>Kinross Estate Company (0466)</p> <p>Errol Estate (0472)</p> <p>Anne Glasgow (0482)</p> <p>Jeffrey Rowlinson (0485)</p> <p>Freda Robb (0520)</p> <p>J B Scott (0521)</p> <p>John Dewar Lamberkin Trust (0532/01)</p> <p>Royal Society for the Protection of Birds (RSPB) (0546)</p> <p>ED Capital (0547)</p> <p>N Alexander (0549)</p> <p>David Scott-Angell (0550)</p> <p>Bellway Homes Limited (0559)</p> <p>Homes for Scotland (0562)</p> <p>Adam Neilson (0566)</p> <p>Andrew Thompson (0574)</p> <p>Pauline Toole (0576)</p> <p>Gladman Developments Ltd (0577)</p> <p>Joe Toole (0579)</p> <p>Leslie W Paterson (0586)</p> <p>Aldi Stores Ltd (0591)</p> <p>Wallace Land Investments (0594)</p> <p>John Beales (0601)</p> <p>Pilkington Trust (0608)</p> <p>Scone Estate (0614)</p> <p>Jacqueline Edwards (0620)</p> <p>A & J Stephen Limited (0622)</p> <p>Duncan Scott (0626)</p> <p>Felicity Martin (0638)</p> <p>Mr & Mrs P Sloan (0655/01 & 0655/02)</p> <p>Joyce & Mike Nairn (0671)</p> <p>Rosemary Philip (0700)</p> <p>Luncarty, Redgorton & Moneydie Community Council (0703)</p> <p>Ross Millar (0708)</p> </div> </div>		
Provision of the development plan to which the issue relates:	Strategic issues relating to the housing land requirement and housing land supply.	

Planning authority's summary of the representation(s):
<p><u>Introductory Paragraphs</u></p> <p>SNH (0353/01/002) - Add the word 'environment' to the first paragraph on page 14 to ensure that the role of the natural heritage in supporting the economy and sense of place is better reflected in this chapter's vision and objectives.</p> <p><u>Vision</u></p> <p>SNH (0353/01/002) - Amend the vision for a Successful, Sustainable Place' to ensure that the role of the natural heritage in supporting the economy and sense of place is better reflected in this chapter's vision and objectives.</p> <p>RSPB (0546/01/001) - Considers that the vision as currently proposed does not include any reference to the area's natural heritage and environmental sustainability. Changes are sought to ensure that they are more consistent with Scottish Planning Policy (SPP) (CD004). Paragraph 13 of SPP confirms that development plans should contribute towards several outcomes including "Outcome 3: A natural, resilient place — helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use".</p> <p>Aldi (0591/01/001) - Supports vision</p> <p><u>Key Objectives</u></p> <p>SNH (0353/01/002) - Consider that the LDP Objectives 10, 12 and 13 (listed in Table 9 of the SEA Addendum to the Environmental Report (CD067) should be added to this section to ensure that the role of the natural heritage in supporting the economy and sense of place is better reflected in this chapter's vision and objectives.</p> <p>RSPB (0546/01/001) - Considers that the last objective should be amended as the key objectives as currently proposed do not include any reference to the area's natural heritage and environmental sustainability. The changes are sought to ensure that they are more consistent with Scottish Planning Policy (SPP) (CD004). Paragraph 13 of SPP confirms that development plans should contribute towards several outcomes including "Outcome 3: A natural, resilient place — helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use".</p> <p>Theatres Trust (0454/01/001) - Recommends increased reference to culture within the Plan and suggests that the sixth bullet point within the Key objectives ("Promotion of a strong cultural character through community sport and recreational facilities offering opportunities for social interaction and local identity") could be broadened to also include 'arts' and 'cultural' alongside community, sport recreation. This would better align the objectives to the definition of social and community facilities set out in the Glossary.</p> <p>Tactran (0057/01/001) - Supports the Key Objectives, particularly the 4th bullet point regarding focussing on development in accessible centres, as it is essential that development is located where it is accessible by a range of sustainable transport modes.</p> <p>Aldi (0591/01/002) - Support objectives.</p>

Housing Land Requirement

James C Somerville (0056/01/001); Mr & Mrs Fleming (0150/01/014); John W Rogers (0304/01/001); Joyce & Mike Nairn (0671/01/001) - Object to the number of houses proposed for development in the Plan for some or all of the following reasons:

- Impact on the environment
- No account taken of community's views
- No rhyme or reason for the numbers proposed
- Major developments allowed to start without significant infrastructure in place
- No need for this extent of over-development of Perth and the surrounding area especially given the lack of large employment opportunities and the fall in house prices; should instead be attracting long term employers
- Population figures upon which the Plan is based are out of date, more up to date figures (2014 projections, RD032) show a trend to lower migration and hence lower population increase – TAYplan and LDP housing requirements are therefore illogical and irrational

Jeffrey Rowlinson (0485/01/009) - The housing requirements for the Scone Area are not a true reflection of need.

Rosemary Philip (0700/01/002) - Dunning does not need any more housing.

Stewart Milne Homes (0290/03/011) - Have serious reservations regarding the Housing Land Supply and its failure to deliver the required number of homes. SPP (CD004, paragraph 116) requires the housing supply target to be increased by a margin of 10-20% in order to ensure a generous supply of housing is provided. Objection is made to only an 18% margin in the Proposed Plan; a 20% generosity, across all areas, is more appropriate. This will give the flexibility necessary for the continued delivery of new housing, even if unpredictable changes to the effective housing land supply occur during the lifetime of the Plan. This will also promote population increase which is key to economic development and the success of the area, and will maintain viable communities and ensure infrastructure and services are adequate to meet the needs of existing and future communities.

Adjustments to the Housing Land Requirement

Reallocation from the Kinross to the Greater Perth Housing Market Area (HMA)

Frank Stevenson (0422/01/001); Kinross Estate Company (0466/01/001); Adam Neilson (0566/01/005); Luncarty, Redgorton & Moneydie Community Council (0703/01/001) - Object to the reallocation of 10% of the housing land requirement from the Kinross to the Greater Perth HMA for some or all of the following reasons:

- This is an unsustainable approach – local housing need and demand should be met in the area where that need arises and where new home owners wish to live.
- With the windfall adjustment, the housing land requirement in the Kinross HMA is effectively reduced by 20% or over 200 units.
- Alternative means of addressing the environmental impact of development on Loch Leven should be considered, such as the allocation of brownfield sites which are currently in another use as this would allow the Council to regulate and control the impact of development on the Loch.
- The Council acknowledges that environmental improvements have been made to the Loch yet the re-allocation remains.

Windfall Sites Assumption

Ben Challum Ltd (0107/01/006) - Supports the restraint on windfall as most completions should come from housing allocations.

Kinross Estate Company (0466/01/005); Adam Neilson (0566/01/006); Gladman Developments Ltd (0577/01/004); Duncan Scott (0626/01/003) - Object to the assumption that 10% of the housing land requirement will be met from windfall sites for some or all of the following reasons:

- The replacement LDP is continuing to place too much reliance on unplanned development to meet its housing land requirements.
- Planning Advice Note (PAN) 2/2010 (CD040, paragraph 62) states that windfall sites should only count towards meeting the housing land requirement once planning permission has been granted for residential development and it has been considered to be effective, or is being developed.
- Since 2013 50% of the housing land supply has been delivered on windfall sites; the Council should see the 10% windfall allowance as a positive for facilitating housing growth and should do more to facilitate windfall sites through the LDP.

Frank Stevenson (0422/01/003); Luncarty, Redgorton & Moneydie Community Council (0703/01/006) - In each of the years 2013-16 over 50% of new build in Perth & Kinross has been windfall. The windfall assumption of 10% is therefore too low.

Housing Land Supply

Stewart Milne Homes (0290/03/004); Homes for Scotland (0562/01/002); A & J Stephen Limited (0622/01/018) - Acknowledge the annualised delivery target of around 846 across Perth & Kinross but the total Housing Supply Target of 10,152 still must be delivered by 2028 (Stirling LDP Examination Report, CD159, page 52, paragraphs 53 and 58).

Based on the 2016 Housing Land Audit (CD051) there is an undersupply of land for at least 610 houses. This does not take into account the oversupply in the Greater Perth HMA. This over supply is necessary as the land supply in Greater Perth is dominated by strategic sites and the respondents would not support any reduction in the land supply within the Greater Perth HMA.

The 2016 Housing Land Audit includes an Adjusted Total 'to reflect the best estimate of likely delivered units' (CD051, page xi). The total assumed land supply in the Audit therefore over-estimates the likely delivery (the adjusted total) by nearly 3,000 houses. A revised Table 4 is suggested which identifies a total shortfall of 2,144 units.

The 2017 Housing Land Audit (CD050) is now available and the following is noted:

- 586 houses were delivered in 2016/17; 521 were predicted over this period in the 2016 Audit.
- The unadjusted 5 year effective land supply position was 4,780 in the 2016 Audit and 4,115 in the 2017 Audit (3,260 and 3,145 adjusted figures).
- From the 2017 Audit it is assumed that an unadjusted supply of 3,293 / adjusted supply of 3,000 may be achieved by 2028.

Taking these figures together a further iteration of Table 4 is suggested which identifies a total shortfall of 2,423 units.

The Council acknowledges the programming of sites in the Audit may be over-optimistic and yet still relies on this programming being achieved. The development plan must be the primary route to the delivery of housing land and whilst there are provisions within Policy 24 to release additional land where an undersupply arises this should be seen as an exception rather than the rule. As of 2017 the 5 year effective land supply position would be 4.3 years. Further land should therefore be allocated within the Plan to ensure a generous supply which can deliver enough new houses by 2028.

Housing Land Supply comments relating to specific HMAs

Duncan Scott (0626/01/004); Stewart Milne Homes (0290/02/003) - Additional land should be allocated in the Greater Perth HMA in order to meet the TAYplan housing land requirement (CD022, page 23). Stewart Milne Homes (0290/02/003): A site is proposed in Burrelton (MU420) which can help address the need in the Greater Perth HMA.

A & J Stephen Limited (0622/01/026) - Methven is a tier 1 principal settlement within the Perth Core Area (TAYplan, CD022, page 8). The current land supply in Methven (at Drumgrain Avenue) is not enough to satisfy TAYplan's locational and strategic housing requirements. Land at Methven should be considered for strategic housing land and mixed use allocation (H418).

Mr & Mrs P Sloan (0655/01/002 & 0655/02/002) - Additional land allocations are required over and above those in the Proposed LDP2 to assist output and deliver the TAYplan and LDP spatial strategy for the area in line with SPP (CD004) and PAN 2/2010 (CD040) requirements. Sites in the Perth Core Area which are well related to their settlement and where infrastructure capacity is available should be considered for allocation to assist housing delivery. Two sites are proposed for inclusion within the settlement boundary at Methven (H221 and H412) which will contribute to the housing land supply as windfall sites. The provision of suitable windfall sites is considered important within the context of the Council's Housing Background Paper (CD018, page 3).

Kinross Estate Company (0466/01/006); N Alexander (0549/01/002); Wallace Land Investments (0594/01/003); John Beales (0601/01/002) - Each respondent promotes a site which will help address an identified shortfall in housing land supply in the Kinross HMA.

Adam Neilson (0566/01/002) - Additional land should be allocated in the Kinross HMA in order to meet the TAYplan housing land requirement (CD022, page 23).

Wallace Land Investments (0594/01/003) - Current allocations within the LDP will not be delivered as anticipated within the Plan period which will impact on the maintaining of an effective housing land supply as required by SPP (CD004). The West Kinross site (H136) could be developed in the short term but could also be safeguarded for beyond 2023. Post 2023 completions for Kinross are 22 per annum from the Lathro site. Greater annual completions could be generated within Kinross and another site, such as West Kinross, could be accommodated.

Kinross Estate Company (0466/01/006) - Allocation of the site at Perth Road, Milnathort (H142) would ensure delivery of the housing land requirement for the Kinross HMA in full in a sustainable way through the managed release of greenfield land rather than the reliance on unplanned windfall development and the transfer of local housing requirements to another HMA. The existing problem at Loch Leven can be addressed on this site through drainage and associated infrastructure improvements.

N Alexander (0549/01/002) - LDP2 refers to Scotlandwell as able to accommodate a small amount of growth (page 297). The allocation of site H161 would also contribute to national affordable housing targets.

John Beales (0601/01/002) - It is unlikely that all the sites identified in the adopted LDP will come forward within the required timetable. Site H163 at Scotlandwell is effective and can be brought forward in the short term.

Muir Homes (0214/03/002) - Object to the housing land requirement for the Strathearn HMA. Based on the published Housing Land Audit (2017 Audit, CD050):

- In Auchterarder all bar one of the existing sites will be completed by 2022/23 with only 100 houses to be built within Auchterarder Framework 2.
- In Crieff 145 houses on 3 sites to be built beyond 2023/24.
- In the Landward area all sites are completed by 2023/24 except 25 houses within the gWest allocation.

A shortfall in supply is identified within the Strathearn HMA and the Plan allocates two new sites in Auchterarder but these equate to less than two years effective supply. Insufficient land has therefore been identified within Auchterarder to meet the areas development needs to 2028 and beyond, and meet the objectives and vision of the Plan.

Bellway Homes Limited (0559/01/002) - The Plan identifies four additional sites to meet the housing land shortfall in the Strathmore HMA but the deliverability of some of the sites, specifically H252 Annfield Place and H341 Westfields of Rattray, is questioned. The Council should review its approach to addressing the identified shortfall and release additional sites to ensure the shortfall can be addressed.

Spatial Strategy for A Successful, Sustainable Place

Perth & Kinross wide comments

Braes of the Carse Conservation Group (0161/01/004) - Support the TAYplan hierarchical system (CD022, page 8). The Plan strategy restricts growth within the smallest and least accessible settlements with few or no local facilities and this is a logical approach to adopt.

Tactran (0057/01/002) - Supports the spatial strategy that follows the TAYplan hierarchical approach and focusses the majority of new development in the Tier 1: Perth Core Area and lesser share of new development in Tier 2 and Tier 3 settlements. This will ensure that development will be in locations that are accessible by a range of sustainable transport modes.

Stewart Milne Homes (0290/03/005) - Object to the tiered approach identified in TAYplan. Auchterarder, for example, is a tier 3 settlement yet it is in a strategic location on the A9 with good transport links to Glasgow and Edinburgh and therefore has a stronger housing market than some of the tier 2 settlements. The TAYplan settlement hierarchy is not helpful in meeting the objective to direct growth to appropriate locations.

Andrew Dundas (0175/01/001) - The Council has not done adequate or proper research to inform the Plan's strategy for spread-out development. The Council should not rely on TAYplan's research but instead carry out its own for the following reasons:

- The assumptions about future households' needs are remote from reality.
- The predominance of small and dual income households is not adequately

represented. More good quality and owner-occupied city centre apartments are needed.

- Present and proposed settlements will require excessive use of motor vehicles. Many households of older one and two persons will become marooned in their homes as they grow older and frailer.
- Lack of clear information, for example to explain the supposed growth in inward migration.

Jacqueline Edwards (0620/01/002) - Meeting the housing demands for Perth & Kinross requires strategic innovation by erecting a new town near to main road and rail routes so that expansion can occur with proper infrastructure.

ED Capital (0547/01/004) - The approved development strategy across Perth & Kinross under the adopted LDP (CD014) is under performing and will not meet the housing land requirement to 2024. Further land releases are therefore needed urgently in LDP2 to rectify this and ensure a minimum 5 years effective supply of land at all times.

Errol Estate (0472/01/006); ED Capital (0547/01/002); Gladman Developments Ltd (0577/01/001); Scone Estate (0614/01/004) - The Plan should allow for developments in settlements that are not defined as principal settlements for some or all of the following reasons:

- The Plan adopts TAYplan Policy 1 (CD022, page 8) in a very limited way which is highly restrictive for many settlements which could satisfy the requirements of Section C by merit of their ability to accommodate development and meet local needs while not undermining regeneration of the main cities.
- TAYplan Policy 1 clearly allows for development outside of principal settlements.
- The Plan's settlement strategy does not meet key rural objectives in SPP (CD004, paragraphs 14, 74, 75)
- Meeting the needs of the various sectors of the market requires the allocation of sites in smaller settlements which perform an important function in the wider area.
- Restricting growth in a settlement that is not considered a key settlement, but is one that is in a sustainable location and has capacity to accommodate development can be detrimental to a thriving community.
- There should be more emphasis on directing growth across the whole Council area.
- Developments of suitable a scale and nature, managed through the development management process, can: improve the range and type of housing in an area, provide critical support for existing facilities and services, stem rural depopulation and rural homelessness, and restrict commuting. Design solutions can avoid the 'suburbanisation of the countryside' (Policy 1C, CD022, page 8).

Greater Perth HMA

John Dewar Lamberkin Trust (0532/01/002) - Support the housing strategy and Housing Land requirement for the Greater Perth Area in Table 1 (page 17) for the following reasons:

- Accords with the minimum TAYplan requirements.
- Delivery of the strategy for the Greater Perth HMA relies upon a series of strategic housing sites; providing a broad range of sites reduces the risks posed by delays.
- The range of strategic sites in the Greater Perth HMA provides long term certainty as to the direction of new growth for the next 10-15 years.
- The strategic sites bring with them significant employment land.

Duncan Scott (0626/01/002) - Even during the peak period 2007 to 2009 average completion rates in the Greater Perth HMA fell short of the 540 unit per year TAYplan requirement (2017 Housing Land Audit, CD050, page 34). This suggests that, despite the LDP indicating an adequate land supply in the Plan, delivery rates will continue to fall short of the TAYplan requirement (CD022, page 23). Appealing to market constraints to justify such a delivery failure is an inadequate response. The proposed policy response under Policy 24 is also inadequate in that this is linked to a supply failure as opposed to a delivery failure.

A more robust housing land strategy is required. The allocation of more sites delivering lower levels of completions per annum per site will result in a higher overall level of completions than a more limited supply would within the same market environment. The housing land requirement therefore needs to be substantially enhanced where delivery is dependent on a smaller number of very large strategic sites as is the case in the Greater Perth HMA.

Site programming in the Housing Land Audit (CD050) is overly optimistic compared to historical completion rates which further supports increasing the housing land allocation for the Greater Perth HMA. Successive Housing Land Audits have shown ongoing difficulties in achieving delivery across many sites within the Greater Perth HMA and a substantial number of sites, particularly smaller sites, should be considered non-effective.

Perth Civic Trust (0444/01/001) - LDP2 allocates land for rapid expansion of housing in Perth and the surrounding villages. If all land allocated for housing is developed the population of Perth City and the Core Area Villages together could increase by over 35% by 2040. The centre of gravity of Perth will move North West away from the existing City Centre. The level and type of development is very likely to impact on the character of Perth. The integrity of the heritage of the City centre will be jeopardised by the lack of vitality and economic activity.

Frank Stevenson (0422/01/004); Luncarty, Redgorton & Moneydie Community Council (0703/01/007) - The housing provision planned for Greater Perth has a significantly higher degree of contingency than is necessary to reach TAYplan requirements (CD022, page 23)

Mr & Mrs Short (0382/01/010) - Growth may be required long term but there is a danger that Perth, and in particular Scone, will become overdeveloped without the infrastructure and demand to support such a huge development.

Daisy Heriot Maitland (0077/01/002); Alan King (0405/01/003) - Object to the allocation of a housing site in Dunning for some or all of the following reasons:

- It is unclear where the demand for additional houses arises from.
- It is short sighted to give up prime agricultural land for speculative housing developments.
- Dunning is not one of the places close to Perth that has been specified for expansion.

Freda Robb (0520/01/003); Pilkington Trust (0608/01/002) - Object to the allocation of an expanded Perth West site MU70 for some or all of the following reasons:

The 2017 Housing Land Audit (CD050, page 22) allocates only 550 units to the Perth

West site. The housing land supply set out in the 2017 Audit is sufficient to meet the TAYplan housing land requirement for the Greater Perth HMA (CD022, page 23). Including an expanded Perth West site in the 2018 Audit (CD049) would create an over-supply of 25%. There is therefore no justification in housing land supply terms to expand the Perth West site.

Pre-recession completion rates in the Greater Perth HMA averaged 415 per year but this fell post-recession. Programming in the 2017 Audit projects completions increasing well beyond pre-recession levels. While completion rates are improving unrealistic projections should not be used to determine housing land needs; the figures should be balanced against past trends. It is purely speculative to anticipate that an extended Perth West site will increase completion rates when there is already sufficient land.

Highland HMA

ED Capital (0547/01/003) - Object to the exclusion of any housing sites in Fearnan for the following reasons:

- The TAYplan sequential approach (CD022, page 8) does not prevent expansion of non-principal settlements and sites have been allocated in other non-principal settlements in the Plan at Kenmore, Murthly and Ballinluig.
- Other sites carried forward from LDP1 are not progressing and artificially inflate the housing land supply.
- The presumed building rate in the Highland HMA has not been achieved and the Council may therefore fail to maintain a 5 year effective supply of land – more land requires to be released to stimulate the stagnant market.
- The identified shortfall in supply will exacerbate the existing lack of mainstream family housing.
- The existing allocation at Aberfeldy has not progressed and therefore needs to be removed as ineffective. This site represents around 3.5 years of the HMA's land supply. Alternative sites, which are deliverable, should instead be allocated.
- There are substantial internal movement and mobility patterns within the Highland HMA suggesting a requirement for local needs housing.

Kinross HMA

Adam Neilson (0566/01/007) - Although the LDP indicates that an adequate supply of housing land has been allocated to meet the TAYplan housing land requirement (CD022, page 23) for the Kinross HMA, and increased allocation should be made to ensure delivery in accordance with TAYplan.

Past completion rates are a maximum of 60 per year which indicates that the level of delivery will continue to fall short of the TAYplan requirement of 84 units per year. Appealing to market constraints to justify such a delivery failure is an inadequate response. The proposed policy response under Policy 24 is also inadequate in that this is linked to a supply failure as opposed to a delivery failure.

A more robust housing land strategy is required. The allocation of more sites delivering lower levels of completions per annum per site will result in a higher overall level of completions than a more limited supply would within the same market environment. The housing land requirement therefore needs to be substantially enhanced where delivery is dependent on a smaller number of large sites as is the case in the Kinross HMA.

Site programming in the Housing Land Audit is overly optimistic compared to historical completion rates which further supports increasing the housing land allocation for the Kinross HMA. Successive Housing Land Audits have shown ongoing difficulties in achieving delivery across many sites within the Kinross HMA and a substantial number of sites, particularly smaller sites, should be considered non-effective.

Strathearn HMA

Ben Challum Ltd (0107/01/003) - Crieff is a tier 2 settlement (CD022, page 9). SPP (CD004 paragraph 110) requires the provision of a generous land supply for each HMA. It is therefore not appropriate for the Plan to compensate under provision in land supply in one HMA with over provision in another.

Object to the means of addressing the 225 unit shortfall in the Strathearn HMA. The output from individual sites is artificially inflated to maintain supply and there is no evidence that the sites with increased capacities will deliver housing any more quickly.

Derek & Agnes Redfern (0048/01/002); Crawford Wilson (0081/01/002, 0081/02/002 & 0081/04/002); Kathleen Wilson (0167/01/002); David Wilson (0169/01/002); Martin Hogg (0227/01/001); Gillian Allan (0342/02/002); Angus Barrie (0352/01/001); Christian Campbell (0388/01/002); Lynn Manderson & James Wilson (0421/01/002); Anne Glasgow (0482/01/002); David Scott-Angell (0550/01/001); Andrew Thompson (0574/01/001); Pauline Toole (0576/01/002), Joe Toole (0579/01/002); Leslie W Paterson (0586/01/002); Felicity Martin (0638/01/004) - Object to the allocation of a housing site in Comrie for some or all of the following reasons:

- The allocation is contrary to TAYplan as Comrie is not identified as a tiered settlement; it is identified as within a category of settlement where growth should be limited (CD022, pages 8 - 9).
- The allocated site is not 'relatively modest' but would significantly extend the settlement boundary.
- Comrie is a Green Destination (Sustainable Destinations Top 100) and this cannot and must not be jeopardised by a plan that is based on an assumption that Strathearn requires more housing.
- No new housing is required because bank closures will mean that existing businesses and working people will be leaving over the next 10 years.
- The resulting increase in population cannot be justified and significantly threatens the character and quality of Comrie's Conservation Area and status.
- A total of 330 additional houses are already included in the Plan in Crieff and Auchterarder which is 105 units above the identified shortfall.
- There is a need for a small amount of local affordable housing in Comrie, but not for the number of houses proposed for the allocated site.
- Any shortfall in requirement in Strathearn can be met by density increases at existing sites at Broich Road and Kirkton.
- The Plan appears to make no provision for increased density at the sites in Crieff and Auchterarder (Housing Background Paper, CD018, table 5) but instead proposes an increase from low to medium density on Site H58, in a small non-tiered settlement.
- There is a current oversupply of housing allocation in Crieff – 410 units against a total requirement 265 for whole Strathearn area.
- TAYplan and LDP2 are only based on assumptions and these can be wrong – why should Comrie have more housing just to meet some projected and assumed

target?

- There is no basis to suggest that supply of housing is required at this site.
- No evidence that the site is effective and would contribute to housing land requirements.

Strathmore HMA

Brian Rickwood (0035/01/001); J & J Atherton (0088/01/002 & 0088/02/002); Martin Smith (0146/01/002); J B Scott (0521/01/001); Ross Millar (0708/01/002) - Object to the level of development allocated to Blairgowrie for some or all of the following reasons:

- New development should be spread more evenly across the whole of Eastern Perthshire;
- Impact on the character and amenity of Blairgowrie;
- Increase is not justified by the population growth figures for Perthshire – risk that Blairgowrie will be left with empty houses;
- Blairgowrie/Rattray are not included in the TAYplan Strategic Development Area (CD022, pages 18-19) – the number of houses proposed is therefore disproportionate to the needs of the area and any possible meaningful increase in employment;
- Employment opportunities in Blairgowrie are limited – development should instead be directed to areas closer to the main centres of population and industry / commerce, namely Perth and Dundee;
- Impact of additional commuting traffic on infrastructure and the environment;
- There are already enough houses available for sale;
- Few local people want to see the town grow as rapidly as is proposed.

Gavin & Carmen Tripney (0029/01/001); Alison Bowman (0129/01/001 & 0129/02/001); George & Susan Allan (0249/01/002); Alan Palmer (0274/01/001); Peter & Patricia Murphy (0323/01/002); Tom & Lucy Boylan (0398/01/002) - Object to the housing land allocation for Alyth for some or all of the following reasons:

TAYplan Policy 1 (CD022, pages 8-9) directs most new development to principal settlements where most people live and where most jobs, services and facilities are already located. Alyth is a tier 3 settlement and many people already commute out of the town for work, education, leisure and sport. Blairgowrie is tier 2 and is more self-sufficient. Utilising sites in Blairgowrie should therefore be the preferred option. Development in Alyth (of site H252 specifically) therefore runs counter to TAYplan's strategic goals and principles.

The Main Issues Report acknowledges that market conditions in Alyth suggest targets will not be reached by 2028 (CD046, page 81, paragraph 4.6.27) and that the stock of housing requirement land is already generous. The Proposed TAYplan states that 'There is not considered to be any greater likelihood of delivering these housing supply targets simply by providing a more generous land supply. This is because the housing supply targets already imply significant generosity as a consequence of these delivery challenges. Doing so may also bring about unintended consequences for delivering the vision' (TAYplan Proposed SDP May 2015, RD033, page 29). There are already a significant number of houses with planning consent. The scale of additional housing land in Alyth therefore seems excessive and is not reflected by identified needs, by market demand or any great desire from the residents of Alyth. The reasons in the Main Issues Report (CD046) for discounting the other 4 sites are not insubstantial. The site will do little to enhance Alyth. If

all developments – proposed and already consented – were to be approved this would result in a significant increase in population and have an adverse impact on infrastructure. The potential for more jobs and better infrastructure in the town seems almost non-existent; there has been no interest in the only economic development site for 20 years. There is a risk of building more houses than Alyth can properly sustain. Existing developments should be concluded before taking away greenspaces unnecessarily.

Other comments

Scottish Government (0451/01/001) - The difference between the Perth and Kinross Council total Effective Housing Land Supply figure in the Plan Table 1 and in the Housing Background Paper Table 7 (CD018) has not been explained clearly in the Plan. If the difference is the impact of windfall and small sites, this should be explained more clearly in the Plan itself to comply with SPP (CD004, paragraphs 199 and 177).

Scottish Government (0451/01/003) - Identifies small arithmetical issues in Table 7 of the Housing Background Paper (CD018).

Gladman Developments Ltd (0577/01/002) - The Housing Supply Target is a minimum and the benefits of oversupply should be acknowledged. Flexibility in the supply can overcome some of the failure during the last plan period and this, coupled with the evident past and potential supply of housing through windfall, should be encouraged. The over-optimistic programming of sites can also have implications on local infrastructure. The TAYplan Housing Supply Target for Perth and Kinross (CD022, page 23) should therefore be expressed in the Plan to make the Plan easier and more practical to use, and offer greater clarity.

Scottish Government (0451/01/002) - The amount of affordable housing in terms of units is not set out in the Plan. This does not fully comply with SPP (CD004, paragraph 128).

Modifications sought by those submitting representations:

Introductory Paragraphs

SNH (0353/01/002) - 1st para, 2nd sentence pg 14: insert the word 'environment' after "Successful communities are created through their"

Vision

SNH (0353/01/002) - Amend final sentence to "Our vision is for a flourishing Perth and Kinross which represents the heart of Scotland, an area which celebrates and enhances its rich natural assets and cultural heritage, and an economically dynamic and socially inclusive region providing opportunities to both existing and future residents of the area".

RSPB (0546/01/001) - Add "sustainable" before "culturally rich" and "with a healthy natural environment," after "...social inclusive region".

Key Objectives

SNH (0353/01/002) - Add LDP Objectives 10, 12 and 13:

LDP objective 10 - Protect the natural and built environment, and ensure that new

development embraces the principles of sustainable design and construction, energy efficiency and heat decarbonisation.

LDP objective 12 - Conserve and enhance habitats and species of international, national and local importance.

LDP objective 13 - Identify and promote green networks where these will add value to the provision, protection and enhancement, and connectivity of habitats, recreational land, and landscapes in and around settlements and active travel.

RSPB (0546/01/001) - Amend the last objective to read: "Maintain the distinctiveness and diversity of the area through protection and enhancement of the natural and historic environment."

Theatres Trust (0454/01/001) - Amend the sixth bullet point to also include 'arts' and 'cultural' alongside community, sport recreation.

Housing Land Requirement

James C Somerville (0056/01/001); Mr & Mrs Fleming (0150/01/014); John W Rogers (0304/01/001); Joyce & Mike Nairn (0671/01/001) - No specific change sought but it is assumed that the respondents wish the housing supply target in the Plan to be reduced.

Jeffrey Rowlinson (0485/01/009) - No specific change sought.

Rosemary Philip (0700/01/002) - No specific change sought.

Stewart Milne Homes (0290/03/011) - The LDP2 and subsequent housing land requirements should be amended to allow for 20% generosity.

Adjustments to the Housing Land Requirement

Reallocation from the Kinross to the Greater Perth HMA

Kinross Estate Company (0466/01/001 & 0466/01/005) - The full Kinross HMA requirement should be redistributed to appropriate locations within the Kinross HMA, with a particular focus on the existing key settlements, including Milnathort. The text on page 16 should be revised accordingly, and the entry for the Kinross HMA on Table 1 on page 17 amended to:

HMA	Total HLR	Adjusted HLR	Effective Supply	Shortfall
Kinross	1,008	1,008	802	-206

Adam Neilson (0566/01/005) - Alternative means of addressing the environmental impact of development on Loch Leven should be considered prior to making a reallocation to the Perth HMA, such as the allocation of brownfield sites.

Frank Stevenson (0422/01/001); Luncarty, Redgorton & Moneydie Community Council (0703/01/001) - The re-allocation from the Kinross to the Greater Perth HMA should be removed from LDP2 or criteria defined as to under what measurable circumstances it will be removed in future.

Windfall Sites Assumption

Ben Challum Ltd (0107/01/006) - No specific change sought.

Adam Neilson (0566/01/006); Duncan Scott (0626/01/003) - Excluding windfall sites will create shortfalls in housing land supply and additional land should be allocated to address these.

Gladman Developments Ltd (0577/01/004) - The Council should actively seek to approve windfall housing sites that are seen as sustainable development in line with SPP (CD004).

Frank Stevenson (0422/01/003); Luncarty, Redgorton & Moneydie Community Council (0703/01/006) - The windfall assumption should be increased to 30%.

Housing Land Supply

Stewart Milne Homes (0290/03/004); Homes for Scotland (0562/01/002); A & J Stephen Ltd (0622/01/018) - Further sites that are, or can become, effective should be brought forward through the LDP to meet the housing land requirement.

Housing Land Supply comments relating to specific HMAs

Stewart Milne Homes (0290/02/003); Duncan Scott (0626/01/004) - Additional land should be allocated in the Greater Perth HMA. Stewart Milne Homes (0290/02/003): Site MU420 at Burrelton should be allocated for housing.

A & J Stephen Limited (0622/01/026) - Site MU418 at Methven should be allocated for housing and mixed use.

Mr & Mrs P Sloan (0655/01/002 & 0655/02/002) - Site H221 or site H412 at Methven should be allocated for housing.

Wallace Land Investments (0594/01/003) - Additional land should be allocated in the Kinross HMA, specifically Site H136 at West Kinross.

Adam Neilson (0566/01/002) - Additional sites should be allocated in the Kinross HMA.

Kinross Estate Company (0466/01/006) - Additional land should be allocated in the Kinross HMA, specifically Site H142 at Perth Road, Milnathort.

N Alexander (0549/01/002) - Additional land should be allocated in the Kinross HMA, specifically Site 161 at Scotlandwell.

John Beales (0601/01/002) - Additional land should be allocated in the Kinross HMA, specifically Site H163 at Scotlandwell.

Muir Homes (0214/03/002) - Additional land should be identified for housing in Auchterarder.

Bellway Homes Limited (0559/01/002) - The Council should review its approach to addressing the identified shortfall in the Strathmore HMA and release additional sites to ensure the shortfall can be addressed.

Spatial Strategy for A Successful, Sustainable Place

Perth & Kinross wide comments

Stewart Milne Homes (0290/03/005) - References to the TAYplan settlement hierarchy should be removed from the LDP.

Andrew Dundas (0175/01/001) - The Council should carry out full research on household needs and current trends in the demography of all settlements.

Jacqueline Edwards (0620/01/002) - Housing demands should be met by erecting a new town near to main road and rail routes.

ED Capital (0547/01/004) - Additional land should be allocated to meet the housing land requirement.

Gladman Developments Ltd (0577/01/001) - There should be more emphasis on directing growth across the whole Council area and flexibility within the LDP to allow developments of suitable a scale and nature that can improve the range and type of housing in an area.

Errol Estate (0472/01/006); ED Capital (0547/01/002); Gladman Developments Ltd (0577/01/001); Scone Estate (0614/01/004) - The Plan should allow for developments in settlements that are not defined as principal settlements.

Greater Perth HMA

Duncan Scott (0626/01/002) - The housing land strategy for the Greater Perth HMA should include more small sites.

Perth Civic Trust (0444/01/001) - The concentration of new residential development on the periphery of Perth should be balanced by maximising new housing development within the City.

Frank Stevenson (0422/01/004); Luncarty, Redgorton & Moneydie Community Council (0703/01/007) - No specific change sought but it is assumed that the respondents wish the housing land requirement for the Greater Perth HMA to be reduced.

Mr & Mrs Short (0382/01/010) - No specific change sought.

Daisy Heriot Maitland (0077/01/002); Alan King (0405/01/003) - No specific change sought but it is assumed that the respondents wish the housing land strategy for the Greater Perth HMA to be changed to exclude the proposed housing allocation in Dunning.

Freda Robb (0520/01/003); Pilkington Trust (0608/01/002) - The extended MU70 site should be removed.

Highland HMA

ED Capital (0547/01/003) - Additional land should be allocated in the Highland HMA and the housing land strategy should be changed to allow the inclusion of a site for housing in Fearnan.

Kinross HMA

Adam Neilson (0566/01/007) - The housing land strategy for the Kinross HMA should include more small sites

Strathearn HMA

Ben Challum Ltd (0107/01/003) - Additional land should be identified for housing in Crieff.

Derek & Agnes Redfern (0048/01/002); Crawford Wilson (0081/01/002, 0081/02/002 & 0081/04/002); Kathleen Wilson (0167/01/002); David Wilson (0169/01/002); Martin Hogg (0227/01/001); Gillian Allan (0342/02/002); Angus Barrie (0352/01/001); Christian Campbell (0388/01/002); Lynn Manderson & James Wilson (0421/01/002); Anne Glasgow (0482/01/002); David Scott-Angell (0550/01/001); Andrew Thompson (0574/01/001); Pauline Toole (0576/01/002), Joe Toole (0579/01/002); Leslie W Paterson (0586/01/002); Felicity Martin (0638/01/004) - Site H58 in Comrie should be removed from the housing land supply for the Strathearn HMA.

Crawford Wilson (0081/01/002) - Allocations within the adopted LDP should be reassessed to understand whether this site will continue to count towards the effective housing land supply in Strathearn.

Strathmore HMA

Brian Rickwood (0035/01/001); J & J Atherton (0088/01/002 & 0088/02/002); Martin Smith (0146/01/002); J B Scott (0521/01/001); Ross Millar (0708/01/002) - The number of houses proposed for Blairgowrie should be reduced.

Brian Rickwood (0035/01/001) - New development should be spread more evenly across the whole of Eastern Perthshire.

Ross Millar (0708/01/002) - Development should be directed to areas closer to the main centres of population and industry/commerce, namely Perth and Dundee.

Gavin & Carmen Tripney (0029/01/001); Alison Bowman (0129/01/001 & 0129/02/001); George & Susan Allan (0249/01/002); Alan Palmer (0274/01/001); Peter & Patricia Murphy (0323/01/002); Tom & Lucy Boylan (0398/01/002) - The number of houses proposed for Alyth should be reduced.

Other comments

Scottish Government (0451/01/001) - The final two columns of table 7 in the Housing Background paper (CD018) should be incorporated into table 1 of the Plan.

Scottish Government (0451/01/003) - Small arithmetical issues in Table 7 of the Housing Background Paper (CD018) should be corrected.

Gladman Developments Ltd (0577/01/002) - The TAYplan Housing Supply Target (CD022, page 23) for Perth and Kinross should be expressed in the Plan.

Scottish Government (0451/01/002) - The number of new affordable housing units should be set out within the Plan.

Summary of responses (including reasons) by planning authority:

Introductory Paragraphs

SNH (0353/01/002) - It is not considered necessary to include the word 'environment' in this paragraph as the role of the environment in creating successful places is more appropriately covered in the introductory paragraphs to section 3.3 A Natural Resilient Place.

No modification is proposed to the Plan. However, if the Reporter is so minded the local authority would be comfortable with this additional wording being inserted as it would not have any implications for any other aspect of the Plan.

Vision

SNH (0353/01/002); RSPB (0546/01/001) - It is not considered necessary to amend the vision in this chapter to include reference to natural heritage and environmental sustainability as this is covered in section 3.3 A Natural Resilient Place.

No modification is proposed to the Plan. However, if the Reporter is so minded the local authority would be comfortable with either of the additional wordings suggested being inserted as it would not have any implications for any other aspect of the Plan.

Key Objectives

SNH (0353/01/002) - It is acknowledged that LDP Objectives 10, 12 and 13 (listed in Table 9 of the SEA Addendum to the Environmental Report (CD067) have a relevance to this section, however, these objectives are considered to be more directly linked to policies contained within the other policy sections in the Plan, and have therefore been listed there.

No modification is proposed to the Plan.

RSPB (0546/01/001) - It is contended that the Plan is consistent with paragraph 13 of SPP (CD004) and that its contribution to "Outcome 3: A natural, resilient place is addressed" in policy section 3.3 of the Plan entitled 'A Natural, resilient Place.

No modification is proposed to the Plan.

Theatres Trust (0454/01/001) - Whilst it is not considered necessary to include the suggested amendments, the Council would have no objection to this as it would not have any implications for any other aspect of the Plan.

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.

Housing Land Requirement

James C Somerville (0056/01/001); Mr & Mrs Fleming (0150/01/014); John W Rogers (0304/01/001); Joyce & Mike Nairn (0671/01/001) - SPP requires that strategic development plans set out the housing land requirement for each local authority area and

HMA (CD004, paragraph 118). Extensive research was carried out to inform the preparation of TAYplan 2, including a Housing Needs and Demand Assessment (CD045). This Assessment brought together a wide variety of data, including population and household projections, and was confirmed as 'robust and credible' by the Scottish Government Centre for Housing Market Analysis on 24 February 2014 (CD045). As with the Proposed LDP2, TAYplan 2 was subject to full consultation at all stages with stakeholders and the general public. TAYplan 2 was approved by Scottish Ministers in October 2017. In the Examination Report the Reporter clearly states that he has 'set out the housing land requirement for the various individual HMAs within Perth & Kinross' (CD059, page 226, paragraph 36).

It is acknowledged that, since the Proposed LDP2 was prepared, new population projections have been published. The TAYplan Examination Reporter considered (in relation to household projections) that these projections 'provide no substitute for a comprehensive housing need and demand assessment. Such assessments contain a much more sophisticated analysis of the range of factors that may affect future need and demand....I give these projections only a limited amount of weight' (CD059, page 221, paragraph 10). It is considered that the same view can be taken of the most recent population projections. The housing land requirement is set by TAYplan and the Proposed LDP2 must conform to this higher level Plan.

The decisions which have allowed some major developments to start were made taking full account of the infrastructure required, and the stage at which it will be needed.

No modification is proposed to the Plan.

Jeffrey Rowlinson (0485/01/009); Rosemary Philip (0700/01/002) - It is suggested that the housing requirements for Dunning and for the Scone area do not accurately reflect the level of need but there is no requirement to set a housing land requirement for individual settlements. The site allocations at Scone and Dunning are a key part of a range of sites which have been allocated within the Perth Area to meet the housing land requirement for the Greater Perth HMA. The respondents perhaps fail to recognise that whilst some strategic sites may have thousands of houses the critical factor in maintaining an effective 5 year housing land supply is the number delivered per year. The allocations in Dunning and Scone, both with proven market demand are key to providing market choice and maintaining an effective supply.

No modification is proposed to the Plan.

Stewart Milne Homes (0290/03/011) - In their representation Stewart Milne Homes request that the margin of increased flexibility between the housing supply target and the housing land requirement is increased to the maximum 20% – SPP suggests a range of 10-20% (CD004 paragraph 116). Stewart Milne Homes participated in the Examination of TAYplan 2. It is therefore assumed that this respondent is aware that in strategic development planning areas the housing supply target, flexibility margin, and the resulting housing land requirement is to be set by the strategic development plan in accordance with SPP (CD004, paragraph 118). In setting the 18% flexibility margin the TAYplan Examination Reporter concluded that '...the application of an 18% generosity margin that produces the same housing land requirement as is set out in the Proposed Plan for Perth and Kinross is the most pragmatic way to ensure that the plan contains a more realistic housing supply target and housing land requirement for this area, whilst also ensuring that national policy requirements relating to the housing land supply are fulfilled.' (CD059, page 226,

paragraph 35).

No modification is proposed to the Plan.

Adjustments to the Housing Land Requirement

Reallocation from the Kinross to the Greater Perth HMA

Frank Stevenson (0422/01/001); Kinross Estate Company (0466/01/001); Adam Neilson (0566/01/005); Luncarty, Redgorton & Moneydie Community Council (0703/01/001) - TAYplan Policy 4 (CD022, page 22) requires LDPs to identify sufficient land to meet the housing land requirement within each HMA. Part D of Policy 4 does, however, allow for the reallocation of a proportion of the housing land requirement to another HMA for areas where there are serious environmental or infrastructure capacity constraints. The 10% reallocation from the Kinross HMA to the Greater Perth HMA is a continuation of the approach taken for the adopted LDP and is due to the continued risk of adverse impact on the Loch Leven Special Protection Area and National Nature Reserve of seeking to meet the housing land requirement arising in the Kinross HMA in full. Whilst the ideal is for housing need and demand to be met within the HMA it arises, the reallocation of 10% of the housing land requirement from the Kinross to the Greater Perth HMA amounts to 8-9 houses per year, or 101 in total over the period to 2028 (Housing Background Paper, CD018, Table 3). It is not considered that an annual reduction in housing in the Kinross HMA of this scale will have a significant adverse impact. Despite the reduction there is still a requirement for the allocation of land for over 800 houses in the Kinross HMA in the period to 2028.

It is acknowledged that, as for all HMAs, there is also a 10% windfall allowance applied to the calculation of the housing land requirement for the Kinross HMA. Whilst this does reduce the amount of land which requires to be allocated in LDP2, all the windfall allowance does is take into account those developments which are expected to take place on sites which are not specifically allocated in the Proposed LDP2 – it does not serve to reduce the number of houses which will be built in the Kinross HMA in the way that the reallocation does.

Brownfield sites have already been taken into account in the identification of the housing land supply. In identifying those sites to include within the Proposed LDP2 as allocations, the Council considers brownfield sites which meet the 'effectiveness' criteria set out in PAN 2/2010 (CD040, paragraph 55). Furthermore, the housing land supply calculation includes an assumption that 10% of the housing land requirement will be met on windfall sites. The vast majority of windfall sites are brownfield. The allocation of brownfield sites which are currently in another use is therefore not considered a realistic alternative to the reallocation of 10% of the Kinross HMA housing land requirement to the Greater Perth HMA.

The Loch has been degraded over the last 150 years by the addition of phosphates through man made activities. The Strategic Environmental Assessment of the adopted LDP (CD368, pages 64-80) identified a particularly high level of constraint in the Kinross HMA primarily due to the potential for significant adverse impact on Loch Leven. Adopted LDP policy EP7 (CD014, page 55) sought to ensure that there was no adverse impact from new development on Loch Leven and this has helped improve the ecological status of the Loch.

Whilst much of the Kinross HMA was identified as being free from or with only limited strategic constraints (CD368, page 72), this does not mean that there is scope for significantly more development as housing land allocations still have to accord with the TAYplan and LDP strategies of directing the most growth to the largest settlements. Kinross/Milnathort are the only TAYplan tiered settlements in the HMA (CD022, page 9) and they are both within the Loch Leven Catchment area. In light of the above, and in accordance with the precautionary principle, it is still considered appropriate to recognise the continuing vulnerability of the Loch arising from additional development within the Catchment Area and to seek to reduce this by reallocating a proportion of the housing land requirement to the adjacent Greater Perth HMA. Whilst it is recognised that there are also environmental issues in the Greater Perth HMA there is considered to be more than enough scope in this area to absorb the additional 8-9 units per year. The reallocation amounts to approximately 1.7% of the Greater Perth HMA housing land requirement.

The dis-benefits of reallocating 10% of the housing land requirement from the Kinross HMA to the Greater Perth HMA are considered minimal. When this is balanced against the potential positive effects in reducing the impact of additional development on the Loch Leven Special Protection Area and National Nature Reserve, the reallocation is still considered an appropriate and sustainable approach.

No modification is proposed to the Plan.

Windfall Sites Assumption

Ben Challum Ltd (0107/01/006) - The support from Ben Challum Ltd for the windfall assumption appears to be based on the misunderstanding that 10% is a maximum figure and the amount of windfall land will be restricted to 10%. As discussed further in the paragraphs below, past completions have shown that the amount of development on windfall land has historically been significantly higher. Policy 17: Residential Areas offers encouragement to appropriate infill residential development and to seek to restrict the level of windfall development would be in conflict with this policy.

Frank Stevenson (0422/01/003); Kinross Estate Company (0466/01/005); Adam Neilson (0566/01/006); Gladman Developments Ltd (0577/01/004); Duncan Scott (0626/01/003); Luncarty, Redgorton & Moneydie Community Council (0703/01/006) - It is acknowledged that the guidance in PAN 2/2010 (CD040, paragraph 62) is not to count windfall towards meeting the housing land requirement. It should be noted, however, that PANs are guidance rather than policy.

During the Examination of the adopted LDP the Reporter acknowledged the difficulty for a Proposed Plan, prepared within a plan led system, which relies on sites which come forward for development unexpectedly (CD015, page 312, paragraph 12). The Reporter therefore sought, by means of a request for further information, evidence for each HMA which demonstrated that windfall sites have consistently become available over the previous 5 years, and therefore the amount that was on the balance of probabilities likely to come available over the next 5 years (CD015, page 312, paragraph 13 & CD060). On the basis of the evidence provided the Reporter concluded that '...it is possible to agree with the Council that the 10% windfall sites allowance is a conservative estimate based on an analysis of past completions on sites that have come forward as windfalls rather than being part of the planned supply. Consequently there is no need to remove that allowance from the calculation of the additional land required to meet the projected building rate' (CD015, page 313, paragraph 13).

Since then the Council has published, as part of the annual housing land audit, the number of completions on windfall sites. The Housing Land Audit 2016 (upon which the housing land supply calculations are based) shows that in the 5 year period 2012-16 an average of 52% of all completions on sites of 5 units or more were on windfall sites (CD051, page v). The 10% windfall allowance therefore continues to be a very conservative allowance of the contribution from windfall sites.

The adoption of a conservative allowance is to guard against the possibility that, following the adoption of the new LDP2, the number of windfall sites coming forward will slow down given that the new Plan will identify a range of new sites (although this has not been the experience following the adoption of LDP1). Furthermore, as the Examination Reporter for the adopted Plan noted, the LDP is prepared under a plan led system and as such a 10% windfall allowance is considered to strike an appropriate balance between maintaining the plan led approach, and reflecting what actually happens on the ground (CD015, pages 312-313, paragraphs 12-13).

Windfall sites are defined in the Proposed LDP2 as those sites which become available for development unexpectedly. Given past trends, the assumption that 10% of the housing land requirement will be met on windfall sites is considered both reasonable and realistic but the precise sites which will become available for development are generally unknown. Policy 17: Residential Areas already has a presumption in favour of sites coming forward for residential and compatible uses on undesignated land within settlement boundaries. Given the nature of windfall sites it is difficult to see what more the Council can do to facilitate them through the LDP.

Far from placing a reliance on unplanned development to meet the housing land requirement, the inclusion of an assumption that 10% of the requirement will be met on sites which are currently undesignated is a realistic, balanced and proportionate response. On this basis the Council considers that the retention of the 10% windfall allowance in the calculation of the housing land requirement for LDP2 is appropriate.

No modification is proposed to the Plan.

Housing Land Supply

Stewart Milne Homes (0290/03/004); Homes for Scotland (0562/01/002); A & J Stephen Limited (0622/01/018) - The inclusion of an adjusted total in the annual housing land audit programming summary (CD051, page ix) is simply intended to give an indication of what is realistically expected to be built. The failure of sites to deliver as quickly as they are programmed is due to the current economic climate rather than any issues with the sites themselves. The speed at which sites are developed lies largely with the development industry and as such is outwith the control of the Council. The economic climate and availability of finance will continue to be the main influences on delivery and on this basis it is not appropriate to allocate even more sites as these are unlikely to be brought forward any quicker than those already identified in the Plan.

The fact remains that, in line with TAYplan Policy 4 (CD022, page 22) and as set out in the Housing Background Paper (CD018), sufficient land has been identified in each HMA to meet the housing land requirement. Furthermore, there is an allowance already built into the housing land requirement to ensure that there is a supply of land to meet the housing supply target in the event that some sites fail to come forward or take longer than expected to deliver. For the purposes of calculating the housing land supply it is therefore

inappropriate to use the adjusted total from the housing land audit programming summary.

The Housing Background Paper (CD018) was prepared alongside the Proposed LDP and was approved by the Council in November 2017. This sets out the housing land supply position using the 2016 Housing Land Audit (CD051) which was the most up to date published data available at that time. Additional housing land allocations were made in the Proposed Plan to meet the shortfalls which were identified in the Housing Background Paper.

The methodology used by Homes for Scotland at paragraph 2.10 of their representation compares the 12 year housing land requirement against an 11 year supply by deducting 2016/17 completions. This results in an immediate shortfall as completions in 2016/17 of 586 fell well below the annualised housing land requirement of 1,000 units. As abovementioned, however, this is not down to a lack of supply but rather that sites have simply not delivered in the timescales which they could have been if market conditions were more favourable. Several of the sites in the land supply are capable of higher delivery rates should the market support this.

It is acknowledged that since the Proposed Plan went out for consultation the 2017 Housing Land Audit has been published (in November 2017). However, it is not realistic or appropriate to recalculate the entire housing land supply position based on the 2017 Housing Land Audit at this late stage in the process. TAYplan Policy 4 requires land to be allocated to meet the requirement for the period 2016-28 and it is therefore considered appropriate to continue to use the base date of 2016 in calculating the additional allocations needed to meet the housing land requirement.

It is acknowledged that TAYplan requires consideration of the whole period from 2016-28 rather than on an annual basis (CD022, page 22) but, as previously mentioned, the shortfall in annual completions to meet the annual housing land requirement is not down to an inadequate supply but a failure of the industry to deliver. It is hoped that completions in later years will be much closer to, or even exceed, the annual housing land requirement but this is totally dependent on the rate of market recovery. It is likely to take some time for completion rates to reach pre-recession levels. Action 12 of the Joint Housing Delivery Plan for Scotland (CD061, page 22) highlights that the economic crisis has seen many people leave the construction industry. This has impacted on the ability of the development industry to deliver new housing. During the TAYplan 2 Examination Homes for Scotland also acknowledged the 'challenging nature of the housing supply target set for Perth & Kinross due to the much lower levels of past and projected delivery' (CD059, page 221, paragraph 11).

To add annual shortfalls in completions to the overall need for additional housing land runs the risk of the Council having to continually increase the supply of housing land, potentially with detrimental impacts on local communities and the environment, with little hope of actually increasing the output particularly in the early years of market recovery. Should there not be an economic improvement then the additional supply will not be needed because the development industry will not be able to deliver the higher house numbers due to the lack of finance both to the construction industry and to house purchasers. The Examination Reporter for LDP1 reinforced this view concluding that '...problems with marketability stem from weakness on the demand side and these cannot be solved by an increase in supply by way of further releases of land' (CD015, page 313, paragraph 17).

No modification is proposed to the Plan.

Housing Land Supply comments relating to specific HMAs

Land has been identified in each HMA to meet the housing land requirement in the period to 2028. Sites have been identified in accordance with the locational priorities set out in TAYplan Policy 1 (CD022, page 8). Where a shortfall in supply was identified following the Main Issues Report, the Housing Background Paper (CD018) sets out how this has been addressed in Proposed LDP2.

Stewart Milne Homes (0290/02/003); A & J Stephen Limited (0622/01/026); Duncan Scott (0626/01/004); Mr & Mrs P Sloan (0655/01/002 & 0655/02/002) - There is a significant surplus in housing land supply in the Greater Perth HMA (Housing Background Paper, CD018, page 5). There is, therefore no need to identify additional land in the Greater Perth HMA. Across the Perth Core Area a range of sites have been identified to meet the housing land requirement for the Greater Perth HMA. In identifying which sites to allocate consideration was given to how well the site would relate to the rest of the settlement, and any infrastructure capacity issues. As discussed under the 'Housing Land Requirement' section above, there is no requirement to set a housing land requirement for individual settlements. It is therefore considered incorrect to state that the land supply for Methven is insufficient to satisfy TAYplan's locational and strategic housing requirements, or to deliver the spatial strategy. As discussed under section 'Windfall Sites Assumption' above, windfall sites have in the past made a significant contribution to the housing land supply, yet only a conservative assumption of 10% is included within the housing land supply calculation. The fact that a settlement boundary alteration will create a windfall site is not therefore considered adequate justification for changing the boundary.

Kinross Estate Company (0466/01/006); N Alexander (0549/01/002); Adam Neilson (0566/01/002); Wallace Land Investments (0594/01/003); John Beales (0601/01/002) - In the Kinross HMA the allocation of an additional site at Crook of Devon and a review of site capacities are more than sufficient to meet the very small shortfall identified (Housing Background Paper, CD018 page 6). The allocation of longer term sites is discussed under Issue 12 Policy 24: Maintaining an Effective Housing Land Supply. The windfall assumption and reallocation to the Greater Perth HMA are discussed under 'Adjustments to the Housing Land Requirement' section above. It is not disputed that the allocation of site H161 in Scotlandwell could potentially deliver affordable houses but it is not considered that this in itself justifies the allocation of the site for housing. It should also be noted that the current supply of housing land in Scotlandwell (site H54) is likely to serve the needs of the village beyond the Plan period. Given the modest market demand in this area an additional site may not increase the effective supply.

Muir Homes (0214/03/002) - As discussed above, the housing land supply calculation was based on the 2016 Housing Land Audit which was the most up to date published data available at that time (CD051). The decision was taken for the Strathearn HMA to increase densities on two existing allocations at Broich Road, Crieff and at North West Kirkton, Auchterarder (MU7 and H228). The additional supply of 330 units arising from this was more than sufficient to meet the 225 unit shortfall identified over the 12 year period to 2028 (Housing Background Paper, CD015, page 6). The site programming in the 2017 Housing Land Audit (CD050) does not include this additional supply coming forward from increased capacities as, at the time of publication of the Audit, these changes had not been approved by the Council. The increased capacities are reflected in the Draft 2018 Housing Land Audit (CD049). At the time of writing, the Draft 2018 Audit is out for consultation but as it currently stands the land supply from 2023/24 onwards at the Auchterarder Development Framework sites (including North West Kirkton) has increased

from 102 in the 2017 Audit (CD050, page 24) to nearly 400 in the draft 2018 Audit (CD049, page 24). In Crieff the land supply beyond 2023/24 has increased by 70 units to 265 (CD049, page 25). The position remains largely the same in the Strathearn Landward Area. Although the exact numbers may change this clearly demonstrates that there is a supply of housing land in the Strathearn HMA both in the short and longer term and no additional allocations are therefore required.

Bellway Homes Limited (0559/01/002) - Issues relating to the deliverability of specific sites in the Strathmore HMA are addressed under Issue 46: Strathmore and the Glens Area – Blairgowrie and Rattray, and Issue 45: Strathmore and the Glens Area – Alyth and New Alyth. Policy 24: Maintaining an Effective Housing Land Supply sets out how any future shortfall in housing land supply will be addressed.

Overall the Council is satisfied that the sites identified in Proposed LDP2 to meet the housing land requirement in each of the HMAs are effective. No further allocations are therefore required to meet the housing land requirement during the period to 2028 in any of the HMAs across Perth & Kinross.

No modification is proposed to the Plan.

Spatial Strategy for A Successful, Sustainable Place

Perth & Kinross wide comments

Stewart Milne Homes (0290/03/005) - TAYplan sets the spatial strategy with which the LDP must accord.

Andrew Dundas (0175/01/001) - Extensive research was carried out to inform the preparation of TAYplan2 including environmental assessments, Housing Needs and Demand Assessment, and infrastructure capacity work (CD022, page10). The TAYplan Strategic Development Plan Authority comprises Perth & Kinross, Angus, Dundee City, and Fife Councils. Officers from each Council together with the TAYplan Strategic Development Plan Authority Team carried out the research, in other words, this is Perth & Kinross Council's research. The Council therefore disputes the suggestion that inadequate research was carried out to inform the spatial strategy for Proposed LDP2.

No modification is proposed to the Plan.

Jacqueline Edwards (0620/01/002) - In order to protect and enhance the role of the towns and cities TAYplan specifically states that 'there will be no need for any new settlements during the lifetime of this Plan' (CD022, page 11). The LDP must conform with the higher level Strategic Development Plan. TAYplan sets out a spatial strategy to deliver a sustainable pattern of development by directing most new development to principal settlements. These are the towns and cities where most people live and work. They also have the land and infrastructure capacity to be able to accommodate new development (CD022, page 10). Perth & Kinross Council has opted for the strategic expansion of Perth to the north and north-west, and the Proposed LDP2 sets out the infrastructure required for this expansion.

No modification is proposed to the Plan.

ED Capital (0547/01/004) - As above-mentioned under 'Housing Land Strategy', the slow

rate of housing completions is not due to a failure of the spatial strategy. It is a result of the overall economic climate and the failure or inability of the development industry to deliver houses on the ground. The spatial strategy set out in TAYplan, with which the LDP must conform, was approved by Scottish Ministers on 11 October 2017.

No modification is proposed to the Plan.

ED Capital (0547/01/002); Errol Estate (0472/01/006); Gladman Developments Ltd (0577/01/001); Scone Estate (0614/01/004) - In accordance with TAYplan the majority of development is directed to the principal settlements. It is acknowledged that the LDP can allocate land in non-principal settlements where they accord with the criteria set out in TAYplan Policy 1C (CD022, page 8) and there are several allocations in the Proposed LDP which fall within this category. During the previous Examination, however, the Reporter removed a number of sites in non-principal settlements on the grounds that sufficient land had already been allocated to deliver the housing land requirements of TAYplan within, or on the edge of principal settlements (CD015, page 549 (Forgandenny), page 550 (Abernethy)). For Proposed LDP2 the majority of allocations in non-principal settlements are those which have already been through the Examination process and carried forward from LDP1. The detailed assessments of the various sites being promoted by the respondents against TAYplan Policy 1C are considered in the relevant settlement Schedule 4.

TAYplan Policy 1C sets out three criteria; proposals for development falling within this category must meet all three of these criteria, including the requirement to genuinely contribute to the outcomes of TAYplan. It is acknowledged that additional development in small settlements can help meet the needs of the various sectors of the market. The Council, however, refutes the suggestion that the LDP's settlement strategy does not meet the key rural objectives in the SPP (CD004, paragraphs 74 and 75). Many of the smaller settlements have boundaries drawn to allow for small scale infill development to come forward and be assessed against the existing policy framework. Policy 19: Housing in the Countryside and Policy 8: Rural Business and Diversification allow for appropriate development to come forward in those settlements which do not have boundaries defined. The Council's decision not to include what is often a large expansion to an existing small settlement does not constitute a failure of the LDP to meet the SPP objectives.

Overall the Council considers that the allocations contained within Proposed LDP2 meet the TAYplan requirement to allocate land to meet the housing land requirement in accordance with the spatial strategy set out in TAYplan Policy 1 (CD022, page 8).

No modification is proposed to the Plan.

Greater Perth HMA

Daisy Heriot Maitland (0077/01/002); Mr & Mrs Short (0382/01/010); Alan King (0405/01/003); Frank Stevenson (0422/01/004); Perth Civic Trust (0444/01/001); Duncan Scott (0626/01/002); Luncarty, Redgorton & Moneydie Community Council (0703/01/007) - As discussed above under 'Housing Land Strategy', it is not considered that the allocation of additional sites will result in an increase in the rate of house completions. The Council maintains that the low completions rate is as a result of delivery failure and not supply failure. In accordance with TAYplan Policy 4 (CD022, page 22) sufficient land has been allocated in the Proposed LDP2 to meet the housing land requirement. The annual Housing Land Audit is prepared in consultation with Homes for Scotland and their member

organisations. In the vast majority of cases agreement is reached on the programming and deliverability of the sites contained within the Audit. Any disputes are noted. There were no disputed sites in the 2016 Audit upon which the calculations for the Proposed LDP2 are based. The Council therefore refutes the suggestion that a substantial number of sites in the Audit should be considered non-effective. It is acknowledged that, whilst programming in the Audit reflects a site's potential, Council wide the total programming is likely to be an over-estimate of actual delivery due to market conditions. As is stated in the Audit, however, 'in the event of a more rapid [market] recovery the identified sites have not only the potential to deliver the number of houses identified in the Housing Land Audit but in many cases they could deliver higher numbers' (CD051, page ix).

In the representation by Duncan Scott it is suggested that 'the allocation of more sites delivering lower levels of completions per annum per site will result in a higher overall level of completions'. However no evidence has been submitted to substantiate this claim. It is suggested that the allocation of additional sites in the Greater Perth HMA could have the opposite effect and could even prejudice the bringing forward of the Strategic Development Areas in the Perth Core Area. At the Examination for LDP1 it was acknowledged that there were challenges to be overcome in the delivery of the strategic sites (CD015, page 302). Since then, however, Bertha Park (MU345) has been granted planning consent and is under construction. Sites at Almond Valley (MU73) and Perth West (MU70) are moving forward with the help of Perth & Kinross Council. These strategic expansion sites are of such a scale that they are better able to deliver the infrastructure and services necessary than numerous smaller piecemeal developments which are generally less likely to be able to contribute and could therefore put undue pressure on existing services and infrastructure. Furthermore the concentration of development to the north and west of Perth offers the opportunity to link these strategic sites to shared infrastructure improvement thus making them more economically viable and deliverable. The approach taken by the Council is considered robust. The Council does not therefore consider that the housing land supply should be 'substantially enhanced' as suggested in the representation.

No modification is proposed to the Plan.

Representations have also been submitted which suggest that the housing land supply for the Greater Perth HMA is too high and that it is unclear as to where the demand for additional houses arises from. The housing land requirement set out in TAYplan was derived from the Housing Needs and Demand Assessment which sets out both the need for affordable housing and the demand for market housing (CD045). In line with TAYplan Policy 1 the vast majority of new development is directed to the principal settlements. In Perth & Kinross the only tier 1 settlement is the Perth Core Area which includes Perth and those principle settlements surrounding the City (CD022, pages 8 - 9).

Particular concerns are raised in representations regarding the allocations at Scone and Dunning. The detailed consideration of these sites is set out under Issue 29: Perth Core Settlements and Issue 31: Greater Perth South and West – Outwith Core. TAYplan Policy 1: Location Priorities directs LDPs to focus the majority of development in principal settlements (CD022, page 8). In line with the Strategic Development Plan, the majority of the housing land requirement in the Greater Perth HMA will be met within defined settlements of the Tier 1 Perth Core Area. This includes Scone. Dunning does not fall within the Perth Core Area but TAYplan does also allow for some development in non-principal settlements providing that it meets the criteria set out in TAYplan Policy 1C (CD022, page 8). The principle of a housing land allocation in Dunning has been carried

forward from the adopted LDP.

The concerns raised by the Perth Civic Trust, relating to a potential shift in the centre of gravity away from the City centre, are acknowledged but the reality is that the opportunities for the strategic expansion of Perth are limited by geography. The existing policy framework seeks to protect and enhance the viability and vitality of the City centre but it must be recognised that all towns and cities will evolve and change with new development. It is not therefore considered appropriate to change the spatial strategy for the Greater Perth HMA.

It is acknowledged that there is a significant volume of new housing sites allocated in the Perth Core Area. It must be remembered, however, that this is a very long term supply of housing land. The large strategic sites north and west of Perth City will extend well beyond the Plan period of 2028, for example, the Bertha Park site (MU345) delivering 100 houses per year will take more than 30 years to reach completion. As abovementioned, the strategic sites are of a scale to be able to deliver the necessary infrastructure and services. It is precisely because these sites, both in Perth and in other settlements within the Core Area, are so big that it allows the infrastructure and services to be properly planned in advance and much more effectively than would be the case for numerous smaller scale ad hoc developments.

Whilst the housing land supply in the Greater Perth HMA is more than that required by TAYplan, there is nothing in either TAYplan or SPP which prevents the Council from providing more land than is necessary to meet the housing land requirement. The housing land supply in the Greater Perth HMA is heavily reliant on strategic sites. A generous supply of land is therefore essential to ensure that the housing land requirement can still be met should any of these strategic sites stall or fail to deliver as quickly as anticipated. It is also necessary to support the significant investment in infrastructure by both developers and the Council. Ultimately, developers will only build what the market can absorb and the oversupply has the added benefit of providing significant certainty to both developers and communities as to where growth will, and will not, take place over the next 30-40 years.

Pilkington Trust (0608/01/002); Freda Robb (0520/01/003) - In relation to the proposal to extend the Perth West site MU70, it is acknowledged that on the surface it would appear that there is no necessity to expand this site in order to meet the housing land requirement. The justification for the MU70 expansion is considered under Issue 25: Perth Strategic Development Area. As above-mentioned, the housing land requirement is derived from the Housing Need and Demand Assessment. It is not based on the programming information set out in the 2017 Housing Land Audit.

No modification is proposed to the Plan.

Highland HMA

ED Capital (0547/01/003) - It is acknowledged that TAYplan does allow LDPs to allocate sites in non-principal settlements providing that they meet the criteria set out in TAYplan Policy 1C (CD022, page 8). As above-mentioned, generally the reason for those sites carried forward from LDP1 failing to deliver is down to market conditions rather than issues with the sites themselves. It is not therefore considered that the allocation of yet more sites in the Highland HMA will 'stimulate the stagnant market' in the way that the respondent suggests. As set out in the Housing Background Paper, the housing land shortfall in the Highland HMA is a mere 3 units which can very easily be accommodated

with the 18% flexibility allowance which has been added to the housing land requirement (CD018, page 5 - 6).

The site at H36 in Aberfeldy has progressed more slowly than anticipated, again, due to the general slowing down of the market which has been experienced across much of Perth & Kinross. The Council are, however, satisfied that this site is effective and will deliver within the lifetime of this Plan. Aberfeldy is a tier 3 principal settlement and is therefore to be preferred as a location for new housing development over non-principal settlements, including those put forward by the respondent, in line with TAYplan Policy 1.

No modification is proposed to the Plan.

Kinross HMA

Adam Neilson (0566/01/007) - In accordance with TAYplan Policy 4 (CD022, page 22), and as detailed in the Housing Background Paper (CD018), sufficient land has been allocated or is expected to become available in the Kinross HMA to meet the housing land requirement. The annual Housing Land Audit is prepared in consultation with Homes for Scotland and their member organisations and the programming and deliverability of these sites is agreed. The Council therefore refutes the suggestion that a substantial number of sites in the Kinross HMA contained in the Audit should be considered non-effective. It is acknowledged that, whilst programming in the Audit reflects a site's potential, Council wide the total programming is likely to be an over-estimate of actual delivery due to market conditions. As is stated in the Audit, however, 'in the event of a more rapid [market] recovery the identified sites have not only the potential to deliver the number of houses identified in the Housing Land Audit but in many cases they could deliver higher numbers' (CD051, page ix).

In the representation by Adam Neilson it is suggested that 'the allocation of more sites delivering lower levels of completions per annum per site will result in a higher overall level of completions'. However no evidence has been submitted to substantiate this claim. As discussed above under 'Housing Land Supply', it is not considered that the allocation of additional sites will result in an increase in the rate of house completions. The Council maintains that the low completions rate is as a result of delivery failure and not supply failure. The Council does not therefore consider that the housing land supply should be 'substantially enhanced' as suggested in the representation.

No modification is proposed to the Plan.

Strathearn HMA

Ben Challum Ltd (0107/01/003) - The representation from Ben Challum appears to be a misunderstanding of the way in which HMAs are defined – Crieff is not a HMA in itself but is part of a wider Strathearn HMA which includes Crieff, Auchterarder and a number of smaller settlements (page 18).

As discussed under 'Housing Land Supply' above, the individual site programming set out in the annual Housing Land Audit is an assessment of what could be delivered on each site should the market support this. The programming information is not, as suggested by the respondent, artificially inflated in order to maintain supply. In the Strathearn HMA the identified shortfall is to be met from increased densities on two existing sites with a proven ability to accommodate increased numbers (Housing Background Paper, CD018, Table 5).

This is considered to be the best way of addressing the shortfall in land supply in this area as there is capacity within the existing allocation and it therefore makes the best use of existing allocated land rather than identifying new sites.

No modification is proposed to the Plan.

Derek & Agnes Redfern (0048/01/002); Crawford Wilson (0081/01/002, 0081/02/002 & 0081/04/002); Kathleen Wilson (0167/01/002); David Wilson (0169/01/002); Martin Hogg (0227/01/001); Gillian Allan (0342/02/002); Angus Barrie (0352/01/001); Christian Campbell (0388/01/002); Lynn Manderson & James Wilson (0421/01/002); Anne Glasgow (0482/01/002); David Scott-Angell (0550/01/001); Andrew Thompson (0574/01/001); Pauline Toole (0576/01/002), Joe Toole (0579/01/002); Leslie W Paterson (0586/01/002); Felicity Martin (0638/01/004) - The detailed consideration of site H58 in Comrie is set out under Issue 43: Strathearn Area – Settlements with Proposals. In relation to the principle of allocating a site in a non-tiered settlement, as above-mentioned, TAYplan Policy 1: Location Priorities directs LDPs to focus the majority of development in principal settlements (CD022, page 8). In line with the Strategic Development Plan, the majority of the housing land requirement in the Strathearn HMA will be met within the principal settlements of Auchterarder and Crieff. TAYplan does, however, also allow for some development in non-principal settlements providing that it meets the criteria set out in TAYplan Policy 1C. On this basis an additional housing land allocation in Comrie has been carried forward from the adopted LDP.

The allocation of site H58 was considered at the previous Examination. The previous Reporter concluded that ‘the vast majority of the additional housing requirement..., apart from the site for 30 houses in Comrie, is located within the two principal settlements. It is also the case that the TAYplan housing land requirement figure is not a maximum to be provided but a minimum to be achieved. It is difficult to argue, therefore, that the designation of site H58 for 30 houses is contrary to the TAYplan spatial strategy.’ (CD015, page 826, paragraph 2). The decision was taken in preparing the adopted Plan that, in line with the Strategic Development Plan (then TAYplan1), limited growth would be allocated to those non-tiered settlements which have a range of facilities capable of serving local needs. This included Comrie. This approach is still in line with TAYplan2 and the principle of allocating site H58 for housing is therefore still considered appropriate.

The housing land requirement for the Strathearn HMA has been set by the higher level TAYplan with which the LDP must comply. The housing land requirement was informed by the TAYplan-wide Housing Needs and Demand Assessment (CD045).

It is acknowledged that the final land supply position as set out in Table 7 in the Housing Background Paper shows a surplus of 105 units in the Strathearn HMA (CD018, page 6). It must be remembered, however, that this is over a 12 year period and amounts to less than 9 houses per year across the whole of the HMA. Whilst the vast majority of the housing land supply in the Strathearn HMA is within the two principal settlements, the inclusion of a site in a non-principal settlement is in line with the approach taken in every other HMA and will help increase variety and choice across the HMA. No modification is proposed to the Plan.

Strathmore HMA

Gavin & Carmen Tripney (0029/01/001); Brian Rickwood (0035/01/001); J & J Atherton (0088/01/002 & 0088/02/002); Alison Bowman (0129/01/001 & 0129/02/001); Martin Smith

(0146/01/002); George & Susan Allan (0249/01/002); Alan Palmer (0274/01/001); Peter & Patricia Murphy (0323/01/002); Tom & Lucy Boylan (0398/01/002); J B Scott (0521/01/001); Ross Millar (0708/01/002) - In line with TAYplan Policy 1 (CD022, page 8) most growth in the Strathmore area is directed to Blairgowrie/Rattray, which together are a tier 2 settlement, with smaller allocations to the tier 3 settlements of Alyth and Coupar Angus. TAYplan Policy 1 defines tier 2 as those settlements which have the potential to make a major contribution to the regional economy. Tier 3 settlements have the potential to play an important but more modest role in the regional economy. As such tier 3 settlements are to accommodate a small share of additional development.

As the largest town in the Council area, Blairgowrie/Rattray are considered to have the capacity to accommodate the largest share of the housing land requirement for the Strathmore HMA. Blairgowrie/Rattray is a local and visitor service centre which plays a significant role in the Strathmore and the Glens economy. Additional employment land is also allocated to help support the growth of the town.

Alyth/New Alyth and Coupar Angus are of a similar size. They are both significantly smaller than Blairgowrie/Rattray. The potential for further growth of Coupar Angus is restricted by flood risk and archaeological constraints. The Alyth Burn poses a flood risk to nearby properties in Alyth but there are parts of the town which can be developed. Three of the four allocations in Alyth/New Alyth have been carried forward from the adopted Plan and it is considered appropriate to direct a small amount of additional growth to Alyth. Taking an average capacity for each site, the housing allocations identified in the Proposed LDP in Blairgowrie/Rattray have the capacity to accommodate nearly four times as many houses as the allocations in Alyth/New Alyth.

In the Strathmore HMA the most growth is directed to the tier 2 settlement of Blairgowrie/Rattray where local services, employment and transport are concentrated. A smaller proportion of the growth is directed to the tier 3 settlement of Alyth/New Alyth which is one of the largest settlements in the Strathmore Area, outside Blairgowrie. The previous Examination Reporter concluded that ‘...all other things being equal, the former [Blairgowrie/Rattray] is to be preferred to the latter [Alyth and Coupar Angus] when it comes to allocating sites to meet the housing land requirement’ (CD015, page 335, paragraph 12). The Council considers that this distribution of the housing land supply to meet the housing land requirement in the Strathmore and the Glens HMA is appropriate.

No modification is proposed to the Plan.

Other comments

The Scottish Government raise a number of technical issues in their representation. Scottish Government (0451/01/001) - The ‘Effective Housing Land Supply 2016-28’ in Table 1 of the Proposed Plan (page 17) is the same as that in the equivalent column in Table 7 of the Housing Background Paper (CD018) – 11,431. The figure of 12,195 quoted by the respondent appears to be the ‘Effective Land Supply 2016-28’ figure in Table 7 added to the ‘Additional allocations to meet shortfall’ figure. Table 1 in the Proposed LDP identifies the shortfall and surpluses in each HMA before additional allocations have been made in the Proposed LDP. Table 7 in the Housing Background Paper sets out the additional allocations which have been made in the Proposed LDP to give a final land supply position.

Scottish Government (0451/01/003) - The comments regarding the small arithmetical

issues in Table 7 of the Housing Background Paper (CD018) are noted. In the Highland HMA no additional allocations have been made for the reasons set out in the Paper hence the '0' in the 'additional allocations to meet shortfall' column – there is no arithmetical mistake. The remaining figures have been checked and are correct.

No modification is proposed to the Plan. However if the Reporter considered it would make the Plan clearer, the Council would not object to replacing Table 1 in the Proposed LDP with Table 7 from the Housing Background Paper.

Gladman Developments Ltd (0577/01/002) - In line with SPP (CD004, paragraph 116), the housing land requirement set out in the Proposed LDP is the housing supply target identified in TAYplan, increased by an average margin of 18%. The LDP is required to identify sites to meet the housing land requirement and this is therefore the appropriate figure to include within the Proposed LDP. It is considered that the inclusion of the housing supply target figure is unnecessary and is likely to cause confusion.

No modification is proposed to the Plan.

Scottish Government (0451/01/002) - The Reporter at the Examination of TAYplan 2 noted that the most straightforward approach to determining the tenure split between market and affordable housing is to apply '...the nationally supported affordable housing ratio to the assessed level of market housing demand, and making some allowance for additional affordable housing provision through other mechanisms' (CD059, page 224, paragraph 27) The Reporter goes on to note, however, that '...the net additional number of affordable homes that may be expected to be built over and above the 25% contribution from market sites cannot be quantified at this stage but is likely to be relatively modest' (CD059, page 224, paragraph 28).

The TAYplan2 Examination Reporter sets out the average annual market housing requirement (from the Housing Needs and Demand Assessment) and then adds to this an additional 25% affordable housing allowance which then gives the Housing Supply Target for each of the HMAs in Perth & Kinross (CD059, page 225, table at paragraph 34). The Reporter goes on to say that 'This level of generosity margin [of 18%]...would also allow for the development of some additional affordable housing beyond that secured via the 25% quota policy within market housing sites, while still maintaining some overall flexibility in the supply' (CD059, page 226, paragraph 35). The delivery of affordable housing is programmed and monitored through the Strategic Housing Investment Programme rather than the LDP. It is precisely in order to retain some flexibility between market and affordable housing that the tenure split was not specifically set out in Proposed LDP2.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to including the following after Table 1:

Table 1a – Tenure Split

Housing Market Area	Adjusted Housing Land Requirement 2016-2028	Indicative Market/Affordable split 2016-2028	
		Indicative Market Housing Land Requirement	Indicative Affordable Housing Land Requirement
Greater Perth	5,933	4,450	1,483
Highland	765	574	191
Kinross	806	605	201

Strathearn	1,534	1,151	383
Strathmore	1,544	1,158	386
Greater Dundee	72	54	18
PKC Total	10,654	7,992	2,662

Note – The market/affordable split figures are indicative only and are based on the assumption that 25% of all sites will be affordable housing in line with Policy 20.

Reporter's conclusions:

Overall note

1. I issued 2 further information requests (FIR03 and FIR03B) in relation to this issue. I have taken on board all of the responses received (where relevant to the questions in my requests for information), as well as the representations received before the examination process, in my conclusions below.

Introductory paragraphs and vision

2. The opening sentence of this section reads “Successful places do not have one single quality that ensures their sustainability”. I agree. Furthermore, I note that some of the policies refer to the need to protect elements of the natural environment. Although dealt with in more detail elsewhere in the plan in the section “A natural resilient place”, I am persuaded that the environment should also be referred to in this opening section, as one of the contributors to “A successful sustainable place”. I recommend modifying the opening paragraph and vision of the plan accordingly. I have adopted the wording of Scottish Natural Heritage in modifying the vision.

Key objectives

3. Given my findings above with regard to the introductory paragraph and vision of this section, I also agree that the natural environment should be referred to in the objectives. I consider that the amendment to the final objective proposed, including the reference to diversity, would be sufficient. Listing all of the objectives from the Strategic Environmental Assessment Addendum would be unnecessarily detailed given the content of the section on “A natural resilient place”.

4. The addition of “arts” and “cultural” to the facilities listed in the sixth objective would more accurately reflect the full range of facilities which help to promote a strong cultural character. I consider that this suggested modification would be appropriate.

Housing Land Requirement

5. TAYplan sets out the housing supply target and the housing land requirement for the Perth and Kinross area and for each functional housing market area, in line with paragraph 118 of Scottish Planning Policy. TAYplan was informed by a housing need and demand assessment which has been found robust and credible by Scottish Government. Scottish Planning Policy is clear that where a housing need and demand assessment is found to be robust and credible, the approach will not normally be considered further at a development plan examination (paragraph 113). TAYplan directs most new development to the principal settlements where the majority of people live and where most jobs, services and facilities are already located. I find that, in accordance

with Scottish Planning Policy, the proposed plan has allocated a range of sites to meet the housing land requirement and set out how it will be distributed.

6. Both TAYplan and the proposed plan were the subject of public consultation. I deal further with the detailed housing numbers below. I acknowledge that more up to date population projections have been issued since TAYplan was prepared. However, this local development plan must conform with the existing TAYplan and the housing target that it sets. The fall in house prices referred to does not alter the requirement to provide sufficient housing land to satisfy the strategic plan requirements. The opportunity to take up to date population figures into account will be at the next review of the development plan. Finally, some larger housing developments will inevitably start before all of the necessary infrastructure has been fully provided, if it is not needed at that early stage.

7. Scone is a principle settlement within the Perth Core Area and the largest village in the Perth area. I am aware that it has a good range of local facilities including public transport links. The significant housing development allocated to the north has planning permission in principle. The development of this housing site will be subject to a masterplan and will involve a long-term expansion over an extended period of time. Dunning has been identified to accommodate some future growth in order to help support existing community services and facilities. I agree with the council that a range of housing allocations throughout the Greater Perth Housing Market Area, in addition to the larger strategic sites, is important to provide market choice and ensure that an effective five year housing land supply is maintained. Given the above, I am not convinced by the evidence submitted, that the level of development proposed in either of these settlements is inappropriate. (See also Issue 29 Perth Core Settlements and Issue 31 Greater Perth South and West Settlements – Outwith Core).

8. The housing land requirement figure set out in TAYplan includes 18% generosity above the housing supply target in order to ensure that a generous supply of land for housing is provided. Scottish Planning policy states that the housing supply target should be increased by a margin of 10 to 20%. I find that the figures in TAYplan and their reflection in the proposed plan will give sufficient flexibility for the continued delivery of new housing in conformity with national policy. The evidence submitted does not justify an increase in the percentage figure.

9. No modifications proposed.

Adjustments to the Housing Land Requirement

Reallocation from the Kinross to the Greater Perth Housing Market Area

10. TAYplan recognises that sometimes the housing land needed to deliver a sustainable pattern of development can experience environmental or infrastructure constraints. As a consequence, Policy 4D of TAYplan provides flexibility for local development plans to move up to 10% of the housing land requirement from one housing market area to another adjoining housing market area.

11. The proposed plan reallocates 10% of the housing land requirement for the Kinross Housing Market Area to the Greater Perth Housing Market Area due to the risk of adverse impact on the Loch Leven Special Protection Area and National Nature Reserve. This reflects the approach taken in the adopted local development plan. I note that this amounts to 101 houses in total over the plan period (8 to 9 houses per year) and would

represent less than 2% of the Greater Perth housing land requirement. Furthermore, Kinross and Millnathort are the only TAYplan tiered settlements in this housing market area, where most development should be directed. Both are within the Loch Leven Catchment Area.

12. Windfall sites are those housing sites which come forward for development, but are not allocated in the local development plan. The windfall adjustment is based on predicted past windfall development rates. I agree with the council that the windfall adjustment does not reduce the number of houses which will be built in the housing market area in the same way as the 10% reallocation. The allocation of brownfield sites, which are in another use or not reasonably expected to become redundant over the plan period, would not be regarded as effective and would not count towards the housing land requirement. They are not therefore, a viable alternative to the 10% adjustment proposed.

13. I acknowledge the council's view that environmental improvements in the condition of the Loch have taken place since the adoption of the last local development plan. I am also aware of the argument that the existing problem could be addressed through drainage and associated infrastructure improvements in the area. However, on the basis of the evidence submitted, I am unable to conclude with any certainty that circumstances have improved or could be mitigated to the extent that the risk of an unacceptable adverse impact on the Special Protection Area and National Nature Reserve has been removed. Given the above and in particular, the minimal level of development involved, I am satisfied that altering the approach in the adopted local development plan has not currently been justified. The situation can be re-evaluated during the preparation of the next local development plan. No modifications proposed.

Windfall sites assumption

14. Scottish Planning Policy states that the housing land requirement can be met from a number of sources, including in some cases, a proportion of windfall development (paragraph 117). I note that from figures in the council's housing land audits, windfall sites continue to make a significant contribution to the supply of housing, accounting for 47% of all completions in 2017 with a slightly reduced rate of 35% in 2018. Although these figures are considerably higher than the 10% used by the council, in response to my further information requests (FIR03 and FIR03B), the council continues to agree with Homes for Scotland and other representees, that it would not be appropriate to include higher windfall assumptions within the housing calculations. Policy 17 Residential Areas is a positive policy in favour of sites coming forward for residential uses on undesignated land within settlement boundaries. However, I acknowledge that the percentage of windfall development is likely to decline given that the adopted local development plan will allocate a range of new sites. This introduces some uncertainty in the adoption of a higher percentage figure.

15. In addition, I note that Homes for Scotland has argued in their response to my further information requests that the figures should be calculated by a different method in order to avoid double counting. Nevertheless, Homes for Scotland states that there is common ground with the council on the substance of the windfall allowance even if the methodology is a little different. It broadly supports the currently proposed windfall allowance of 10% of the Housing Land Requirement in each housing market area except for Dundee. The overall number the 10% windfall allowance comes to, in the council calculations, is considered reasonable in their view. Whilst the methodologies may differ,

it is clear from the submissions that Homes for Scotland does not dispute the application of a 10% windfall assumption. So whilst there may be variations in the methods adopted, I agree with Homes for Scotland that the figures using either method are broadly aligned.

16. Given all of the above, but in particular the council and Homes for Scotland's agreement on the substance of the overall windfall figures, I am satisfied that for this local development plan, the adoption of a 10% windfall allowance, as a proportion of the housing land requirement, is appropriate. I regard the windfall assumption as both realistic and based on clear evidence of past completions, in line with Scottish Planning Policy.

Housing Land Supply

Background

17. Table 1 of the proposed plan includes figures for each housing market area and the Perth area as a whole for the following:

- The TAYplan housing land requirement (2016-2028)
- An adjusted housing land requirement taking into account the 10% re-allocation from the Kinross Housing Market Area to the Greater Perth Housing Market Area, a 10% windfall assumption and a 15% small sites assumption for the Highland Perthshire Housing Market Area
- The effective housing land supply 2016-28
- Any shortfall/surplus.

This table was updated in the council's Housing Background Paper (November 2017) together with the additional allocations to meet the shortfalls identified, using the 2016 Housing Land Audit. The council provided copies of the 2017 Housing Land Audit and draft 2018 Housing Land Audit as background documents for the examination, but no reference is made to them in the tables in the housing background paper. The representations on the proposed plan refer to the 2017 Housing Land Audit and update the council's table using the figures for completions included in it. As a consequence I issued a further information request (FIR03) asking the council to update the table using completions information from the 2017 Housing Land Audit and including any additional allocations in the proposed plan.

18. The responses to my further information request then raised the issue that the 2018 Housing Land Audit had now been agreed and that, to conform with Scottish Planning Policy, the proposed plan should address the TAYplan requirement for the 10 year period from the expected date of adoption, 2019. This would extend the period by a year from 2016-2028, as used in the proposed plan, to 2016-2029. Furthermore they referred to problems with using either the 2016 or 2017 Housing Land Audits as they did not include the new proposed plan allocations or programming for the new sites. I, therefore, issued a second further information request (FIR03B) asking the council to provide a copy of the agreed 2018 Housing Land Audit and to provide updated tables which, for clarity, included figures for the following for each housing market area and the Perth area as a whole:

- The TAYplan housing land requirement (including a 10% adjustment to Greater Perth) (to 2028/2029)
- Completions (2017/2018 Housing Land Audits)
- Effective housing land supply (2017/2018 Housing Land Audits)

- Windfall assumption (10%, 15%, 20% and 30%) from 2017/2018
- Small site allowance for the Highland Perthshire Housing Market Area (15%)
- Any surplus/shortfall

The bullets above reflect paragraph 117 of Scottish Planning Policy which states that the housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development.

19. I had noted that, although a range was used by the council to calculate the capacity for each allocated site, the mid-point of the range was used for the purposes of calculating the housing land supply. Given that the higher number in the range could be developed on each site, I asked the council to also include figures using the higher number site capacity.

20. Finally, I asked the council to update their five year effective land supply tables using both the housing supply target and the housing land requirement figures and 2017/2018 Housing Land Audits. I will now deal with each of the matters raised in representations and through my further information requests below.

2016, 2017 or 2018 Housing Land Audit

21. I note that, in response to my further information request (FIR03B), while the council accepts that due to the difficulties highlighted in representations it would be most appropriate to use the 2018 Housing Land Audit, it would prefer not to move away from the 2016 base date used in the proposed plan calculations. The council recognises that not only is the 2018 Housing Land Audit the most up to date position, but it has the advantage that it includes all sites and the programming for these sites. It has been agreed with Homes for Scotland and there are no disputed sites. I am also aware of the lack of any definitive government guidance on the method to be followed in the calculation of housing land figures after the base date of a local development plan. In the absence of such guidance, I am not persuaded that adverse market conditions, the 18% additional allowance in TAYplan or the latest population projections justify the alternative approach advocated by the council. Given the circumstances in this case, I consider it appropriate to use the figures in the up to date 2018 version of the housing land audit.

2016-2028 or 2016-2029 time period

22. With regard to the date of adoption, I recognise that the 2016-2028 timescale is the same as that used in TAYplan and that representations asking for the new 2029 end date were not made during the consultation on the proposed plan. Nevertheless, Scottish Planning Policy is clear in stating that local development plans should meet the housing land requirement of the local development plan up to year 10 from the expected year of adoption (paragraph 119) which is now, as confirmed by the council, 2029. I also note that the council accepts the logic of amending the end date so that it reflects the most recent anticipated date of plan adoption, in the event that I agree, as above, to change the date on which the calculations are based. I therefore find that, in this case, the end date of 2029 should be used for the housing calculations.

Percentage windfall allowance

23. For the reasons given in paragraphs 14 to 16 above I find that, for this local development plan, the adoption of a 10% windfall allowance is appropriate.

Adjusted or unadjusted totals

24. Unusually for the housing land audit process, the council provides both “adjusted” and “unadjusted” totals for the sum of the programming of each individual site. The adjusted total is provided as an additional line in the housing land audit, to reflect the best estimate of likely delivered units for each of the next 12 years. The council states that the adjusted total is an educated estimation of what is perhaps most likely to be developed in each housing market area. It is an indication of what the council thinks is “likely” to be developed rather than what “could” be developed. There are no physical constraints to prevent the higher numbers being developed, just market conditions and the capacity of the construction industry. I note that the adjusted totals are not supported by any supporting evidence either from the council or the development industry.

25. In contrast, the council agrees the programming for each individual site with Homes for Scotland and their members, through the normal housing land audit preparation process. The unadjusted total is then the sum of the agreed programming for the individual sites. As a consequence, I find that these agreed, unadjusted figures should be used in the housing calculations.

Capacity ranges – mid or high point

26. The council uses the mid-point of the capacity ranges for their calculations. This was intended to provide a further element of flexibility in the housing supply over and above what is already provided. However, the council admits that experience would suggest that a significant proportion of sites build out towards the upper end of the range and the trend towards smaller houses may further influence site capacities. Against this backdrop, the council considers it would be appropriate to use the upper end of the capacity range in the calculations. Homes for Scotland does not, in principle, have an objection to using the higher capacity figures on sites with a homebuilder attached. Where no homebuilder or experienced promoter is attached, a more conservative approach is supported.

27. I am aware that in Issue 02 Placemaking of this report, it has been recommended that the site capacity ranges should be described as “indicative”. In addition proposals for numbers outwith the capacity ranges will be considered where adequately justified and when any associated impacts on infrastructure, open space and residential amenity can successfully be addressed. It was previously proposed by the council that applications which exceeded the identified capacity range would not be permitted. I agree that where the capacity range was a cap on the number of new homes allowed, using the mid-point of the range would be more realistic and robust. However, given that there are now circumstances where this range may be exceeded, I consider that this will provide an element of balance for any sites which are developed at lower levels.

28. Taking all of the above into account, I find that the use of the upper end of the capacity ranges in the calculations is justified, for all sites.

Calculations

29. Homes for Scotland use figures for the following in their calculations submitted in response to my further information requests:

- The TAYplan housing land requirement (including a 10% adjustment to Greater Perth) (to 2029)
- Completions (2016-2018)
- Residual housing land requirement (2018-2029)
- Programmed completions
- Windfall assumption (10%)
- Small site allowance for the Highland Perthshire Housing Market Area (15%)
- Any surplus/shortfall

30. I note that the main differences in approach to the council relate to the year of application of the windfall allowance and the programming for the last 4 years. In their most recent response, Homes for Scotland agree with the council method of applying the 10% allowance from 2018 rather than 2016. I concur that this would be a logical approach.

31. With regard to the programming for the last 4 years, Homes for Scotland have continued forward the programming for 2024-2025 for the years 2025-2026 onwards. They argue that taking an average annual completions rate is a robust approach without further evidence to explain why programming on certain sites may be expected to change over time. The council's approach is to take into account the total programming identified in the 2018 Audit for the period 2025-2030. The council divides the total for the 5 year period equally. This results in increases in previous completion rates on some sites.

32. I consider that housing land supply projections are inherently less reliable towards the end of a plan period. Some sites may be subject to significant increases in output over time, many of which are unforeseeable, such as changes in market conditions or ownership. An upturn in market conditions where, as forecast by Savills in their representation, "completions are recovering and there may be a backlog of demand from the lean years (2010 to 2015)", could result in an upturn in completions. Homes for Scotland considers that further evidence should be submitted to substantiate the council's predicted higher figures. However at this stage, the figures are just that, predictions.

33. I note that Homes for Scotland also recognises that, whilst in reality completions will show some variations, it is not possible to predict these variations so far in advance. I agree. I am not convinced that robust evidence could be produced to substantiate either approach as definitively preferable to the other for programming at this later stage in the plan period. While I regard neither approach as necessarily wrong, I am content that the application of the council's method is appropriate, at this time. In any event, the outputs must be regarded as indicative and will be informed by future monitoring and review. The use of the Homes for Scotland approach in other council's housing land audits does not alter my view.

Any surplus/shortfall

34. The first table in appendix 3 of the council's response to FIR03B reflects my findings in paragraphs 10 to 33 above. The table shows the council's preferred method to calculate the housing surplus/shortfall if I am minded to move away from the 2016 base

date for the calculations set out in the Housing Background Paper. It identifies a shortfall of 79 units in the Highland Perthshire Housing Market Area and a shortfall of 138 units in the Strathearn Housing Market Area. There is a surplus in all of the other housing market areas and in Perth as a whole (+292).

35. The council proposes to address the shortfall in the Highland Perthshire Housing Market Area by reallocating 10% to the Greater Perth Housing Market Area. Policy 4D of TAYplan gives local development plans the flexibility of being able to, in certain circumstances, reallocate up to 10% (15% for Highland Perthshire) of the housing land requirement for one market area to one or more neighbouring housing market areas within the same authority. I am aware that the opportunity for additional housing sites in the Highland Perthshire Housing Market Area is limited by environmental constraints due to the landscape and habitat designations and physical constraints from the area's topography. In Issues 33 to 37 (Highland Area) it has been concluded that none of the candidate sites put forward for housing are suitable for allocation. Furthermore, in agreement with the council, it is not considered appropriate to allocate site H100 in Aberfeldy given the existence of 2 other housing sites in the town.

36. I am satisfied that the environmental constraints and lack of suitable alternative sites warrant the council's suggested approach and would conform with the intentions of TAYplan Policy 4D. I also recognise that this was the preferred option at the Main Issues Report stage. In their response the council proposes to deduct 10% of the annualised housing land requirement starting from 2018 (99 units). However, I consider that the 10% reallocation should be deducted from the full 2016-2028 housing land requirement (110 units) as is the case for the Kinross Housing Market Area. This would result in a surplus of 31 units for the Highland Perthshire Housing Market Area and 167 units for the Greater Perth Housing Market Area. As a consequence, there would be no shortfall in the Highland Perthshire Housing Market Area.

37. In Issues 41 to 44 (Strathearn Area) it has been found that none of the candidate sites put forward in the Strathearn Housing Market Area would be suitable for housing development despite the shortfall of 138 units. The sites in this housing market area have been assessed in the context of my conclusions for this issue. However, in response to my further information request, the council has brought to my attention several sites in the housing market area which have the potential to be developed for housing within the plan period. These include one of two retail consents in Crieff and various windfall sites in both principal settlements, Crieff and Auchterarder. Furthermore, there are large scale sites that are programmed to be developed beyond the plan period - H342 and H228 in Auchterarder and MU7 in Crieff. The council's preferred option to address the shortfall in the Strathearn Housing Market Area is to bring forward the programming of these large scale, long term sites. In order to make this clear, I recommend that explicit reference to bringing forward sites identified currently for longer term development should be added to Policy 24. This would clarify that it is one of the options which the council would consider where a shortfall is identified through the annual housing land audit (see Issue 12 Policy 24 Maintaining an Effective Housing Land Supply).

5 year effective land supply

38. The second table in Appendix 3 of the council's response to FIR03B reflects my findings in paragraphs 10 to 33 above. The table shows the council's preferred method to calculate the 5 year effective land supply using the housing supply target. It identifies a shortfall of 20 units (4.8 years supply) in one housing market area (Strathmore and

Glens). (I note that both Homes for Scotland and the council have used the housing supply target rather than the housing land requirement in their tables for the 5 year effective land supply calculations. I accept that this is appropriate and reflects the terms of Scottish Planning Policy where the target represents the amount of housing to be developed).

Conclusion

39. Taking into account all of the above, I recommend that the table in annex 1 should replace table 1 in the proposed plan. The table in annex 1 is based on the council's table referred to in paragraph 34 above. I have added new footnotes to the table in order to make it clear what the effective supply is based on. Furthermore, that the housing land requirement is the housing supply target plus 18% generosity (see also Issue 12 Maintaining an Effective Housing Land Supply). The table identifies a housing shortfall of 138 units, in one housing market area, Strathearn. I recommend consequential amendments to the preceding text of the proposed plan including referring to this shortfall and the 18% generosity.

40. The figures in annex 1 take into account the following modifications to site numbers recommended elsewhere in this report:

Issue Number	Site Reference and name	Housing Market Area	Comment	Addition /deletion
31	H20 Auchterarder Road (Dunning)	Greater Perth	Increase from 41-63 to 43-68	+5
31	MU8 Newburgh Road (north) (Abernethy)	Greater Perth	Increase from 12-19 to 39	+20
39	MU266 Junction of A977 and B9097 (Crook of Devon and Drum)	Kinross	Deletion of site	-30
39	H53 Gartwhinzean (Powmill)	Kinross	Reduction in site size	-43
45	H61 New Alyth	Strathmore and the Glens	Increase from "up to 24 units" to "up to 33 units"	+9
46	H258 Golf Course Road (Blairgowrie)	Strathmore and the Glens	Deletion of site	-31

41. Looking at the housing numbers for Perth and Kinross as a whole I have noted the following:

- The TAYplan housing land requirement figures include an 18% generosity above the housing supply target. This is at the higher end of the 10 to 20% range referred to in Scottish Planning Policy.
- Over 8,000 dwellings (over 1,100 outside Perth) are programmed to be built on sites beyond 2029 in the 2018 Housing Land Audit.
- No allowance has been made in the housing calculations for small sites (less than 5 dwellings) except in the Highland Perthshire Housing Market Area. The 2018 Housing Land Audit identifies a total of 122 completions on small sites from 2011-2018 for Strathearn (average of 15 per year) and 739 for Perth and Kinross as a

whole (average 92 per year). The average completions in Strathearn until 2029 would more than cover the identified shortfall.

- Looking at the settlement boundaries for settlements identified in the proposed plan, a large proportion have been drawn to offer potential to accommodate further development, which could include housing. These areas are shown as white land.
- Policy 6 (Settlement boundaries) would permit development outside but directly adjoining settlement boundaries where required to address a shortfall in housing land supply.
- Policy 17 (Residential areas) encourages infill residential development.
- Policy 19 (Housing in the countryside) supports proposals for single houses and small groups of houses in the countryside in certain circumstances.
- Policy 24 (Maintaining an effective housing land supply) states that the council will, where a shortfall is identified, consider proposals on unallocated sites in the absence of existing sites which can be brought forward, or compulsory purchase opportunities, subject to certain criteria. In addition, I have recommended that reference to bringing forward sites identified currently for longer term development should be added to policy 24, in order to make it clear that this is one of the options which the council would consider where a shortfall is identified through the annual housing land audit. (See also Issue 12 Policy 24 Maintaining an Effective Housing Land Supply).
- The capacity range for sites has been identified as “indicative” through this examination, allowing the density of sites to increase, where appropriate.
- The number of new sites promoted through this examination as effective would appear to demonstrate that there is capacity in the market to deliver more housing (including windfall).

42. All of the above combine to give considerable flexibility in housing supply across the plan area. Notwithstanding the small shortfall identified in one housing market area (1.1% of the total housing land requirement), I am satisfied that the council has potential solutions available to ensure that the TAYplan housing land requirements are met. There is no deficiency in the supply of land to meet the overall housing land requirement for Perth and Kinross. The only issue is a small shortfall in the Strathearn Housing Market Area (138 homes). I am aware that the housing land requirement for Strathearn already includes 18% flexibility (332 homes). I also consider that Policy 24, as amended, would provide ample options to deal with situations where a 5 year supply of effective housing land is not being maintained. I, therefore, conclude that the proposed plan makes sufficient provision for land to meet the housing supply target in accordance with TAYplan and Scottish Planning Policy.

Housing land supply comments relating to specific Housing Market Areas

43. I have found above that the TAYplan housing land requirements have been met in Perth and Kinross as a whole and in all but one of its housing market areas. There is no strategic numerical justification to provide further sites for housing, outside the Strathearn Housing Market Area. (I deal with the shortfall in Strathearn in the section on “Housing land supply” above). TAYplan does not set housing land requirements for individual settlements. Taking this into account, individual housing proposals are dealt with elsewhere in this report, under each housing market area.

44. The programming of each individual site is agreed with Homes for Scotland and their members, through the housing land audit preparation process. I have used the figures in the most up to date 2018 Housing Land Audit in my calculations. Policy 24 (Maintaining

an effective housing land supply) sets out how the council will deal with any shortfalls in supply (see Issue 12 Policy 24 Maintaining an Effective Housing Land Supply).

Spatial Strategy for a successful, sustainable place

Perth and Kinross wide comments

45. TAYplan sets out a spatial strategy to deliver a sustainable pattern of development. It sets out where development should and should not go in order to deliver the vision and the outcomes which underpin it. The plan has been informed by a range of assessments including a Strategic Environmental Assessment, Habitats Regulations Appraisal, Strategic Flood Risk Assessment, Housing Need and Demand Assessment and infrastructure capacity work. According to TAYplan, most new development should be built in principal settlements. These are the TAYplan area's cities and towns where the majority of people live and most jobs, services and facilities are located.

46. The principal settlements are divided into a hierarchy of 3 tiers, with most development to be delivered in tier 1 settlements. Some development may also be provided in settlements not defined as principal settlements, subject to certain criteria. TAYplan states that there will be no need for any new settlements during its lifetime. TAYplan was subject to examination and has been approved by Scottish Ministers. It is the adopted strategic development plan for the Perth and Kinross area. The proposed plan must conform with its spatial strategy and principal settlement hierarchy.

47. While recognising the concerns expressed about the assumptions made and lack of clarity in the proposed plan with regard to the figures behind the TAYplan strategy, I am satisfied that sufficient detail is available within the background documents listed above. Taking into account the responses to my further information request (FIR03), I agree with the council that the inclusion of further information in the proposed plan, would be unnecessarily detailed. It is not within my remit to re-examine the strategy of TAYplan or the content of its background documents/assessments through this examination. The more up to date information now available would be taken into account in the production of future development plans.

48. The proposed plan includes a mix of housing sites in both principal and non-principal settlements. I am aware that many non-principal settlements also have opportunities for small scale infill development within their boundaries. Furthermore, policy 19 (Housing in the countryside) and policy 8 (Rural business and diversification) permit some development in settlements without boundaries. However, in accordance with the TAYplan strategy, the majority of development is proposed to be focussed in the principal settlements. I have found, at paragraph 42 above, that the proposed plan makes sufficient provision for land to meet the housing supply target in accordance with TAYplan and Scottish Planning Policy. I also consider that policy 24, as amended, would provide sufficient options to deal with situations where a five year supply of effective housing land is not being maintained. Overall, I consider that the proposed plan accords both with the spatial strategy of TAYplan and Scottish Planning Policy, in seeking to balance supporting vibrant rural areas with avoiding suburbanisation of the countryside and unsustainable patterns of travel and development.

49. Individual settlements and sites are dealt with elsewhere in this report.

Greater Perth Housing Market Area

50. The Perth Core Area is identified in TAYplan as a tier 1 principal settlement which has the potential to accommodate the greater part of the region's additional development over the plan period and make a major contribution to the region's economy. It contains the majority of the existing population of Perth and Kinross and includes the settlements of Perth City, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie and Perth Airport. The proposed plan reflects this tier 1 status by directing a high level of growth to the Core Area. I consider this to be appropriate.

51. The Perth Area strategy concentrates on the delivery of 3 strategic sites to the west/north-west and north of Perth and one at Bridge of Earn. These sites will become the prime source of future employment and housing land during and beyond the plan period. The council argues that the opportunities for the strategic expansion of Perth elsewhere are limited by geography. I recognise that the concentration of development in this part of the city will create economies of scale around major infrastructure projects, maximise the potential to improve public transport links and integrate employment and housing land together with the necessary community facilities. It is also intended to give the critical mass that may justify key carbon reduction measures such as district heating systems with combined heat and power infrastructure. An infrastructure study has been prepared by the council to ensure that the infrastructure capacity is adequate to support the level of growth planned and masterplans are required for each site. Although ambitious, these are long term proposals which will provide a supply of development extending beyond 2040 and provide certainty as to where development will take place for the foreseeable future.

52. I am not persuaded that the allocation of more sites delivering lower levels of completions per annum per site would have the same advantages with regard to co-ordinated infrastructure delivery, provide the same certainty for long term housing and employment supply or deliver housing at a quicker rate. The programming in the council's housing land audits is agreed with Homes for Scotland and their members. There are no disputed sites in the most recent 2018 Housing Land Audit. Despite the concerns raised about the level of growth proposed, I am satisfied that the allocation of strategic development sites to the north and west of Perth, to be developed through masterplans over a long time period, is an appropriate approach to take and is in line with the TAYplan strategy. Given the policies which seek to protect and enhance the city centre in the proposed plan and the geographical limitations to substantial growth elsewhere, the potential shift in the centre of gravity away from the city centre does not alter my view.

53. While the provision of housing land is greater than that required by TAYplan, this generous supply will give the flexibility necessary in the event that any of the strategic sites fail to deliver as envisaged. In any event, the TAYplan housing requirement is not a maximum figure and can be exceeded.

54. See also Issues 25 to 31 (Perth).

Highland Perthshire Housing Market Area

55. The programming in the council's housing land audits is agreed with Homes for Scotland and their members. There are no disputed sites in the most recent 2018 Housing Land Audit. I am not persuaded by the evidence submitted that the allocation of more sites would automatically result in a higher overall level of completions or that

existing allocated sites are ineffective. In any case, I have found, at paragraph 42 above, that the proposed plan makes sufficient provision for land to meet the housing supply target in accordance with TAYplan and Scottish Planning Policy. I also consider that policy 24, as amended, would provide sufficient options to deal with situations where a five year supply of effective housing land is not being maintained. The allocation of further housing sites in the Highland Perthshire Housing Market Area is not currently justified in numeric terms. I deal with the housing land supply issue overall at paragraphs 5 to 42 above.

56. The proposed plan allocates sites in both principal and non-principal settlements. For the reasons given at paragraphs 45 to 49 I consider that the proposed plan accords overall with the spatial strategy of TAYplan and Scottish Planning Policy, in seeking to balance supporting vibrant rural areas with avoiding suburbanisation of the countryside and unsustainable patterns of travel and development. The argued potential need for local needs housing or mainstream family housing does not alter my view.

57. See also Issues 33 to 37 (Highland Area)

Kinross Housing Market Area

58. The programming in the council's housing land audits is agreed with Homes for Scotland and their members. There are no disputed sites in the most recent 2018 Housing Land Audit. I am not persuaded by the evidence submitted that the allocation of more sites would automatically result in a higher overall level of completions. In any case, I have found above that the proposed plan makes sufficient provision for land to meet the housing supply target in accordance with TAYplan and Scottish Planning Policy. I also consider that policy 24, as amended, would provide sufficient options to deal with situations where a five year supply of effective housing land is not being maintained. The allocation of further housing sites in the Kinross Housing Market Area is not currently justified in numeric terms. I deal with the housing land supply issue overall at paragraphs 5 to 42 above.

59. See also Issues 38 to 40 (Kinross-shire Area)

Strathearn Housing Market Area

60. Crieff is not a Housing Market Area in its own right but is part of the Strathearn Housing Market Area together with Auchterarder and other smaller settlements. The programming in the council's housing land audits is agreed with Homes for Scotland and their members, including the developers of the 2 sites referred to. There are no disputed sites in the most recent 2018 Housing Land Audit. I am, therefore, not convinced that the output from individual sites has been artificially inflated to maintain supply.

61. TAYplan directs the majority of development to principal settlements but does allow some development in non-principal settlements in certain circumstances. The proposed plan accords with the TAYplan strategy by allocating the majority of housing sites for this housing market area in the principal settlements of Auchterarder and Crieff. I note that the principle of allocating a housing site in Comrie was accepted at the previous examination. I also consider it appropriate that limited growth should be directed to non-tiered settlements such as Comrie, which have a range of facilities capable of serving local needs. Finally, I have found at paragraph 39 above that there is a housing shortfall,

in numeric terms, in the Strathearn Housing Market Area.

62. I deal with the housing land supply issue overall at paragraphs 5 to 42 above.

63. See also Issues 41 to 44 (Strathearn Area)

Strathmore and Glens Housing Market Area

64. Blairgowrie/Ratray is the largest settlement in the Strathmore and the Glens Housing Market Area and is identified as a tier 2 principal settlement in TAYplan. Alyth and Coupar Angus are identified as tier 3 principal settlements. The spatial strategy of TAYplan states that the majority of development should be focussed in the region's principal settlements. Tier 2 principal settlements are regarded as having the potential to make a major contribution to the regional economy while tier 3 settlements have the potential to play an important but more modest role. TAYplan states that there will be no need for any new settlements during its lifetime. TAYplan has been informed by a range of assessments including a Strategic Environmental Assessment, Habitats Regulations Appraisal, Strategic Flood Risk Assessment, Housing Need and Demand Assessment and infrastructure capacity work. This local development plan must conform with the existing TAYplan.

65. The proposed plan housing allocations direct the vast majority of new homes to the tier 2 Blairgowrie/Ratray compared to tier 3 Alyth. I am satisfied that this is in line with the TAYplan hierarchical strategy. The level of housing and employment development proposed in Blairgowrie/Ratray reflects its role as a main service centre for local residents and visitors to the area. Given the level of facilities available in Alyth (including a primary school, health centre, town hall, post office and various shops) and its identification as a tier 3 principal settlement, I am not convinced that the comparatively modest level of housing proposed for this plan period is unacceptably high. Particularly as I note that environmental constraints in and around Coupar Angus limit its potential for further development. In view of the above, and the need to meet the housing land requirement for this housing market area in line with the spatial strategy in TAYplan, I find that the approach adopted by the council in distributing housing is appropriate.

66. I issued a further information request (FIR03) asking for clarification on the housing situation at Glenisla Golf Course, located to the east of Alyth. I am aware that a decision notice approving a masterplan and phase 1, which includes 20 dwellings, has now been issued. Although I acknowledge that a larger development including more housing is proposed at this site, the evidence submitted does not allow me to safely conclude that the remainder of the site is effective. It is not identified as effective within the 2018 Housing Land Audit. In any event, this site lies outwith a principal settlement and does not alter my conclusions above with regard to conformity with TAYplan.

67. See also Issues 45 to 49 (Strathmore Area).

Other comments

68. I note the comments with regard to the clarity and accuracy of table 1 of the proposed plan and table 7 of the council's Housing Background Paper. At paragraph 39 above I recommend that table 1 of the proposed plan should be replaced by the table in annex 1 of this report. The replacement table includes figures for completions, the effective supply, windfall and a small sites allowance for the Highland Perthshire Housing

Market Area. On the basis of the information before me, I consider that this table is both accurate and sufficiently clear.

69. I agree with the council that the addition of figures for the housing supply target as well as the housing land requirement to table 1 would be likely to cause confusion. However, I recommend that the supporting text should be expanded to explain that the housing land requirement is the housing supply target plus 18% generosity. Also that a similar footnote should be added to table 1. The term would then be sufficiently well explained without adding further detail to table 1.

70. The Scottish Government responded to my further information request (FIR03) asking for their comments on the council's response about affordable housing in this schedule 4, as follows:

"As referred to in the representation, the number of new affordable housing units should be set out within the plan. Scottish Planning Policy paragraph 128 is also referred to in the representation. Within it, it states that local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Table 1a (Tenure Split) submitted by the local authority, provides a split for affordable housing as sought by the representation. In relation to the split itself, the reporter should satisfy themselves that it is appropriately evidenced, taking into account the tenure split indicated on page 23 of the approved SDP."

71. Homes for Scotland responded to support the council's proposed approach. Other responses consider that at present there is insufficient information or evidence based data provided to support the proposed plan approach or agree with the Scottish Government response.

72. Policy 4 of TAYplan states that local development plans should ensure that a mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. For the whole of the TAYplan area this will be an "approximate" ratio of 25% affordable to 75% market homes but may vary between housing market areas and local authorities. I note that the Scottish Government accepts that the council's proposed table 1a provides a split for affordable housing as sought by their representation. I am aware that the reporter for the TAYplan examination considered that the net additional number of affordable homes that may be expected to be built over and above the 25% contribution from market sites cannot be quantified at this stage but is likely to be relatively modest. In addition that the 18% level of generosity would also allow for the development of some additional affordable housing beyond that secured via the 25% quota policy within market housing sites, while still maintaining some overall flexibility in the supply.

73. I acknowledge the council's argument that it was in order to retain some flexibility between market and affordable housing that the tenure split was not specifically included in the proposed plan. However, I agree with the Scottish Government that in order to comply with Scottish Planning Policy, the amount of affordable housing, in terms of units, should be referred to in the proposed plan in some way. Table 1a proposed by the council would show an "indicative" market/affordable split based on the assumption that 25% of all housing sites will be affordable housing in line with policy 20 (Affordable housing). I regard this as an appropriate approach which reflects strategic guidance and provides a basis for future monitoring. I consider that the inclusion of such a table would

address the concerns of the Scottish Government while maintaining some overall flexibility in supply. I, therefore, recommend that a version of table 1a should be added which takes into account the changes to the housing land requirement figures in the table in annex 1 of this report.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Amend the second sentence of the first paragraph on page 14 as follows:

“Successful communities are created through their environment, heritage...”

2. Amend the final sentence of the vision on page 14 as follows:

“...the heart of Scotland, an area which celebrates and enhances its rich natural assets and cultural heritage, and an economically dynamic...”

3. Amend the final objective on page 14 as follows:

“Maintain the distinctiveness and diversity of the area through the protection and enhancement of the natural and historic environment”.

4. Amend the sixth objective on page 14 as follows:

“Promotion of a strong cultural character through arts, cultural, community sport and recreational facilities...”

5. Replace table 1 on page 17 with the table in annex 1.

6. Add the following sentence to the start of the paragraph under the heading “Housing Land Requirement” on page 16 (see Issue 12):

“The Housing Land Requirement is the Housing Supply Target plus 18% generosity. Scottish Planning...”

7. Replace “2028” and “12,000” in the paragraph under the heading “Housing Land Requirement” on page 16 with “2029” and “13,000” respectively.

8. Add the following new bullet under the heading “Adjustments to the Housing Land Requirement” on page 16:

- The reallocation of 10% of the housing land requirement for the Highland Perthshire Housing Market Area to the Greater Perth Housing Market Area due to environmental constraints.

9. Delete the paragraph after the bullet points under the heading “Adjustments to the Housing Land Requirement” on page 16 and replace it with the following:

“Table 1 identifies a surplus in the provision to meet the housing land requirement in Perth and Kinross as a whole and in all housing market areas except Strathearn (shortfall of 138 homes). The housing land requirement includes 18% flexibility above the housing

supply target (332 homes for Strathearn). Any shortfall in the five year supply of effective housing land will be dealt with through the application of Policy 24 (Maintaining an Effective Housing Land Supply).”

10. Add new Table 1a – Housing Tenure Split (as proposed by the council in this schedule 4) after table 1 on page 17. Amend the figures in table 1a to reflect the housing land requirement figures in the table in annex 1.

See also the change to policy 24 recommended under Issue 12 Maintaining an Effective Housing Land Supply.

Annex 1

Housing Land Requirements (HLR) and supply by Housing Market Area (HMA) (2016 to 2029)

Housing Market Area	Dundee	Strathmore and Glens	Highland Perthshire	Kinross	Strathearn	Greater Perth	PKC total
HLR¹ 2016-2029 (includes adjustment to move 10% HLR to Greater Perth from Kinross and Highland HMAs)	78	1,859	995	983	1,846	7,239	13,000
Completions to 2018 (from 2018 Housing Land Audit)	17	128	73	133	241	572	1,164
Effective supply² (2018-2029)	85	1,661	711	791	1,313	6,265	10,826
Windfall assumption (10% from 2018)	0	154	99	88	154	594	1,089
Small site allowance for Highlands (15% of annualised HLR from 2018)			143				143
Surplus³/shortfall	+24	+84	+31	+29	-138	+192	+222

¹**Note:** The housing land requirement is the housing supply target plus 18% generosity.

²**Note:** The effective supply is based on programming from the 2018 Housing Land Audit and includes all sites within this local development plan.

³**Note:** Oversupply in one housing market area cannot count towards an undersupply in another area.

Issue 02	Placemaking	
Development plan reference:	Policy 1: Placemaking, page 19-20 Policy 2: Design Statements, page 20 Policy 17: Residential Areas, page 35	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
P Malcolm (0025) Lynne Palmer (0040) Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Stewart Milne Homes (0290/06 & 09) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) Springfield Properties PLC (0455) Cleish & Blairadam Community Council (0510) Kinross-shire Civic Trust (0526) The Royal Society for the Protection of Birds (RSPB) (0546) Homes for Scotland (0562) Cllr Mike Barnacle (0584) Ken Miles (0592) A & J Stephen Limited (0622) C Hendry (0709) Scottish Environmental Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Placemaking – Policies 1, 2 and 17.	
Planning authority's summary of the representation(s):		
<u>Policy 1: Placemaking</u> Lynne Palmer (0040/01/001) - Supports the Placemaking policy and wonders if it can bring back “community spirit”. C Hendry (0709/01/002) - Supports a policy which dictates that a development should contribute positively to the surrounding built and natural environment. <u>Policy 1A</u> TACTRAN (0057/01/003) - Supports Policy 1A outlining that development should be located where it creates and improves links within and beyond the site, as this will create more accessible developments.. <u>Policy 1B</u> TACTRAN (0057/01/003) - Supports the following criteria within Policy 1B as it provides a clear commitment to providing active and sustainable travel options as part of any new development (e) & (h).		

RSPB (0546/01/002) - Suggests the term “to promote active travel” to be replaced in Policy 1B with “including to promote active travel and enhance biodiversity”. They would also like to add to Policy 1 a requirement for all new developments to avoid a specified and rising proportion of projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies. Also add a requirement for all planning applications to be accompanied by an energy statement that demonstrates how the development would satisfy both this policy requirement and criteria (f) and U) of Policy 1B.

SEPA (0742/01/001) - Supports the policy commitments that all development should be planned and designed with reference to climate change mitigation and adaptation and that buildings and spaces should be design with climate change and resource efficiency in mind. These policy commitments accord with the principle of supporting climate change mitigation and adaptation set out in paragraph 29 of Scottish Planning Policy (CD004) along with paragraph 159 and the local authority duties under the Climate Change (Scotland) Act 2009 (CD025). We support the incorporation of green infrastructure Policy (1B (h)) into new development, sustainable design and construction and provision of waste storage space. These policy commitments accord with Scottish Planning Policy paragraphs 45, 176, 179, 194, 195 and 220 and the local authority duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (CD038) to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions.

Policy 1C

Alistair Godfrey (0410/01/001) - Considers that Policy 1C needs to be clear on integration of new settlements with existing settlements to avoid split communities.

TACTRAN (0057/01/003) - Supports Policy 1C for larger developments creating sustainable, neighbourhood as this reduces the need to travel and encourages active and sustainable travel patterns

Policy 1D

Homes for Scotland (0562/01/003); A & J Stephen Limited (0622/01/019); Springfield Properties PLC (0455/01/001) - Considers the need to remove capacity ranges and replace with indicative site capacities. An unambiguous statement should then be included within the Local Development Plan that states that such capacities are indicative only. True site capacity can then be addressed through the planning application process in full consideration of the place-making expectations as well as any relevant implications for infrastructure needed to support the development. The respondents support initiatives to delivery better quality places through the planning process and as such the principle of Policy 1 is supported. They also recognise the historic issues with setting fixed capacity assumptions within the development plan particularly when higher capacities are progressed through the detailed planning application process. However, by setting a capacity range, there is a risk of further confusion being generated for stakeholders.

Stewart Milne Homes (0290/09/001 & 0290/03/006) - Proposes the deletion of Policy 1D. This is because applications for residential development will be informed by market demand for units at the time, as well as detailed technical assessments which will feed into the design process, influencing the final layout and housing types. The number of units deliverable on sites should not be fettered by the inclusion of capacity ranges within the

Local Development Plan at this early stage. Site capacity will ultimately be based on detailed assessments at the appropriate time. Furthermore, they discuss the importance of higher density and state that it can be beneficial to a safer, more inclusive society than the standard suburban development that has been the norm for a number of years. Higher density development is not appropriate on all sites and should be considered on its own merits. It is therefore more appropriate to consider the appropriate number of units at the detailed design stage. If the Council are mindful to keep 1D, they suggest the following sentence be removed: "Only in exceptional circumstances will permission be granted for proposals which fall outwith the identified range".

Kinross-shire Civic Trust (0526/01/001) - State that this policy needs more distinction between rural and urban development in terms of identifying capacity ranges. This should reflect the different contexts for development.

Cleish and Blairadam Community Council (0510/01/001) - Concerned with Policy 1D defining the range of houses that will be permitted on a particular site. There should be a clear distinction between rural developments and urban/suburban developments. The Draft Placemaking Guide (CD041) goes partially towards that but not nearly enough. Argyll and Bute Council's excellent Sustainable Design Guidance (RD004) makes clear distinction between Small Scale Housing Development, Large Scale Housing Development and working with the Built Heritage. These are very important considerations and will be dealt with in more detail in comments on Housing in the Countryside.

Cllr Mike Barnacle (0584/01/006) - Welcomes capacity ranges but thinks they might be too generous.

Ken Miles (0592/01/007); P Malcolm (0025/01/001) - Objects to the inclusion of the proposed Site Capacity Range. A fixed maximum number of houses on specific designated sites should be agreed and adhered to. Major applications have previously regularly breached these agreed numbers by a gross margin, the agreed numbers being wrongly treated as "indicative".

Alistair Godfrey (0410/01/001) - Considers that Policy 1D needs clarification; exceptional circumstances requires definition if the range is to be exceeded. He proposes that amendments should be made to section.

Policy 2: Design Statements

Kinross-shire Civic Trust (0526/01/002) - States that the opening statement is weak in that it says "Design Statements will normally need to accompany ... The word 'normally' should be deleted and then the opening sentence is much more definite and positive and leaves no room for debate.

Policy 17: Residential Areas

SNH (0353/01/007) - Seeks the addition of text to Policy 17 to reflect the current LDP policy (CD014, page 36) on residential areas, whereby small areas of private and public open space will be retained where they are of recreational or amenity value.

Cllr Michael Barnacle (0584/01/008) - Raises the following points in relation to Policy 17:

- Policy mentions improving amenity of existing residents and this should be accorded

- more importance.
- Possibility of creating significant buffer zones between developments.
- Enhance policy to give communities more time to protect 'assets of community value', such as garages and hotels, giving more time for alternative proposals to develop.

Modifications sought by those submitting representations:

Policy 1: Placemaking

Policy 1B

RSPB (0546/01/002) - Term "to promote active travel" to be replaced in Policy 1B with "including to promote active travel and enhance biodiversity". Add a requirement to Policy 1 for all new developments to use low and zero-carbon generating technologies. Add a requirement for all planning applications to be accompanied by an energy statement that demonstrates how the development would satisfy both this policy requirement and criteria (f) and(j) of Policy 1B.

Policy 1D

Alistair Godfrey (0410/01/001) - Exceptional circumstances requires definition if the range is to be exceeded.

Stewart Milne Homes (0290/09/001) - Delete Policy 1D.

Homes for Scotland (0562/01/003); A & J Stephen Limited (0622/01/019); Springfield Properties PLC (0455/01/001) - State that site capacities are indicative only.

Ken Miles (0592/01/007) - A fixed maximum number of houses on specific designated sites should be agreed and adhered to.

Policy 2: Design Statements

Kinross-shire Civic Trust (0526/01/002) - Delete the word "normally" from the opening statement "Design Statements will normally need to accompany...".

Policy 17: Residential Areas

SNH (0353/01/007) - Seeks the addition of text to Policy 17 to reflect the current policy (CD014, page 30) on residential areas, whereby small areas of private and public open space will be retained there they are of recreational or amenity value.

Cllr Michael Barnacle (0584/01/008) - Raises the following points in relation to Policy 17 and seeks the following changes:

- Policy mentions improving amenity of existing residents and this should be accorded more importance.
- Possibility of creating significant buffer zones between developments.
- Enhance policy to give communities more time to protect 'assets of community value', such as garages and hotels, giving more time for alternative proposals to develop.

Summary of responses (including reasons) by planning authority:
<p><u>Policy 1: Placemaking</u></p> <p><u>Policy 1B</u></p> <p>RSPB (0546/01/002) - RSPB have requested that additional wording is added to Criteria (h) to read “including to promote active travel and enhance biodiversity”. The Council considers that the reference to making connections to blue and green networks indicates that habitat is of equal importance. Furthermore, in terms of placemaking, the policy is focused on creating places that people will live in. It establishes the overarching principles that should be met when designing new developments, drawing together a range of policies that are required in order to achieve good placemaking. Policy 40: Green Infrastructure is a more detailed policy that emphasises the need to create new habitats and wildlife corridors. It works in tandem with Policy 1 to provide a comprehensive approach to green infrastructure requirements. Furthermore, SEPA have supported the incorporation of green infrastructure Policy (1B (h)) into new development, sustainable design and construction and provision of waste storage space. They state that these “policy commitments accord with Scottish Planning Policy (CD014) paragraphs 45, 176, 179, 194, 195 and 220 and the local authority duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions” (CD038).</p> <p>No modification is proposed to the Plan.</p> <p>RSPB (0546/01/002) - RSPB also request a new criterion is added “for all new developments to avoid a specified and rising proportion of projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies”. RSPB further requests that a requirement for all planning applications to be accompanied by an energy statement that demonstrates how the development would satisfy both this policy requirement and criteria (f) and (j) of Policy 1B. Criteria (f) and (j) both focus on ensuring proposals are designed to be energy efficient, reflecting the impact on climate change and future uses. The currently adopted SG that relates specifically to sustainable building design will be revised in accordance with the most current advice and drafted into a technical note attached to the Draft Placemaking Guide (CD014). This will further develop how sustainable building design can reduce carbon emissions in practice, providing more in-depth guidance on lowering emissions through passive technology.</p> <p>Combined with other policies within the plan, including the Spatial Strategy for a Low Carbon Place (pages 45-58), the Council believes that the plan meets with the Section 3F of the Town and Country Planning (Scotland) Act 1997 requirement for all developments to be designed to ensure the installation and operation of low and zero-carbon generating technologies (LZCGT) (CD031). Indeed, SEPA have supported these policy commitments stating that they are in accordance with the “principle of supporting climate change mitigation and adaptation set out in paragraph 29 of Scottish Planning Policy along with paragraph 159 and the local authority duties under the Climate Change (Scotland) Act 2009” (CD025). The Council therefore considers that this proposal would simply be a repetition of the existing criteria. Furthermore, the Council does not consider criterion for an energy statement to be the preferred approach to measuring its implementation. The placemaking criteria are identified to ensure that the key issues surrounding the design of a new development are addressed holistically and are applicable to any size of development.</p>

Many development proposals are very minor and it would be disproportionate to require an energy statement for every application. All the criteria are further developed within the Draft Placemaking Guide and the technical notes that are programmed to follow (CD041).

No modification is proposed to the Plan.

Policy 1C

Alistair Godfrey (0410/01/001) - Policy 1C is worded to focus developers on creating sustainable neighbourhoods through masterplanning. Nonetheless, it is important that these larger developments integrate into the surrounding area. This approach is reflected in the draft Placemaking Guidance throughout the document, in terms of green networks, built context, access and social impacts (CD041). Policy 1C notes that the Guide provides greater detail on the masterplanning approach. The Council therefore see no need to add further wording to this policy.

No modification is proposed to the Plan.

Policy 1D

Alistair Godfrey (0410/01/001); P Malcolm (0025/01/001); Stewart Milne Homes (0290/09/001 & 0290/03/006); Springfield Properties PLC (0455/01/001); Homes for Scotland (0562/01/003); A & J Stephen Limited (0622/01/019); Cllr Mike Barnacle (0584/01/006); Ken Miles (0592/01/007) - The capacity range for allocated sites in LDP2 has been established using the methodology set out in the Proposed Plan Housing Background Paper 2017 (CD018). The thought process behind establishing a range is to acknowledge that through more detailed design work, different densities can be worked up on a site. Furthermore, the requirements of the area in terms of house type and size could change over time. Providing a capacity range acknowledges these possibilities and allows for more flexibility in terms of how a site might be brought forward. These ranges are not indicative, they are, in the majority of cases, a clear threshold that a development should not either go over or under. They have been calculated on the developable area identified through the environmental constraints on a site, the local density of the settlement and capacity of local services. The maximum density provides a clear guide as to what the Council considers acceptable on any individual site, based on the surrounding area, the infrastructure capacity of the specific settlement and on site environmental constraints. The range should not cause confusion; it should make it clearer what the Council find acceptable and unacceptable on a site.

The Council, however, acknowledges the concerns of Ken Miles (0592/01/007). Mr Miles objected to the inclusion of the proposed Site Capacity Range and requested that a fixed maximum number of houses on specific designated sites should be agreed and adhered to.

It is important to the communities, where development takes place, that they have a clear understanding of the maximum level of development proposed. The Council's experience from the development management process suggests that this concern is widespread amongst the public and various community bodies.

The Council's first LDP identified an indicative density with the intention that this figure was flexible. Many members of the public however, interpreted this as fixed figure which could not be exceeded and this has caused a good deal of public concern and criticism of the

Council for permitting development above the indicated number of houses.

As a result, the Council opted to indicate density ranges in LDP2 believing that it gave a clearer indication to the public that a range of house numbers may be appropriate and that this could only be decided through the detail contained in a planning application. Whilst previously, the majority of planning applications were consented for numbers higher than the indicative figure in the LDP, the Council believes the majority of applications are now likely to be within the identified range.

The Council remains convinced that, at the LDP site identification stage, it would be inappropriate to specify a fixed number of houses. The use of a capacity range provides an appropriate degree of flexibility for developers whilst giving the public a clearer idea of the likely number of houses that might be acceptable. Greater certainty could be achieved by making the upper limit an absolute maximum, thus providing the certainty sought by the objector, and it is acknowledged that this would likely gain widespread public support.

No modification proposed to the Plan. However the Council requests that the Reporter consider the matter and suggests that the policy be amended to make it clear that the upper limits of the site capacity ranges in the Plan are a maximum number of houses that must not be exceeded. The following change to Policy 1D is therefore suggested:

“Sites allocated in the Plan for housing development have a capacity range identified. Applications which exceed the identified capacity range will not be permitted. The Placemaking Supplementary Guidance will set out how capacity ranges will be calculated on windfall sites.

“Note: Placemaking Supplementary Guidance will set out how the Council aims to implement the above policy. Technical notes will provide further detailed information as to how the individual criteria can be achieved. Further information will also be provided on how capacity ranges have been calculated on allocated sites. It will also set out how capacity ranges will be calculated on windfall sites, and sites under construction with consent, which do not appear in the LDP.”

If the Reporter is minded to accept the modification the Council would highlight that this may have implications for the Housing Background paper, and for the consideration of individual sites where there are objections to capacity ranges. As this has arisen as a result of an Amendment made at the Council meeting (CD376) there has not been sufficient time to identify all the potential changes prior to the submission of the Plan for Examination, however the work is ongoing and can be provided on request.

In reference to A&J Stephen Limited's comments regarding the missing Draft Placemaking Guidance (CD041), a draft form of this has already been out for consultation. An updated version of this Guide reflecting the updated policy of LDP2 will be consulted upon in the autumn of 2018. Details regarding the allocations at Auchterarder are discussed in the Schedule 4: Issue 41 Strathearn Area – Auchterarder.

No modification is proposed to the Plan.

Cleish and Blairadam Community Council (0510/01/001); Kinross-shire Civic Trust (0526/01/001) - In terms of the comments concerned with rural and urban contextual differences, the capacity ranges have been worked on the basis of local context and therefore reflect what is appropriate to that particular site. Each site is first assessed on the

basis of its context. If it is in a rural village with limited services, the density calculation is likely to be low; for a city brownfield development, it is likely to be higher. Nonetheless, there are times when higher density can be appropriate in a smaller settlement but might not be appropriate in an urban context. This assessment is made on each individual site, reflecting the local urban grain as well the constraints regarding road capacity and access services. The policy clearly states that the Draft Placemaking Guide (CD041) will provide further information on how to calculate windfall sites.

No modification is proposed to the Plan.

Policy 2: Design Statements

Kinross-shire Civic Trust (0526/01/002) - The statement "Design Statements will normally need to accompany..." provides the necessary flexibility and acknowledges there are circumstances where a design statement might not be appropriate. The Council therefore considers this to be the appropriate wording for the policy.

No modification is proposed to the Plan.

Policy 17: Residential Areas

SNH (0353/01/007) - It is considered that Policy 14 (Open Space Retention and Provision) of the Proposed Plan provides suitable coverage for protecting and retaining areas of private and public open space, within residential areas, which have recreational or amenity value. The opening line of Policy 14 states that: 'Areas of open space... are areas of land which have value to the community for either recreational or amenity purposes' and this policy statement is considered to address the concerns of SNH as there is specific reference to protecting open space which has recreational or amenity value. It is not considered necessary to provide additional text in Policy 17.

No modification is proposed to the Plan.

Cllr Michael Barnacle (0584/01/008) - The opening line of Policy 17 states that 'existing residential amenity will be protected, and where possible, improved'. Therefore it is considered that Policy 17 provides suitable protection to existing residents and identifies there may be opportunities to improve residential amenity through development proposals. It is also considered that Policy 1A (Placemaking) provides further policy support for protecting residential amenity, explicitly stating that: 'the design, density and siting of development should respect the character and amenity of the place.'

No modification is proposed to the Plan.

It is considered that 'significant buffer zones between developments' would not be suitable to apply as an additional policy test within Policy 17 as the design, location and siting of development proposals is already considered through Policy 1A (Placemaking) and as a general principle it would not be sustainable nor appropriate in built up areas. As part of Policy 1A proposals are required to consider the surrounding built and natural environment, including the local context and the scale and nature of the development. It may be the case that in some instances it is appropriate – for urban design reasons – to site development opportunities close together to maintain a specific urban form and in these instances a 'buffer zone between developments' would not be appropriate.

No modification is proposed to the Plan.

Policy 17 already ensures that the Council protects assets of community value and proposals for re-development/alternative uses are resisted unless compelling market evidence is provided indicating that the existing use is no longer viable. The circumstances under which market evidence is required and the required level of detail and over what time period is dealt with on a case by case basis depending on the nature and scale of the proposal. As such the current policy is considered to provide suitable protection for community facilities where these are still viable assets within the community.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy 1 Placemaking

Policy 1B

1. It is unnecessary to add a reference to biodiversity to criterion (h). This is because all development proposals must accord overall with the development plan and Policy 40 Green Infrastructure requires all new development to contribute to green infrastructure. Policy 40 criterion (d)(ii) makes specific reference to the creation of "new habitats and wildlife corridors" in order to promote biodiversity. The use of the phrase "blue and green networks" in the context of Policy 1B is sufficient to establish the principle that connecting homes with open spaces (land and water) is an important element in the creation of attractive and sustainable residential environments.

2. All development proposals must accord overall with development plan policies, which includes TAYplan. Paragraph D. ii. b. of TAYplan Policy 2 Shaping Better Places seeks to ensure that high resource efficiency is incorporated within development through the use of, or designing in the capability for, low/zero carbon heat and power generating technologies and storage to reduce carbon emissions and energy consumption. In accordance with TAYplan Policy 7 Energy, Waste and Resources, Part 3.2 A Low Carbon Place of the proposed plan sets out the council's vision and spatial strategy for a Low-Carbon Place. The policies in this section of the proposed plan are dealt with as Issue 14 A Low-Carbon Place and Issue 15 Waste Management and Binn Eco-Park of this examination. As part of the examination of Issue 14, a new policy has been recommended, which would be entitled "Embedding Low and Zero Carbon Generating Technology in New Development". I see no need, therefore, for Policy 1B to refer to low and zero-carbon generating technologies.

3. I agree that it would be disproportionate to require all development proposals to produce an energy statement at application stage. This is because sufficient control is provided by criterion (f), which requires both buildings and spaces to be designed with future adaptability, climate change and resource efficiency in mind. Moreover, all development proposals would be required to accord with the development plan as a whole. In this respect, the new policy recommended by the reporter for Issue 14, entitled "Embedding Low and Zero Carbon Generating Technology in New Development" includes a list of exemptions from its generalised requirement for an energy statement to be submitted with applications.

4. With regard to all of the issues raised above, I also note that the Scottish Environment

Protection Agency supports the wording of Policy 1B, stating that it complies with Scottish Planning Policy and the council's legal duties in relation to climate change and water quality legislation. I agree.

Policy 1C

5. This policy relates to major development proposals. The physical and social integration of new development with existing communities is desirable and is encouraged by the proposed plan. For example, Policy 1A states that the design, density and siting of development should create and improve links within and, where practical, beyond a site. Policy 1B criterion (h) and Policy 40 criterion (d)(i) require proposals to provide links with green and blue networks. However, the extent of possible social integration is often dependent upon factors such as geography, public transport links and the location of shops and services. The best way to address these issues holistically is through the provision of a masterplan informed by detailed supplementary guidance. The council's Placemaking Supplementary Guidance was subject to a separate process of public consultation in the autumn of 2018 and its content is not a matter that may be addressed by this examination.

Policy 1D

6. The proposed plan was submitted for examination on 14 September 2018. On 29 August 2018 a special meeting of Perth and Kinross Full Council resolved to alter the wording of Policy 1D. This was before the formal submission date but after the text of the proposed plan had been published. The resolution changed the proposed policy wording from "Only in exceptional circumstances will permission be granted for proposals which fall outwith the identified range" to "Applications which exceed the identified capacity range will not be permitted". I issued a further information request (FIR04) asking the council to identify all potential changes that would flow from this resolved modification. Ten responses were received to FIR04. The implications for the Housing Background Paper are dealt with as part of Issue 1 A Successful, Sustainable Place (housing land strategy) of this examination. Other FIR04 responses express support for the resolved modification and raise some site-specific concerns. Allocation H29 is dealt with in Issue 29 Perth Core Settlements of this examination. H47 and H75 are not allocations within the proposed plan and this examination is not an appropriate place to deal with concerns about how these sites are being developed.

7. It is important for the public to have confidence in development plan policies. The principal aim of these policies is to enable proposals that strike the right balance between the economic, environmental and social objectives of planning, in compliance with Scottish Planning Policy paragraph 28. It is clear from the representations for this issue that the council's historic approach to identifying the capacity of housing allocations and the subsequent application of this approach in specific cases has not enjoyed the confidence of a significant number of individuals and community organisations.

8. In response to this concern, the council has altered the way in which it estimates the capacity of each site. Instead of a single figure, it now identifies a range, based upon site size, developable area, appropriate density, and other known physical constraints. Allowance has been made for whether a site is located in an urban area or a rural area, with the lowest densities being appropriate in rural areas and the highest densities being appropriate only in urban areas.

9. In their FIR04 responses, Homes for Scotland and A&J Stephen Limited express concern about the absence of a detailed methodology to underpin this approach. For example, the implications for site capacities of Policy 25 Housing Mix, which would increase the number of one- and two-bedroom homes, do not appear to have been taken into account. Another respondent considers that the capacity ranges will be far too generous to the development sector.

10. An explanation of how individual site capacities for allocated sites have been calculated is contained within Appendix 1 – site capacity ranges of the Housing Background Paper for the proposed plan, published November 2017. This document also explains that the mid-point of these ranges has been used to calculate housing land supply for the period of the proposed plan. However, nowhere in this document is the precise methodology explained and nor do the assumptions that lie behind the apparent methodology appear to have been tested by public consultation. The council states that details of the apparent methodology are to be contained within supplementary guidance. This guidance will be subject to a separate process of public consultation and is not a matter for this examination to address.

11. I agree that, in the absence of a detailed methodology, it would be inappropriate to treat the lower and upper figures in these ranges as finite and immutable. I also agree with Alistair Godfrey, who points out in his FIR04 response that it is unlikely to be reasonable to apply a capacity range on a retrospective basis to a site that already has planning permission. This is because some sites may already have been granted planning permission for development that exceeds the identified capacity range. Nevertheless, I am satisfied that this new approach to estimating the capacity of housing allocations strikes a better balance than the previous method did between maintaining public confidence in the planning system and providing sufficient flexibility for developers.

12. As to whether the wording of the council's resolution of 29 August 2018 should be accepted, a council resolution does not have legal force and I note that the resolved modification has not been subject to public consultation. In the absence of an agreed detailed methodology for establishing site capacities, I cannot agree that the upper figure of each capacity range should be treated as an unbreachable maximum.

13. I now need to address whether the circumstances in which an upper capacity figure is exceeded should be considered "exceptional". It is not possible to identify every exceptional circumstance that might justify exceeding this upper figure. Market conditions are subject to change and there are factors that will only become evident at application stage as the design and layout is evolving and as public consultation and democratic oversight inform a proposal. I cannot support this approach either.

14. I agree with the position taken by A&J Stephen Limited, Homes for Scotland and Springfield Properties in their FIR04 responses that identified capacity ranges on both allocated and consented sites must reasonably be treated as indicative only. I agree that identifying a capacity range is the best way, at this early stage of plan preparation, to identify a broadly acceptable quantum of development for a site. However, requiring all proposals throughout the plan period to remain within this range in either all circumstances or in unspecified exceptional circumstances, has not been adequately justified.

15. In its FIR04 response, A&J Stephen Limited suggests a modification to Policy 1D which I agree represents the most reasonable approach. However, the suggested wording incorporates some of the information contained in the note at the end of the

policy. I have removed unnecessary duplication. Furthermore, as I have found that neither the upper nor the lower figure in any site capacity range should be considered finite and immutable, I have made it clear that the entire range should be considered indicative. I have made other minor changes to ensure that the policy is precisely worded and that it would remain relevant throughout the plan period.

16. As far as calculating the capacity ranges of windfall sites is concerned, no methodology has yet been established. This is a matter for supplementary guidance to define. This guidance will be subject to a separate process of public consultation and is not a matter for this examination to address.

17. Sites H228 and H342 are dealt with in Issue 41 Auchterarder of this examination.

Policy 2 Design Statements

18. Neither Scottish Planning Policy nor TAYplan specify the circumstances in which a design statement must be submitted with an application. Planning Advice Note 68: Design Statements advises that a design statement could potentially be submitted with any planning application. However, the information required of applicants in specific cases should be proportionate to the development proposed. So, it is acceptable for Policy 2 to be framed in such a way to allow the council to decide when a design statement will normally be required and to give it the flexibility to waive any such requirement in cases where it would be disproportionate or unnecessary.

Policy 17 Residential Areas

19. All development proposals must accord overall with the adopted development plan. Policy 14 Open Space Retention and Provision provides strong protection for existing areas of open space that are valued by residents. It also seeks the provision of areas of open space within new developments. Policy 17 criterion (c) supports Policy 14 by encouraging proposals that would improve the character and environment of an area or village. This may well include the provision of new areas of recreational and amenity space or the enhancement of existing spaces.

20. Policy 17 relates to existing residential areas. The first sentence stresses the importance of protecting and improving living conditions for people. The best way to do this is through the careful consideration of the siting, orientation and design of development at application stage. No strengthening of Policy 17 is required to achieve this.

21. Development within existing residential areas is likely to take place on infill sites where there would be limited opportunities to provide substantial landscape buffers. Neither would this be necessary or desirable in most built up areas, where it is important to promote the social and physical integration of new development as part of fostering a sense of shared identity connected to place. Furthermore, Policy 1A requires new development proposals to respect the character and amenity of a place. In existing residential areas, this is likely to lead to high density development, with an emphasis upon the provision of areas of private outdoor living space rather than expansive landscape buffers.

22. Policy 17 seeks to resist the loss of community facilities by requiring proposals to demonstrate that a use is unviable as either a commercial venture or a community-run

enterprise. This is as much as the proposed plan can do to protect assets of community value. The community right to buy process must be exercised in accordance with Part 2 of the Land Reform Scotland Act 2003 (as amended by the Community Empowerment Act 2015). Discretionary powers in this Act are exercisable by the Scottish Ministers. It would not be appropriate for Policy 17 to alter a procedure laid down in primary legislation.

Reporter's recommendations:

I recommend that the following modification be made:

1. In Policy 1D, delete the last two sentences and, in their place, add: "These capacities are indicative. On sites with an identified capacity range, any proposal for residential development that falls outside this range will be considered where adequately justified by the applicant and when any associated impacts upon infrastructure, open space and residential amenity can successfully be addressed."

Issue 03	Perth Area Transport Issues	
Development plan reference:	Policy 4, p21 Perth Area p249-281 Scone p293-296 Alyth p108-111 Blairgowrie p131-141 Coupar Angus p164-166 Meikle p239-241	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) David Dykes (0086) Mr and Mrs Fleming (0150) Frances Hobbs (0152) Neil Myles (0153) John Brian Milarvie (0171) Peter and Vanessa Shand (0226) J D McKerracher (0245) Scone Community Council (0265) Mary Christie (0268) John W Rogers (0304) Malcolm Cameron (0324) Scottish Natural Heritage (SNH) (0353) Paul Houghton (0355) Mr and Mrs Short (0382) Mr and Mrs Stewart Reith (0389) Alistair Godfrey (0410) Moira Andrew and William Hadden (0432) June Dunn (0442) Perth Civic Trust (0444) Elaine and Gordon Bannerman (0450) Scottish Government (0451) Errol Estate (0472) Jeffrey Rowlinson (0485) David F Lewington (0486) Network Rail (0509)	Susan Duncan (0527) Lisa Cardno (0599) James Ewan & Fraser Niven (0613) Malcolm Burley (0634) Bridgend, Gannochy and Kinnoull Community Council (0660) James Thow (0668) Jennifer Thow (0669) Martin R W Rhodes (0675) Luncarty, Redgorton and Moneydie Community Council (0703) Hazel MacKinnon (0705) Gerard Connolly (0712) Eric Ogilvy (0713) Stewart McCowan (0714) Angela McCowan (0715) Gladys Ogilvy (0716) Graham Ogilvie (0717) Tracy Ogilvie (0718) Shona Cowie (0719) Paul Cowie (0720) David Roy (0730) Greer Crighton (0731) Brian Hood (0732) Gaynor Hood (0733) Philip Crighton (0734) Scottish Environment Protection Agency (SEPA) (0742)	
Provision of the development plan to which the issue relates:	Policy 4 Perth City Transport and Active Travel, Perth Area, Scone, Alyth, Blairgowrie, Coupar Angus, and Meikle	
Planning authority's summary of the representation(s):		
<u>Embargo</u> David Dykes (0086/01/011) - Supports the embargo Mr and Mrs Fleming (0150/01/008), Frances Hobbs (0152/01/007), Neil Myles (0153/01/007), John Brian Milarvie (0171/01/007), Peter and Vanessa Shand		

(0226/01/007), J D McKerracher (0245/01/008), Scone Community Council (0265/01/008) John W Rogers (0304/01/008), Mr and Mrs Short (0382/01/004), Mr and Mrs Stewart Reith (0389/01/004), Jeff Rowlinson (0485/01/004), David F Lewington (0486/01/004), Lisa Cardno (0599/01/008), James Thow (0668/01/007), Jennifer Thow (0669/01/007), Martin R W Rhodes (0675/01/007), Hazel MacKinnon (0705/01/008), Gerard Connolly (0712/01/008), Eric Ogilvy (0713/01/008), Stewart McCowan (0714/01/008), Angela McCowan (0715/01/008) Gladys Ogilvy (0716/01/008), Graham Ogilvie (0717/01/008), Tracy Ogilvie (0718/01/008) Shona Cowie (0719/01/008), Paul Cowie (0720/01/008), David Roy (0730/01/008), Greer Crichton (0731/01/008) Brian Hood (0732/01/008), Gaynor Hood (0733/01/008), Philip Crichton (0734/01/008) - The LDP has an embargo for Balbeggie, Burrelton, Perth Airport and Scone until the Cross Tay Link Road (CTLR) is a committed project. Objects to lack of embargo for Alyth, Blairgowrie, Coupar Angus, Meikle and Glebe School Scone (amounting to housing capacity 1,477 – 2,294) as they are concerned about traffic and pollution within the Bridgend and Atholl Street area.

J D McKerracher (0245/01/010), Scone Community Council (0265/01/0010), Malcolm Cameron (0324/01/001), June Dunn (0442/01/001), Lisa Cardno (0599/01/008), Martin R W Rhodes (0675/01/009) - Mention some or all of the following concerns:

- There is confusion surrounding constructed and committed in relation to the CTLR.
- Reference is made to Perth and Kinross Council Perth Core Villages Infrastructure Report (CD048) which states “there will be an embargo on detailed planning consents for housing sites of 10 or more until such a time as the construction of the Cross Tay Link Road.”
- That this infrastructure report confirms fears that the infrastructure is inadequate
- Considers that the traffic hotspot at Bridgend and major peak hour congestion is a major issue for air quality and townscape.
- Objects to statement “anticipating that the embargo will be lifted by 2019” as even if the CTLR is a committed project it is considered that it will not have had an impact on traffic and is not evidence based.
- Considers that the traffic hotspot at Bridgend and major peak hour congestion is a major issue for air quality and townscape
- Concern about: potential impact of construction traffic
- Disagreement with the exception that allows 100 units at Scone North in advance of the CTLR becoming a committed project
- That the embargo should apply until the construction/completion of the Cross Tay Link Road.

Bridgend, Gannochy and Kinnoull Community Council (0660/01/002) - Considers that all housing sites of 10 or more on the East side of Perth and the outlying areas on the A93/A94 corridor, need to be tested against air quality and traffic queue length criteria (to be agreed with their community council). Considers this constraint should continue until such time as the CTLR has been completed and it has been demonstrated that the air quality in the Bridgend area meets legal standards.

Paul Houghton (0355/01/001) - Considers that allocated housing sites at Perth Airport and Balbeggie are impacted on by the embargo which the Proposed LDP states is anticipated to be lifted in 2019, and with the new LDP2 likely to be adopted early 2019 this statement is not considered necessary. However considers that if some reference is deemed necessary then it should be phased as it is proposed at Scone and Perth Airport, in line with the phasing of the road. This would allow developments to do the preparatory and planning phases and potentially start delivering a few houses before the construction of the CTLR becomes a committed project.

Policy 4

TACTRAN (0057/01/004) - Supports this policy as it closely aligns with key aspects of the statutory Regional Transport Strategy (CD054).

SEPA (0742/01/002) - Supports this policy and priority given to sustainable transport options as it could be beneficial for air quality, human health, climate change and accords with SPP (CD004, p14) (para 46 and principles supporting climate change mitigation), local government duties under Climate Change (Scotland) Act 2009 (CD025), and Scottish Governments national strategy Cleaner Air for Scotland – The Road to a Healthier Future (CAFS) (CD066).

Scottish Government (0451/01/019) - As mentioned at MIR stage they consider that an exemplar walking and cycle friendly settlement should be developed as set out in paragraph 5.14 of National Planning Framework 3 (NPF3) (CD003, p54).

James Ewan & Fraser Niven (0613/01/003) - Support pedestrian and cycle corridor along the A85 and Crieff Road as this will encourage modal shift within adjacent development areas.

Mary Christie (0268/01/001) - Seeks cycle routes that avoid busy roads and that also focus on linking housing areas and employment areas not just from the outskirts of the city to the city centre. Considers that this policy should also link to car parking, congestion charges, and out of town businesses should contribute to subsidised bus services.

SNH (0353/01/003) - Considers that:

- The Cross Tay Link Road should include segregated pedestrian and cycle corridor
- That this map 4 should reflect routes shown in the Strategic Development Framework (SDF) (RD044) and the intent of LDP active travel policies (please cross refer to comments made to under policy 58) (CD052, p93-95) and TayPlan Policy 8C iii) (CD022, p46).
- These routes should be translated into the individual development proposals and maps in the Plan.

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. In order to address the likely significant effects on the qualifying interests of the River Tay SAC (as far as is practicable at this early stage in the design process for the Cross Tay Link Road) it is recommended that the a new paragraph is added to page 250 of the Proposed Plan (Perth Area Strategy) and also a policy caveat added to Policy 4: Perth City Transport and Active Travel, in order to safeguard the integrity of the SAC (CD056, Table 8.1, pages 133-134).

Alistair Godfrey (0410/01/002) - The potential pedestrian and cycle corridors route floods at least once a winter east of the A9 along the River Almond corridor and the path is eroded beyond. The A9 cycle path is much better.

Perth Civic Trust (0444/01/003) - Considers that this policy should cover key routes to the outlying villages and a significant core network of foot and cycle paths should be created linking them up. They consider these should be separated from traffic and pedestrians. Existing provision is not encouraging active travel due to lack of segregation, narrowness

and safety issues. A fundamental review of the existing network is required at the same time as new routes are planned and this should also consider appearance of the routes.

Errol Estate (0472/01/001) - Considers that little improvements are planned to the east except over Kinnoull Hill a steep pass which may not encourage active travel so another corridor along the Tay, would be a more practicable solution. It would strengthen the Carse of Gowrie connectivity to its urban neighbours, and improve its sustainability credentials as a location for future development. It has potential to change travel patterns. It would also help encourage recreation and tourism opportunities being an attractive and realistic base from Perth and Dundee. It would help meet SPP (paragraph 228) (CD004, p51) and NPF3 (CD003) commitments to improve walking and cycling access opportunities.

Network Rail (0509/01/002) - Network Rail is in discussion with the Council on the potential for a rail/bus interchange and potential impacts on the existing Station. Also rail projects which might impact on the future use of the station are being considered and they are committed to working with the Council on these projects through a masterplan for this part of the city and/or a station masterplan. They consider long term rail industry funding and planning timescales must be recognised.

Bridgend, Gannochy and Kinnoull Community Council (0660/01/004) - Concerned that the map shows Smeaton Bridge and Lochie Brae as there are safety issues on the bridge. Considers the charrette concept to build a pedestrian/cyclist bridge from the High Street to the East side of the river should be revisited.

CTLR project

Mr and Mrs Fleming (0150/01/009 + 012), Frances Hobbs (0152/01/009 + 012), Neil Myles (0153/01/009 + 012), John Brian Milarvie (0171/01/009+012), Peter and Vanessa Shand (0226/01/009 + 012), J D McKerracher (0245/01/010), Scone Community Council (0265/01/011 + 014), John W Rogers (0304/01/010), Mr and Mrs Short (0382/01/006 + 008), Mr and Mrs Stewart Reith (0389/01/004), Moira Andrew and William Hadden (0432/01/004 + 006), Jeffrey Rowlinson (0485/01/004), David F Lewington (0486/01/007), Lisa Cardno (0599/01/008 + 012), James Thow (0668/01/009 + 012), Jennifer Thow (0669/01/009 + 012), Martin R W Rhodes (0675/01/009 + 012), Hazel MacKinnon (0705/01/010 + 012), Gerard Connolly (0712/01/010 + 012), Eric Ogilvy (0713/01/010), Stewart McCowan (0714/01/010 + 012), Angela McCowan (0715/1/010 + 012), Gladys Ogilvy (0716/01/010 + 012), Graham Ogilvie (0717/1/010 + 012), Tracy Ogilvie (0718/01/010 + 012), Shona Cowie (0719/01/010 + 012), Paul Cowie (0720/01/010 + 012), David Roy (0730/01/010 + 012), Greer Crighton (0731/01/010 + 012), Brian Hood (0732/01/010 + 012), Gaynor Hood (0733/01/010 + 012), Philip Crighton (0734/01/010 + 012) - Comments mention some or all of the following points:

- object to the limited mention of the CTLR/that there is not a section on the CTLR
- the proposal indicates junctions (Highfield junction, and other locations such as between the A93 and A94 where they consider no junctions exist or are planned) and which are not part of the approved CTLR
- seeks the removal of the Highfield junction and other locations which would provide access to greenbelt land
- object to figure 5 in the storymap
- seeks the addition/recognition of greenbelt on the diagram because of its limitation on development
-

David Dykes (0086/01/12) - Objects to relative omission of the CTLR and requests detailed

information about sustainable transport/cycle lanes.

SNH (0353/01/21) - Recommend the CTRLR proposal and natural heritage requirements are addressed in the LDP with developer requirements which address natural heritage impacts (such as requirements identified through the HRA, woodland compensatory measures and a segregated cycle land along its length) and that SNH be consulted on these. SNH think although the West /North West Perth Strategic Development Framework (SDF) (RD044) considers the relationship to this area that with the route line now established there is also a need to consider the areas outwith. The route passes through Ancient Woodland Inventory Sites and is assessed through the HRA (CD056) (see comment above under Policy 4 (0353/01/001)).

Luncarty, Redgorton and Moneydie Community Council (0703/01/03) - Concerned about the cumulative effects of various proposals on the recreational routes in the corridor which has the River Tay, the railway and the A9 between Luncarty and the River Almond. Considers these are the only usable recreational routes for Luncarty, and the development site at Luncarty, together with the realignment of the A9 and the construction of the CTRLR will significantly reduce the network. This representation is also considered in the Perth North Schedule 4.

Susan Duncan (0527/01/001) - Considers that there is a need for the Plan to detail funding available for CTRLR and how it will be delivered. These details are also missing from some planning applications already lodged.

Perth Civic Trust (0444/01/007) - Suggest that an alternative Action Plan should be developed if external funding falters as full implementation of the infrastructure plans in the Action Programme (CD099) accompanying LDP2 is dependent on external funding, including a successful outcome of the Tay Cities Deal Bid. The Trust must remain concerned that LDP2 offers no Plan B for the possibility that such funding might falter. Should external funding not be fully provided or, worse, not be provided at all, the Trust expects the Council to inform the people and businesses of Perth about their alternative plans. These alternatives must ensure support to the quality of life and economy of Perth.

Traffic modelling and network capacity

Perth Civic Trust (0444/01/002) - Concerned about the results of the traffic modelling for Perth and the conclusions of it "the model showed that the current network could only accommodate 30% of the LDP and committed development in the peak hours before there would be total gridlock". There are a number of plans and proposals outlined in the Perth City Infrastructure Report (CD258) to improve the situation but it does not provide timings. The Action programme gives a planned completion date of 2023 for the CTRLR and notes that the remaining funding is part of the Tay Cities Deal Bid (CD006), whilst changes to Broxden and Inveralmond roundabouts are shown as part of a A9 junction upgrade to take place after 2020 for which funding is not in place. Considers that there should be more explicit linkages between the pace of development and the transport improvements justified by traffic projections not just financial provision. Considers that housing development should be delayed until road structure is actually in place rather than being committed or in progress. Considers that Broxden needs upgraded and may need to be relocated to the west. Also expresses concern about the impact of heavy HGV traffic in and around Perth on the environment and its buildings, and promotes public transport improvements including railway station at Oudenarde and its consideration at Luncarty.

Elaine and Gordon Bannerman (0450/01/002) - Consider that with or without the CTRL there will not be the capacity in the road network to cope with the proposed development in Scone.

Bridgend, Gannochy and Kinnoull Community Council (0660/01/001) - The Plan does not provide the necessary road infrastructure to accommodate the traffic growth expected from the proposed developments.

Scottish Government (0451/01/021) - Transport Scotland is in discussion with the Council with regards to allocations at the Broxden junction and this needs to be mentioned in the plan to establish the agreed contribution strategy for development impacts on Strategic Road Network junctions.

Network Rail (0509/01/005) - Welcomes the commitment to prepare a comprehensive Transport Strategy including infrastructure, services and funding mechanisms and considers that the Supplementary Guidance should be updated to reflect wider infrastructure priorities of the Proposed Plan.

Miscellaneous

Bridgend, Gannochy and Kinnoull Community Council (0660/01/001) - Considers that a ring road is the minimum necessary to alleviate the traffic congestion and improve air quality in the Bridgend area

Malcolm Burley (0634/01/001) - Considers that the CTRL will not address the heavy traffic through Bridgend and along Dundee Road. Considers a new bypass could be provided to join existing roads near Gannochy and Corsie Hill with the bridge over the Tay. Considers that if land above Barnhill was excluded from Greenbelt and available for housing its construction cost could be met by developers.

Modifications sought by those submitting representations:

Embargo

David Dykes (0086/01/011) - Supports the embargo, no specific change sought

Mr and Mrs Fleming (0150/01/008), Frances Hobbs (0152/01/007), Neil Myles (0153/01/007), John Brian Milarvie (0171/01/007), Peter and Vanessa Shand (0226/01/007), J D McKerracher (0245/01/008), Scone Community Council (0265/01/008), John W Rogers (0304/01/008), Mr and Mrs Short (0382/01/004), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/004), David F Lewington (0486/01/004), Lisa Cardno (0599/01/008), James Thow (0668/01/007), Jennifer Thow (0669/01/007), Martin R W Rhodes (0675/01/007), Hazel MacKinnon (0705/01/008), Gerard Connolly (0712/01/008), Eric Ogilvy (0713/01/008), Stewart McCowan (0714/01/008), Angela McCowan (0715/01/008), Gladys Ogilvy (0716/01/008), Graham Ogilvie (0717/01/008), Tracy Ogilvie (0718/01/008), Shona Cowie (0719/01/008), Paul Cowie (0720/01/008), David Roy (0730/01/008), Greer Crichton (0731/01/008), Brian Hood (0732/01/008), Gaynor Hood (0733/01/008), Philip Crichton (0734/01/008) - Objects to lack of embargo for Alyth, Blairgowrie, Coupar Angus, Meigle and Glebe School Scone.

J D McKerracher (0245/01/010), Lisa Cardno (0599/01/008), Martin R W Rhodes (0675/01/009) - Seeks a revised embargo that will apply until the construction of the

CTLR. June Dunn (0442/01/001): Seeks a revised embargo until the CTLR is completed.

Malcolm Cameron (0324/01/001) - No specific change sought but concerned that the embargo is only in place till 2019.

Bridgend, Gannochy and Kinnoull Community Council (0660/01/002) - No specific change sought but considers that all housing sites of 10 or more on the East side of Perth and the outlying areas on the A94/A94 corridor, need to be tested against air quality and traffic queue length criteria (to be agreed with their community council). Also considers this constraint needs to continue until the CTLR has been completed and it has been demonstrated that the air quality in the Bridgend area meets legal standards.

Paul Houghton (0355/01/001) - Seeks deletion of the existing text regarding the embargo and replacement with:

“To prevent the reduction in air quality, and increased congestion in the Bridgend area of Perth, greenfield housing sites of 10 or more dwellings will only be permitted to be development on a phased basis in line with the delivery of the Cross Tay.”

or

“To prevent the reduction in air quality, and increased congestion in the Bridgend area of Perth, there will be an embargo on the construction of any houses on greenfield housing sites of 10 or more until such a time as the construction of the Cross Tay Link Road is a committed project. The embargo will not apply to brownfield sites. The embargo is anticipated to be lifted in 2019.”

Policy 4

TACTRAN (0057/01/004) - Supports this policy, no specific change sought

Mary Christie (0268/01/001) - No specific change sought

Scottish Government (0451/01/019) - Consider that an exemplar walking and cycle friendly settlement should be developed as set out in paragraph 5.14 of NPF3 (CD003).

SNH (0353/01/003) - Recommend adding additional routes to the map as follows:

- Off road cycle corridor from all Park and Ride facilities
- Cycle parking provision at Park and Rides and the Integrated Transport Interchange Clarify that potential pedestrian cycle corridors are off road or at least separated from road (eg Glasgow Road).
- Integrate off road provision into green corridors (eg Perth Lade)
- The Cross Tay Link Road should include segregated pedestrian and cycle corridor
- Reflect routes shown in the West /North West Perth SDF (RD044) and the intent of LDP active travel policies (please cross refer to comments made to under policy 58) (CD052, p93-95) and TayPlan Policy 8C iii) (CD022, p46).

and that these routes are translated into the individual development proposals and maps in the Plan.

SNH (0353/04/001) - Recommended that the following new paragraph is added to page 250 of the Proposed Plan (Perth Area Strategy (continued) after ‘...details are published as

Supplementary Guidance.'

'Development of the Cross Tay Link Road should not result in adverse effects, either individually or in combination, on the integrity of the River Tay SAC. Where relevant, applications for the project should be supported by sufficient information to allow the Council to conclude that there will be no such adverse effects. '

In addition, the following text is added to the end of Policy 4 (page 21):

'Development proposals will only be approved where they will not result in adverse effects, either individually or in combination, on the integrity of the River Tay SAC.'

Perth Civic Trust (0444/01/003) - Considers that this policy should cover key routes to the outlying villages and a significant core network of segregated foot and cycle paths should be created linking them up.

Alistair Godfrey (0410/01/002) - No specific change sought

Errol Estate (0472/01/001) - No specific change sought but considers that this policy and map should promote pedestrian and cycle routes to the east along the Tay through the Carse of Gowrie.

James Ewan & Fraser Niven (0613/01/003) - No specific change sought

Bridgend, Gannochy and Kinnoull Community Council (0660/01/004) - No specific change sought but is concerned that the map shows Smeaton Bridge and Lochie Brae as there are safety issues on the bridge. Considers the charrette concept to build a pedestrian/cyclist bridge from the High Street to the East side of the river should be revisited.

SEPA (0742/01/002) - Supports this policy

CTLR project

Mr and Mrs Fleming (0150/01/009 + 012), Frances Hobbs (0152/01/009 + 012), Neil Myles (0153/01/009 + 012), John Brian Milarvie (0171/01/009 + 012), Peter and Vanessa Shand (0226/01/009 + 012), J D McKerracher (0245/01/010), Scone Community Council (0265/01/011 + 014), John W Rogers (0304/01/010), Mr and Mrs Short (0382/01/006 + 008), Mr and Mrs Stewart Reith (0389/01/004), Moira Andrew and William Hadden (0432/01/004 + 006), Jeffrey Rowlinson (0485/01/004), David F Lewington (0486/01/007), Lisa Cardno (0599/01/008 + 012), James Thow (0668/01/009 + 012), Jennifer Thow (0669/01/009 + 012), Martin R W Rhodes (0675/01/009 + 012), Hazel MacKinnon (0705/01/010 + 012), Gerard Connolly (0712/01/010 + 012), Eric Ogilvy (0713/01/010), Stewart McCowan (0714/01/010 + 012), Angela McCowan (0715/1/010 + 012), Gladys Ogilvy (0716/01/010 + 012), Graham Ogilvie (0717/1/010 + 012), Tracy Ogilvie (0718/01/010 + 012), Shona Cowie (0719/01/010 + 012), Paul Cowie (0720/01/010 + 012), David Roy (0730/01/010 + 012), Greer Crichton (0731/01/010 + 012), Brian Hood (0732/01/010 + 012), Gaynor Hood (0733/01/010 + 012), Philip Crichton (0734/01/010 + 012), David Dykes (0086/01/012) - Seek some or all of the following changes:

- Removal of Cross Tay Link Road (CTLR) junctions improvements between the A93 and the A94, the Highfield junction, and other locations which would provide access to greenbelt land
- A separate detailed section on the CTLR

- The addition/recognition of greenbelt on the diagram because of its limitation on development

SNH (0353/01/021) - Recommend the CTLR proposal and natural heritage requirements are addressed in the LDP with developer requirements which address natural heritage impacts (such as requirements identified through the HRA, woodland compensatory measures and a segregated cycle land along its length) and that SNH be consulted on these.

David Dykes (0086/01/012) - No specific change sought but seeks sustainable transport details.

Network Rail (509/01/002 + 005), Luncarty, Redgorton and Moneydie Community Council (0703/01/003) - No specific change sought.

Susan Duncan (0527/01/001), Perth Civic Trust (0444/01/007) - No specific change sought

Traffic modelling and network capacity

Perth Civic Trust (0444/01/002) - No specific change sought but considers that there should be more explicit linkages between the pace of development and the transport improvements justified by traffic projections and considers that housing development should be delayed until road structure is in place rather than committed.

Elaine and Gordon Bannerman (0450/01/002) - No specific change sought

Scottish Government (0451/01/021) - Transport Scotland seek additional text to first bullet under infrastructure Requirements for Perth noting that "Discussion with Transport Scotland is on-going, as part of an agreed contribution strategy, to establish which sites will be required to make additional contributions to the strategic road network including at Broxden and or Inveralmond junctions."

Network Rail (509/01/005) - No specific change sought but considers that the Developer Contributions and Affordable Housing Supplementary Guidance (CD021) should be updated to reflect wider infrastructure priorities of the Proposed Plan.

Miscellaneous

Bridgend, Gannochy and Kinnoull Community Council (0660/01/001) - Seeks provision of ring road to alleviate the traffic congestion and improve air quality in the Bridgend area

Malcolm Burley (0634/01/001) - Considers that a new bypass should be provided to join existing roads near Gannochy and Corsie Hill with the bridge over the Tay and that housing at Barnhill should be supported to pay for its construction.

Summary of responses (including reasons) by planning authority:

Embargo

Embargo for Alyth, Blairgowrie, Coupar Angus, Meikle

David Dykes (0086/01/011), Mr and Mrs Fleming (0150/01/008), Frances Hobbs

(0152/01/007), Neil Myles (0153/01/007), John Brian Milarvie (0171/01/007), Peter and Vanessa Shand (0226/01/007), J D McKerracher (0245/01/008), Scone Community Council (0265/01/008), John W Rogers (0304/01/008), Mr and Mrs Short (0382/01/004), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/004), David F Lewington (0486/01/004), Lisa Cardno (0599/01/008), James Thow (0668/01/007), Jennifer Thow (0669/01/007), Martin R W Rhodes (0675/01/007), Hazel MacKinnon (0705/01/008), Gerard Connolly (0712/01/008), Eric Ogilvy (0713/01/008), Stewart McCowan (0714/01/008), Angela McCowan (0715/01/008), Gladys Ogilvy (0716/01/008), Graham Ogilvie (0717/01/008), Tracy Ogilvie (0718/01/008), Shona Cowie (0719/01/008), Paul Cowie (0720/01/008), David Roy (0730/01/008), Greer Crighton (0731/01/008) Brian Hood (0732/01/008), Gaynor Hood (0733/01/008), Philip Crighton (0734/01/008) - The A93/A94 embargo specifically relates to areas outwith the Perth City boundary but within the area designated in the LDP as the Perth Housing Market Area. The development embargo does not relate to the settlements of Alyth, Blairgowrie, Coupar Angus, Meigle as they are all outwith Perth City and the Perth Housing Market Area. The Council commissioned an assessment, Shaping Perth's Transport Future Model Input Report (CD261) to determine the impact of development within various settlements on the Perth Transport Network to determine where developer contributions should be sought. Table 2.18 shows the proportion of trips travelling into Perth from Blairgowrie as being 6%, and for Coupar Angus as being 7%. This study shows there would be a limited impact on the Perth Transport Network from developments in these settlements (and this would be similar for Alyth and Meigle). The Reporter for LDP1 concluded on this issue that 'There needs to be an outer edge to the area affected by the embargo and it is logical and reasonable to exclude settlements outwith the Perth housing market area, as development there is unlikely to exacerbate existing levels of congestion in Perth due to the distance from the city and the likely travel patterns of future residents.'

No modification is proposed to the Plan.

Embargo for Glebe School Scone and Scone North, for East side of Perth and outwith Perth along A93/A94 corridor

Mr and Mrs Fleming (0150/01/008), Frances Hobbs (0152/01/007), Neil Myles (0153/01/007), John Brian Milarvie (0171/01/007), Peter and Vanessa Shand (0226/01/007), J D McKerracher (0245/01/008), Scone Community Council (0265/01/008), John W Rogers (0304/01/008), Mr and Mrs Short (0382/01/004), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/004), David F Lewington (0486/01/004), Lisa Cardno (0599/01/008), James Thow (0668/01/007), Jennifer Thow (0669/01/007), Martin R W Rhodes (0675/01/007), Hazel MacKinnon (0705/01/008), Gerard Connolly (0712/01/008), Eric Ogilvy (0713/01/008), Stewart McCowan (0714/01/008), Angela McCowan (0715/01/008), Gladys Ogilvy (0716/01/008), Graham Ogilvie (0717/01/008), Tracy Ogilvie (0718/01/008), Shona Cowie (0719/01/008), Paul Cowie (0720/01/008), David Roy (0730/01/008), Greer Crighton (0731/01/008), Brian Hood (0732/01/008), Gaynor Hood (0733/01/008), Philip Crighton (0734/01/008), J D McKerracher (0245/01/010), Scone Community Council (0265/01/0011), Malcolm Cameron (0324/01/001), June Dunn (0442/01/002), Lisa Cardno (0599/01/008), Martin R W Rhodes (0675/01/009) Bridgend, Gannochy and Kinnoull Community Council (0660/01/002) - With regard to Glebe School Scone this site is one of the largest brownfield sites in the Plan area and its development will have an important role in delivering the Plan strategy. It is not appropriate to potentially hold this up. The Reporter for LDP1 on this issue stated (CD015, p438-439): 'The proposed exclusion of brownfield sites from the embargo reflects an assumption that, being brownfield, such sites are, or are lawfully capable of,

contributing to traffic levels without the grant of planning permission for a residential development. This is a reasonable position and again achieves the correct balance between avoiding any exacerbation of traffic problems and achieving necessary levels of growth.'

The recommendation to allow 100 houses to be built at Scone North was made by a Reporter during LDP examination. The Reporter considered that (CD015, p473), 'Site H29 has reasonably good standard of accessibility to public transport, which could be expected to reduce the level of reliance on car-based commuting into Perth and thereby the extent to which development there would add to traffic congestion and air quality problems. Prospective development sites in other settlements on the A93 and 94 corridors would not have the same level of public transport accessibility.' The Reporter then concluded that, 'an initial phase of 100 houses should be permitted to take place in advance of the CTLR becoming a committed project.' Since the LDP was amended to accept this recommendation an in principle planning application 16/ 02127/IPM was approved (CD255, p10) which has allowed 100 houses in advance of the CTLR becoming a committed project. The allowance has already been established and cannot be retracted.

The Plan recognises the issues in relation to congestion and proposes measures to provide solutions to the problem. These are detailed in the Perth Area Strategy of the Plan and in Shaping Perth's Transport Future (CD009); however the proposed embargo is not intended to apply to sites within Perth where the provision of immediately available housing land is seen as more important. The road network in the area is capable of accommodating further development which will have to comply with Policy 58: Transport Standards and Accessibility Requirements of the Plan. With regard to sites on the east side of Perth these should be considered on their merits at planning application stage. It would be unreasonable to place a development embargo on areas within the City boundary where the principle of development is generally accepted and where infrastructure and services are concentrated. The accessibility of Perth City Centre and the availability of public transport on the east bank of the Tay will result in a lower projected impact. However it is important to note that any large scale development proposals in this area will require air quality assessments and transport assessments as part of the planning application. Proposals will need to be assessed against the policy provisions of Policy 58: Transport Standards and Accessibility Requirements (CD052, p93-95).

The Murray Royal Hospital planning applications 18/00408/FLM (CD235) for conversion and forming 58 flats, and 18/00094/IPM (CD232) new build residential development proposals are currently under consideration. At this point phasing hasn't been tested as the applicant has not proposed it and the restoration of a listed building may not be capable of being phased in this way but the Council's Transport Planning Team are of the opinion that on current information these planning applications are both premature, pending the completion of the CTLR programme. Once the CTLR programme has been completed, then they would be of the opinion that due to the relief that would be afforded to the Bridgend junction that this site would be a reasonable site for redevelopment. The applicant's Transport Assessment (TA) for both applications was subject to a rigorous audit process, which included being assessed using the Perth Traffic model and being independently reviewed by Systra Ltd, as well as being audited internally by Transport Planning. Given this, Transport Planning currently object to these proposals as they are contrary to policy TA1B (CD052, p34), in the adopted 2014 Local Development Plan in that the TA fails to demonstrate that the proposals would not have a detrimental effect on the local transport network. Ultimately in the case of the planning application for the listed

building conversion the Council will need to consider and balance the impact on the road network and the benefit of getting the listed building converted before its condition deteriorates further. Also the applicant may amend their planning application/s to propose a phased approach and be able to show an acceptable impact on the road network with a limited amount of the development allowed prior to the CTRL completion. However these planning applications illustrate how transport impact is considered and is informing the planning application decision making process.

With regard to proposals outwith Perth but within the Perth Housing Market Area on the A93/A94 corridor it is noted that, 'there will be an embargo on planning consents for further housing sites of 10 or more outwith Perth on the A93 and A94 corridor, until such a time as the construction of the Cross Tay Link Road is a committed project.' Proposals will be assessed with input from the Council's Transport Planning, and Environmental Health colleagues against the policy provisions of the plan. They will assess proposals in terms of their impact on the road network and on air quality to determine whether proposals are acceptable. There will be opportunity for public comments on these planning applications and these will be taken into account before determination.

No modification is proposed to the Plan.

Embargo until the CTRL is constructed

J D McKerracher (0245/01/010), Scone Community Council (0265/01/0011), Malcolm Cameron (0324/01/001), June Dunn (0442/01/002), Lisa Cardno (0599/01/008), Martin R W Rhodes (0675/01/009) - The Perth Core Villages Infrastructure Study (CD048, p5) working document incorrectly refers to constructed rather than committed and will be updated to reflect the LDP. An embargo until the CTRL is constructed could cause significant issues with the development industry potentially being too far behind to meet the projected housing demand for Perth & Kinross. There is likely to be a minimum of at least 1 year before any planning applications are approved and there is the start of any occupation. The proposal to have the embargo until the CTRL is constructed could raise significant planning and economic issues. It is considered unreasonable for the development industry to wait until the CTRL is open. The timing of both the CTRL being a committed project and the embargo being lifted is critical to the delivery of housing within Perth as a number of sites identified are currently constrained. It is considered that when the CTRL becomes a committed project it will provide enough certainty that the development will happen and allow the embargo to be lifted and any planning decisions to be released. This is a proportionate response. The Reporter for LDP1 concluded on this issue that (CD015, p438), 'It would be too significant a constraint upon development for the embargo to endure until the CTRL was completed, as there is inevitably a time delay (often of several years) between the grant of planning permission for a new housing development and the traffic impact of that development being realised.'

No modification is proposed to the Plan.

Remove mention of CTRL committed project or refer to construction rather than planning consents

Paul Houghton (0355/01/001) - With regard to the suggestion that the Council no longer needs a reference to the CTRL being a committed project since this will be in place before LDP2 is adopted, this is not the case as the 2019 date is only indicative and this is now estimated to be 2020. This embargo will be reviewed once the CTRL is considered by the Council to be a committed project. In the Perth's Transport Future Project: Phase 2 Cross

Tay Link Road Preferred Route Report to Council on 14th December 2016 (CD260, p9), it proposed the following:

“The Council agree that the embargo on development on the A93 and A94 corridors on sites of 10 or more houses as set out in Paragraph 5.1.17 (1) of the Adopted Local Development Plan is lifted when the following criteria have been met. ‘It is the view of the Council that the CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced’.

Although the funding is expected to be in place shortly when there is an announcement of the Tay City Deal, it is anticipated that the project won’t meet this definition of being a committed project until late 2019 at the earliest and not before LDP2 reaches adoption so the current wording is appropriate.

No modification is proposed to the Plan. However if the Reporter agrees then consideration could be given to changing the date to 2020 as follows, ‘To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth, there will be an embargo on planning consents for further housing sites of 10 or more outwith Perth on the A93 and A94 corridor, until such a time as the construction of the Cross Tay Link Road is a committed project. The embargo will not apply to brownfield sites. The embargo is anticipated to be lifted in ~~2019~~ 2020’ as it would not have any implications for any other aspect of the plan.

With regard to Scone North the Reporter for LDP1 made an exception here as (CD015, p473), ‘Prospective development sites in other settlements on the A93 and 94 corridors would not have the same level of public transport accessibility.’ At Perth Airport permission has been granted but with a condition in place that there is ‘No development of any housing shall commence until the proposed Cross Tay Link Road (CTLR) as part of the Perth Transport Futures Project is a ‘committed project’.

No modification is proposed to the Plan.

Policy 4

TACTRAN (0057/01/004), SEPA (0742/01/002), James Ewan & Fraser Niven (0613/01/003), Mary Christie (0268/01/001), SNH (0353/01/003), Alistair Godfrey (0410/01/002), Perth Civic Trust (0444/01/003), Errol Estate (0472/01/001), Bridgend, Gannochy and Kinnoull Community Council (0660/01/004), Scottish Government (0451/01/019) - The TACTRAN comment about alignment with the Regional Transport Strategy (CD054) is noted, as is SEPA’s support due to its potential benefits and its accordance with SPP and climate change and cleaner air policy agendas. This Policy and Map A is to promote strategic improvements to active travel infrastructure. The Council has subsequent to the Proposed LDP2 publication prepared a Perth Cycle Network Masterplan (CD259) to assist in delivery. Proposed LDP2 is already dated and could show the following as additional strategic pedestrian/cycle corridors: Dunkeld Road corridor, and the links to the Park + Ride facilities (at Walnut Grove and at Bertha Park). Whilst the route shown on the Map A along Muirhall Road has been removed from the options. Also a route along Windsor Terrace, Queens Avenue, Glamis Place and along Craigie Burn to Low Road has also not made it into the route options (and has been replaced with a different alignment), as has a route shown to cut through the Perth College which is now proposed to run along Feus Road and then Crieff Road.

It is considered that there should be further public consultation on and changes to the routes and infrastructure required and the best way to take forward this work is to delete the Policy Map A and prepare guidance. Policy Map A is already outdated and the policy text provides sufficient context for the key routes. There is already a commitment and a reference to the preparation of non-statutory guidance for Transport in Proposed LDP2 Policy 58B: New Development Proposals. However this reference would benefit from being amended to acknowledge that the Perth Cycle Network Plan will be part of the sustainable and active travel guidance.

In response to Scottish Government's (0451/01/019) concern that the Plan has not identified the delivery an exemplar walking and cycling friendly settlement in line with the aspirations of NFP3, Perth will be the Council's exemplar. This policy is all about supporting this aspiration with greater priority being given to public transport, walking and cycling on key routes. The Perth Cycle Network Plan and the supplementary guidance will further detail delivery.

Previous studies such as the active travel audits for Scone/Bridgend area (2017) (CD253) and the Bridgend Design Charrette Report (2014) (CD254) have been used to inform the Perth Cycle Network Masterplan and the core route alignment options. Only an early step has been made towards the implementation of a comprehensive cycle network in Perth and it is expected to evolve as the design of specific schemes is progressed or new opportunities arise. A review of the existing network and barriers has been carried out. Extensive stakeholder engagement, options appraisal (including visual appeal), and benefit/cost analysis will take place to prescribe route alignments. Further revision to the Policy map A or the settlement maps to identify additional routes is not advisable as those shown are the core routes and also routes shown would be quickly outdated as work progresses.

In terms of other routes and facilities mentioned neither this policy nor the cycle masterplan are about discarding routes. The focus is on the identification of core strategic routes. The options mentioned which are not selected as core routes could still have, and are indeed are likely to have, a function as feeder or secondary routes to core routes. Policy Map A focussed on principal routes whilst there are secondary routes that will be taken forward as the cycle masterplan/other active travel proposals progress.

The focus of the Perth Cycle Network Masterplan is on the City of Perth and its nearby towns and villages: Scone, Bridgend, Bridge of Earn, Almondbank, and Luncarty. The study area does not extend to the Carse of Gowrie. Although not considered in detail, connections to the wider region and beyond have been included in the review, to create a masterplan integrated with the regional and national cycle network. Corridor 3 of the Perth Cycle Network Masterplan to Walnut Grove provides a future connection for the wider network.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making a change to Policy 58B New Development Proposals (CD052, p93-95) reference to the non-statutory guidance to augment it as follows: 'Note: Non-statutory Guidance for Transport will give guidance on sustainable and active travel and the infrastructure requirements (such as Perth Cycle Network Plan); requirements for public transport availability in new developments; provision of infrastructure to support low and ultra-low emission vehicles; provision of infrastructure for shared vehicle use (such as car clubs); and low car or no car developments in highly accessible areas. It will also provide information about when

transport assessment or statement is required and provide guidance on travel plans.' as this would not have any implications for any other aspect of the plan.

SNH (0353/01/001) - It is considered that amending the Perth Area Strategy text and also Policy 4 to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056), and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites (CD052) will apply for proposals arising under these policies. It would also set out what will be expected of them in making a planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to the Perth Area Strategy section and Policy 4, as detailed in the 'Modifications Sought' section.

Network Rail (0509/01/002) - Comments regarding the rail/bus interchange are noted.

No modification is proposed to the Plan.

CTLR project

Mr and Mrs Fleming (0150/01/009 + 012), Frances Hobbs (0152/01/009 + 012), Neil Myles (0153/01/009 + 012), John Brian Milarvie (0171/01/009 + 012), Peter and Vanessa Shand (0226/01/009 + 012), J D McKerracher (0245/01/010), Scone Community Council (0265/01/011 + 014), John W Rogers (0304/01/010), Mr and Mrs Short (0382/01/006 + 008), Mr and Mrs Stewart Reith (0389/01/004), Moira Andrew and William Hadden (0432/01/004 + 006), Jeffrey Rowlinson (0485/01/004), David F Lewington (0486/01/007), Lisa Cardno (0599/01/008 + 012), James Thow (0668/01/009 + 012), Jennifer Thow (0669/01/009 + 012), Martin R W Rhodes (0675/01/009 + 012), Hazel MacKinnon (0705/01/010 + 012), Gerard Connolly (0712/01/010 + 012), Eric Ogilvy (0713/01/010), Stewart McCowan (0714/01/010 + 012), Angela McCowan (0715/1/010 + 012), Gladys Ogilvy (0716/01/010 + 012), Graham Ogilvie (0717/1/010 + 012), Tracy Ogilvie (0718/01/010 + 012), Shona Cowie (0719/01/010 + 012), Paul Cowie (0720/01/010 + 012), David Roy (0730/01/010 + 012), Greer Crighton (0731/01/010 + 012), Brian Hood (0732/01/010 + 012), Gaynor Hood (0733/01/010 + 012), Philip Crighton (0734/01/010 + 012), David Dykes (0086/01/12), SNH (0353/01/21), Luncarty, Redgorton and Moneydie Community Council (0703/01/03), Susan Duncan (0527/01/001), Perth Civic Trust (0444/01/007):

Junction locations and green belt

The Proposed LDP2 consultation story map included a map (figure 5) from the non-statutory Perth City Plan 2015-2035 (CD217, p19) which included Cross Tay Link Road junction improvements between the A93 and A94. For clarity the Proposed LDP2 does not include this map and the CTLR route is shown on the Perth City Map. The Perth City Map shows the CTLR with junctions with the A93, A94, Highfield Road and Stormontfield road.

The Proposed LDP2 provides the updated position on this compared to the Perth City Plan 2015-35. There is some confusion caused as the earlier Design Manual for Roads and Bridges (DMRB) 2 design stage completed December 2016 which did not show this Highfield junction. The DMRB 2 CTLR report stated (CD257, p20), 'The recommendation for DMRB Stage 2 is to provide a continuation of the CTLR through Highfield Land with no

junction provision. A junction will be considered for inclusion at DMRB Stage 3 pending receipt of further details to pedestrian and vehicle movement along Highfield Lane.'

Perth and Kinross Council then appointed SWECO as design consultants for the CTRL in July 2017. SWECO along with the Council's Roads Infrastructure Team are currently working through the design and planning process. Consultations with all affected stakeholders are ongoing and the preferred route is being developed into a full design, where necessary, based on these discussions. The current design layout shows a Highfield junction as well as junctions with the A93 and A94 and at Stormontfield Road (CD256). This layout is reflected in the CTRL shown in the Proposed LDP2 Perth City map. The in principle 16/02127/IPM masterplan (CD172) for Scone North that was approved on the 18th of April 2018 includes this junction. The Highfield junction is to be delivered by the Council but it will be delivered at the Scone North developer's expense.

Junction provision proposed through the detailed design stage is determined by assessing the current pedestrian and vehicle movement on the roads bisected by the CTRL and is not based on future development potential within the greenbelt. The greenbelt has significant policy protection in the Proposed LDP2 Policy 41 Green Belt (CD052, p70) and this is not compromised by ensuring appropriate junction provision for the local roads that are bisected by the CTRL. The Proposed LDP2 Perth map inset does not show the CTRL in relation to the green belt but this is unnecessary.

No modification is proposed to the Plan.

Allocation of and identification of developer requirements for the CTRL

The Council did not identify the CTRL as an allocation in the Proposed LDP2 with specific developer requirements. This is because the policy provisions of the Proposed LDP2 are considered to be sufficient and appropriate to inform the detailed design stages. Turning to SNH's points: compensatory woodland planting is required by Policy 38: Forestry, Woodland and Trees (CD052, p65) in line with the principles of the Scottish Government Policy on Woodland Removal (CD007); there is policy 36A (CD052, p63) which provides the context for International Nature Conservation sites; whilst Policy 58 Transport and Accessibility (CD052, p63-65) provides a focus for the provision for active travel. The non-motorised user provision along the CTRL currently is proposed as a 3m wide shared use cycleway/footway connected where appropriate to existing core paths, national cycle routes and public rights of way. Discussions are however ongoing between the Council and Sustrans regarding the potential to increase this provision to a 5m wide segregated cycleway and footway. The Plan and its policies are proving sufficient to guide the detailed design of the CTRL proposal, the planning application/s and Environmental Impact Assessment.

Considering how other local authorities have treated major road infrastructure projects there is no consistent approach and it is considered that neither SPP (CD004) nor the development plan circular 6 (CD001) clearly require the planning authority to allocate them.

Addressing impacts of the various proposals including the CTRL on the corridor of the River Tay, the railway, and the A9 will be detailed through the planning application processes with due consideration given to access routes. In relation to the CTRL and impact on recreational access routes the Non-Motorised User (NMU) provision proposal along the CTRL existing core paths, national cycle routes and public rights of way are being linked to the CTRL scheme wherever possible through connections between existing

and proposed infrastructure. A Walking, Cycling and Horse Riding Assessment (WCHAR) is currently in progress aimed at assessing existing NMU use in the area and opportunities to link to, and enhance existing routes. A CCTV survey of existing routes has been completed and this will be used to understand existing use. This issue is also considered in the Perth North Schedule 4 in relation to Luncarty south MU27.

No modification is proposed to the Plan.

Delivery

The LDP is not the appropriate place for details of project funding and progress on delivery of the CTRL. The LDP2 Proposed Action programme (CD099) for the LDP sets out the actions and partnerships required to implement the strategy of the Local Development Plan and can provide this detail. The Council has committed to updating this on a six monthly basis. The Council has also set up a [webpage](#) to communicate progress to date on the Shaping Perth Transport Futures (CD009) including the CTRL project. Delivery of the CTRL project is crucial to delivery of the Local Development Plan and is a high priority in the Tay City bid ask and the Tay Cities Deal announcement is expected shortly. If however there are issues with securing the remaining funding from the Tay Cities Deal then alternative funding streams will be considered by the Council.

In response to SNH's comment regarding the CTRL and segregated corridor this is answered above under the CTRL project and sub heading 'Allocation of and identification of developer requirements for the CTRL'.

Traffic modelling and network capacity

Perth Civic Trust (0444/01/002), Elaine and Gordon Bannerman (0450/01/002), Bridgend, Gannochy and Kinnoull Community Council (0660/01/001), Scottish Government (0451/01/021), Network Rail (0509/01/005) - Whilst the LDP model showed gridlock after 30% of the LDP allocations are built out and Shaping Perth Transport Futures (CD009) states, 'To release capacity for growth, and address air quality issues the Council has put together a package of transport measures which includes: Broxden and Inveralmond grade improvements, the Cross Tay Link Road project, and a £25M package of active travel and public transport measures.' When these mitigation measures are modelled alongside the LDP2 allocations then the modelling work, Perth City Traffic Model Report (CD216) indicates that there should be capacity for most of the LDP2 allocations. The exception is that the modelling shows there might not be capacity for the whole of the wider Perth West allocation and it might only cope with somewhere between 1,500 and 2,500 new houses before further physical/modal measure may be required. This is likely to be 20 years plus away. For this reason a pause and review has been identified for Perth West (CD052, p264) to ensure impact on the road network and the amount of modal shift is fully assessed before further development is permitted. Further discussion in relation to the pause and review for Perth West is provided in the Perth Strategic Development Areas schedule 4.

Proposals for development will be assessed with input from the Council's Transport Planning Team, and Environmental Health colleagues against the provisions of the plan. They will assess proposals in terms of their impact on the road network and on air quality to determine whether proposals are acceptable and what phasing is required alongside transport infrastructure delivery. The Council has the detailed traffic model which it will use to consider any proposals that could have a significant impact.

Through the Shaping Perth Transport Futures (CD009) the Council is developing, costing and implementing a package of infrastructure works which underpin the Transport Infrastructure Contribution as secured through Policy 5: Infrastructure Contributions (CD52, p23) and detailed in the Developer Contributions and Affordable Housing Supplementary Guidance (CD021). To lock in the benefits from the CTRLR (removing traffic from the city centre) Shaping Perth Transport Futures includes: a package of measures to reduce congestion and improve air quality; improve pedestrian and cycle facilities; and improve public transport. This package of works does not include Strategic Network Improvements as these are the remit of Transport Scotland to deliver. Through the assessment of the impact on the Strategic Transport Network of individual sites and in discussion with Transport Scotland contributions have been secured towards a package of improvements at Broxden. While discussions are ongoing with Transport Scotland regarding improvements which will be required to the Strategic Road Network to support additional development around Perth it has not yet reached a stage where these are defined. Through this Local Development Plan the Council is committing to the preparation of a comprehensive Transport Strategy which will consider all aspects of the Transport Network. It is considered that rather than identify that unspecified sites may be required to contribute towards the Strategic Transport Network including Broxden and/or Inveralmond junctions it would be more appropriate for Strategic Road Network improvements to be considered as part of the wider Transport Strategy with the Council and Transport Scotland working collaboratively to develop and deliver a programme of works and associated financial contributions.

No modification is proposed to the Plan. However if the Reporter was so minded the following revision to the second bullet under the heading infrastructure requirements for Perth would be acceptable to the Council:

‘Preparation of a comprehensive Transport Strategy including infrastructure on the local and strategic road network, services and funding mechanisms.’

Perth Civic Trust (0444/01/002) - In response to the query about Oudenarde, in Tactran’s Regional Transport Strategy Delivery Plan 2016-2021 (CD262) there is commitment for a STAG appraisal to consider all options for improving the transport system in the Bridge of Earn area which could include public transport through improved provision of rail (new station), bus or other; or through improved road schemes. At this stage Fife Council, Perth & Kinross Council, Sustran and Tactran have undertaken the outline feasibility work as a joint project and an initial demand feasibility study has also been undertaken.

No modification is proposed to the Plan.

Miscellaneous

Bridgend, Gannochy and Kinnoull Community Council (0660/01/001), Malcolm Burley (0634/01/001) - A number of route options were examined as part of Shaping Perth’s Transport Future (CD009) before the preferred solutions and routes were chosen to address the traffic, air quality, and movement issues. However proposals which seek a ring road which avoids Bridgend or to join with existing roads near Gannochy and Corsiehill were never considered as the objectives of the project were to alleviate pressure on Perth city centre.

No modification is proposed to the Plan.

Reporter's conclusions:

Embargo for Alyth, Blairgowrie, Coupar Angus and Meikle

1. Several representations raise objections because the proposed plan contains further potential developments along the routes of the A93 and A94 at the above settlements, but the developments do not fall within the area of the embargo which restricts further residential development consents for 10 houses or more until there is a commitment to the Cross Tay Link Road.

2. The embargo was established in the examination for the adopted Local Development Plan but excluded settlements outwith the Perth Housing Market Area. I see no reason to extend the embargo to Alyth, Blairgowrie, Coupar Angus and Meikle, having regard to the relatively low proportion of trips to Perth likely to result from new development in the proposed plan period. The Shaping Perth's Transport Model Input advised that, based upon the 2001 Census travel to work statistics, the proportion of trips from Blairgowrie to Perth was 6% and from Coupar Angus it was 7%. Percentages are likely to be similar for Alyth and Meikle in view of the separation distances from Perth.

3. I consider that, despite the proposed housing and employment land allocations in these settlements, it is unlikely that these percentages would increase in a significant way, or travel patterns alter. The amount of additional traffic generated by the developments in these outlying settlements and involved in trips to Perth would therefore remain relatively low. Consequently, the effect on air quality at Bridgend and the Atholl Street area of Perth would be limited and ultimately intended to be helped by the opening of the Cross Tay Link Road.

4. At Issue 23 Environmental Protection and Public Safety we have recommended that proposed Policy 55 Air Quality, be strengthened to require air quality impact assessments for development proposals and that supplementary guidance be prepared setting out how air quality will be considered when the council is determining planning applications. No modification.

Embargo for Glebe School Scone and Scone North, for East side of Perth and outwith Perth along the A93/A94 corridor

5. The proposed plan includes an embargo on detailed planning consents for housing sites of 10 or more in Scone until such a time as the construction of the Cross Tay Link Road is a committed project. The embargo does not apply to brown field sites, such as Glebe School (OP22), which is a proposed allocation for 48-75 residential units and public open space. I see no reason to delay development of this site, because of its potential contribution to the housing land supply. Not applying an embargo is consistent with the policy for brownfield sites in the proposed plan area and is based upon the general potential for lawful re-use of such sites and consequent traffic generation.

6. Scone North (H29) is an allocation for 550-748 residential units. The embargo was not applied to construction of the first 100 units because the reporter in the examination for the adopted Local Development Plan considered that the site had a reasonably good standard of accessibility to public transport which would limit traffic commuting to Perth from the site. I see no reason to disagree because the circumstances have not changed, and less air pollution would be caused by the use of public transport. Moreover, the council has advised that planning permission in principle for the site established this allowance and

therefore it cannot be rescinded. I note that the council has received an application for phase 1a comprising 42 dwellings. No modification.

7. The Murray Royal Hospital site is dealt with at Issue 27. The developer requirements for the site include that a Transport Assessment will be required including for the sensitive phasing of the site and to fully address this the assessment should take account of other committed development feeding into the Bridgend area, both within Perth and the wider Perth area. That requirement is designed to allow consideration of the impact of traffic generation on air quality in Perth and Bridgend and to control the timing and amount of any development accordingly. No modification.

8. Any proposals outwith Perth and along the A93/A94 corridors within the Perth Housing Market Area will be subject to the embargo on consents for further housing sites of 10 or more houses until the construction of the Cross Tay Link Road is a committed project and excluding brownfield sites. The council has explained that any proposals will be assessed in terms of their impact on the road network and air quality. This is a sensitive approach, and if planning applications are received local residents would have the opportunity to make representations in line with normal development management procedures. Active testing and monitoring of air quality would be an environmental health matter for the council to consider, and not for determination as part of the proposed plan. No modification.

Embargo until the Cross Tay Link Road is constructed

9. The council has advised that the Perth Core Villages Infrastructure Study incorrectly referred to an embargo until the Cross Tay Link Road is “constructed” rather than “committed”. The embargo concerns the grant of detailed planning consents. It is unlikely that developments subject to the embargo would commence as soon as the Cross Tay Link Road is committed because of the requirement to secure detailed planning consents and the lead in time before housing development could start on-site. It would also take time for housing developments to be completed and fully occupied, depending upon the scale of development. Hence, increases in traffic from the development of additional sites would only gradually reach their maximum levels after the Cross Tay Link Road has been committed. For these reasons and the delay to housing development that would arise, I consider that the embargo should continue to apply until the Cross Tay Link Road is “committed”, rather than “constructed”. Delaying development further by awaiting completion of the Cross Tay Link Road could also result in a failure to meet the housing delivery targets in the proposed plan. No modification.

Remove mention of Cross Tay Link Road “committed” project or refer to “construction” rather than planning consents

10. The council’s definition of when the Cross Tay Link Road will be a “committed” project is when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced. It is not likely that the Cross Tay Link Road will meet the council’s criteria for a “committed” project prior to adoption of the proposed plan. It is therefore relevant to retain reference to the Cross Tay Link Road becoming a “committed” project in the proposed plan. The council’s estimate is that the Cross Tay Link Road is likely to constitute a “committed” project by its definition, in 2021 when works are anticipated to commence, rather than 2019, as confirmed in the response to my request for additional information (FIR 16). I consider that the proposed plan should be modified to reflect this

later date. The word “committed” rather than “constructed” is appropriate, as mentioned above.

11. The representation indicates that allocated housing sites east of Perth such as Perth Airport and Balbeggie are impacted by the embargo. Nevertheless, it is important that the restriction is in place to prevent any reduction in air quality in the Bridgend area of Perth. As mentioned above, construction of the first 100 units at Scone North were made an exception because of the accessibility of that site to public transport.

Policy 4 Perth City Transport and Active Travel

12. The council has advised that Policy Map A is already out of date because of potential deletions and additions, such as the Perth Cycle Network Plan. The council’s preferred option is to delete the policy map, carry out further public consultation and to prepare non-statutory guidance for Transport, as included in Policy 58B New Development Proposals. I agree that this would be an appropriate way forward and that the reference to the guidance should mention the Perth Cycle Network Plan in the context of sustainable and active travel. Links to other settlements, including those in the Carse of Gowrie should be included. The council could also take the problem of routes susceptible to flooding into account, including the River Almond corridor. Matters such as car parking and congestion charges and bus subsidies are not for resolution in the proposed plan but may be relevant considerations in the guidance. I note that Perth is intended to be the exemplar walking and cycling friendly settlement in accordance with paragraph 5.14 of Scotland’s Third National Planning Framework, and this should be mentioned in the proposed plan.

13. Concern is raised regarding the cumulative effect of various proposals for the corridor of land through which pass the River Tay, the railway and the A9 between Luncarty and the River Almond because it is a popular area with a network of paths for walkers and cyclists. The council has advised that impacts of the various proposals within the corridor will be detailed through planning applications with due consideration given to access routes. There are potential access connections in association with the Cross Tay Link Road. The developer requirements for site MU27 Luncarty South include the enhancement of core paths and pedestrian connections into Luncarty and the wider network. Planning applications affecting this area would allow further representations on this matter as part of normal development management procedures.

14. Scottish Natural Heritage have made a number of comments on the content of Policy Map A. However, the council would be able to consult Scottish Natural Heritage further as part of the consultation on the proposed transport guidance, so that their observations on matters such as off-road cycle corridors, and integration with green corridors may be taken into account. A combined cycleway/walkway is proposed for the Cross Tay Link Road. Whether these uses could be segregated will depend upon the detailed design and availability of funding.

15. I agree that Policy 4 and the Perth Area Strategy text should be modified to incorporate the relevant mitigation measures set out in Table 8.1 of the Appropriate Assessment because it will clarify in what circumstances Policy 36A International Nature Conservation Sites of the proposed plan will apply and developer requirements that would be expected in the event of planning applications.

Cross Tay Link Road Project

Junction Locations and Green Belt

16. Representations refer to the inclusion of the Highfield Road junction in the scheme and the potential access that would be created to green belt land for development. The Highfield Road junction appears to have arisen as a later design feature in the road scheme. The council confirms that the current design layout shows a Highfield junction as well as junctions with the A93 and A94 and Stormontfield Road. The Highfield Road junction is to be delivered by the council with a funding contribution from the Scone North development.

17. The council has advised that junction provision is determined by assessing current pedestrian and vehicle movements on roads that will be crossed by the Cross Tay Link Road and is not based upon development opportunities in the green belt. In view of the restrictions set by proposed Policy 41 Green Belt, I see no reason to remove the proposed Highfield junction from the scheme or the proposed junction improvements between the A93 and A94.

18. Policy Map F indicates the area of green belt for Perth and Kinross, which surrounds Perth and Scone. The Cross Tay Link Road is still at the design stage and it would be premature to indicate a detailed scheme as part of the proposed plan. Nevertheless, a route with junction points is shown on the proposed inset plan for Perth, with the settlement boundary line indicating the inner boundary of the green belt. It is also included on indicative plans for relevant individual site proposals. The Cross Tay Link Road is mentioned as a strategic improvement in the text supporting policies for “a Connected Place”. There will be the opportunity for public representations when a planning application is submitted through normal development management procedures. No modification.

Allocation and identification of developer requirements for the Cross Tay Link Road

19. Under Scottish Planning Policy the council has to take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects. However, it does not specifically have to treat major transport proposals as a separate allocation. I agree that the policies in the proposed plan are sufficient to guide the design stages for the scheme. The Perth Transport Futures website provides comprehensive and up-to-date information on the Cross Tay Link Road project and the A9/A85 projects. This would allow members of the public to raise any issues regarding the impact of construction traffic.

20. As mentioned above, a route for the proposed Cross Tay Link Road and its junctions are indicated on the proposal maps for Perth. I accept that the project is still at the detailed design stage, including footway/cycleway proposals, and will be the subject of a planning application. For that reason, I consider that it would be inappropriate to provide any further detail in the proposed plan which could be subject to change and become out-dated. I would expect Scottish Natural Heritage, other statutory consultees and members of the public to have the opportunity for comment on the scheme, its impacts and mitigation measures at the planning application stage. No modification.

Delivery

21. The council has confirmed that capital finance is in place for the Cross Tay Link Road, as well as Scottish Government funding, in response to my request for additional information reference: FIR16. The council indicates that details of project funding and delivery of the Cross Tay Link Road will be in the proposed plan Action Programme, updated on a 6 monthly basis. There is also the webpage to communicate progress on the Cross Tay Link Road project as part of the Shaping Perth Transport Futures. The Action Programme is not part of this examination of the proposed plan but, along with the webpage is an appropriate means of tracking progress and informing interested parties. No modification.

Traffic Modelling and Network Capacity

22. Representations submit concern that the development of road infrastructure may not be sufficient or rapid enough to handle likely increases in road traffic, quoting from the document Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region (2010). This stated at that time that “the current network would only be able to support limited future developments and is expected to have severe operational difficulties before 2018, with gridlock becoming commonplace”. Various options were proposed, including the Cross Tay Link Road.

23. I accept that the council has developed mitigation measures such as improvements at the Broxden and Inveralmond junctions and the Cross Tay Link Road which, when modelled, indicates that there would be capacity in the highway network for most of the proposed plan allocations when developed. In addition, a “pause and review” is in place at Perth West, as indicated at Issue 25 Perth Strategic Development Area and a package of active travel and public transport measures. In accordance with the comment from the Scottish Government I agree that there should be a reference to the ongoing discussions with Transport Scotland concerning infrastructure contributions. Contributions towards transport infrastructure are dealt with at Issue 4 Policy 5 Infrastructure Contributions.

24. Having regard to exceptions, the Perth City Traffic Model Report (SYSTRA, 2018) was the subject of an additional note concerning the allocation of site MU70 Perth West for 2,392-3,738 homes in the proposed plan. The proposed plan indicates that a “pause and review” is required for Perth West. This is to allow the impact of further development at that site on the road network to be reviewed, taking into account any change in travel modes. It would be required once either 1500 homes or 20 hectares of employment land is developed, or by 2035, whatever comes first.

25. I agree with the council and Network Rail that it would be helpful to clarify that the proposed Transport strategy for Perth would include public transport and that a reference to the strategic road network would reflect the collaboration with Transport Scotland. The strategy could include consideration of the requests for rail stations at Oudenarde and Luncarty. In this respect, I note that Tactran's Regional Transport Strategy Delivery Plan 2016-2021 includes a commitment to a Scottish Transport Appraisal Guidance (STAG) assessment to cover all options for improving the transport system in the Bridge of Earn area.

Miscellaneous

26. Proposals for a ring road or road system to bypass Bridgend were not specifically

considered as part of the Shaping Perth's Transport Future Document. However, matters of congestion and air quality were considerations in that study. The resulting preferred strategy was an integrated approach to address transport problems and improve the network across all modes, including walking, cycling, public transport and private transport. The evidence submitted does not justify the inclusion of either a ring road or bypass at this stage or additional housing in the green belt as a source of developer funding for such infrastructure. No modification.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 21 add at the end of Policy 4 Perth City Transport and Active Travel:

"Development proposals will only be approved where they will not result in adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation".

2. On page 22: delete Policy Map A Perth City Transport and Active Travel.

3. On page 95: at the footnote to Policy 58B New Development Proposals amend the first sentence to read:

Non-statutory Guidance for Transport will give guidance on sustainable and active travel, "and the infrastructure requirements (such as the Perth Cycle Network Plan as part of an exemplar walking and cycling friendly settlement and links to other settlements)" ; requirements for public transport availability....

4. On page 250: Perth Area Strategy, at the end of paragraph 4 add:

"Development of the Cross Tay Link Road should not result in adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation. Where relevant, applications for the project should be supported by sufficient information to allow the council to conclude that there will be no such adverse effects".

5. On page 250 Perth Area Strategy, at the end of the bullet point text in paragraph 5 regarding the Cross Tay Link Road, modify the last sentence to read:

"The embargo is expected to be lifted in 2021".

6. On page 253: Infrastructure Requirements for Perth, add to the first bullet point in paragraph 3:

"Discussion with Transport Scotland is on-going, as part of an agreed contribution strategy to establish which sites will be required to make additional contributions to the strategic road network, including at Broxden and/or Inveralmond junctions".

7. On page 253: Infrastructure Requirements for Perth, amend the second bullet point in paragraph 3 to read:

"Preparation of a comprehensive Transport Strategy including infrastructure on the local

and strategic road network, public transport services and funding mechanisms”.

Issue 4	Policy 5 - Infrastructure Contributions	
Development plan reference:	Policy 5, page 23	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Stewart Milne Homes (0290/03) Scottish Natural Heritage (SNH) (0353) Scottish Government (0451) Springfield Properties PLC (0455) Woodland Trust Scotland (0462) Network Rail (0509) Portmoak Community Council (0541) Homes for Scotland (0562) Scone Estate (0614) A & J Stephen Limited (0622)		
Provision of the development plan to which the issue relates:	Policy 5 – Infrastructure Contributions & Developer Contributions and Affordable Housing Supplementary Guidance	
Planning authority's summary of the representation(s):		
<u>Policy 5: Infrastructure Contributions</u> SNH (0353/01/005) - Policy 5 and the Developer Contributions and Affordable Housing Supplementary Guidance (CD021) currently sets out developer contributions for road and junction improvements, affordable housing and education contributions, but not green infrastructure or active travel improvements. TAYplan's Policy 6 'Developer Contributions' (CD022) provides the framework for including green infrastructure and active travel, seek the inclusion of these type of contributions and improved connectivity in the Plan. Stewart Milne Homes (0290/03/007) - Level of emerging developer contributions is making many sites unviable. Contributions need to be reasonable and proportionate and partnership working required to bring forward essential funding, which needs to be set out in policy to enable it to be appropriately tested. Policy 5 needs to set out specific requirements of developer contributions linking to the supplementary guidance. Bullet points a) and b) of the policy are non-specific and could be applied to any contribution the Council may consider appropriate at a later date. Any requirement for developer contributions must take account of available capacity within the existing infrastructure and must not be used where there is no direct link within the development or if it is too remote to be considered reasonable. Supplementary Guidance must therefore ensure that the contributions are justified in terms of Circular 3/2012 (CD0168) and meet all 5 policy tests. Any requirements need to be fully set out at an early stage in the plan making process and full opportunity provided to test and challenge the assumptions used. It is essential that sites identified in the LDP2 are deliverable and this requires early identification of planning gain improvements. Developers should not fund large scale infrastructure projects to enable development to come forward and make up shortfalls in local authority budget. A		

fair mechanism of delivery considered on a site by site basis is needed to ensure that development viability is not at risk as a result. This should be assessed and demonstrated through the Local Development Plan and not left for Supplementary Guidance or until an application is made for planning permission.

Stewart Milne Homes (0290/03/016) - Policy 5 should be amended to make reference to Circular 3/2012 (CD168) to ensure full consideration is given to the policy and scope for pursuing developer contribution.

Scottish Government (0451/01/006) - Lack of detail about what contributions will be sought and the locations, types of development where they will be sought. To comply with paragraph 139 of Circular 6/2013: Development Planning (CD001) which states that matters to be dealt with in the plan itself rather than supplementary guidance include: items for which financial or other contributions, including affordable housing, will be sought, and the circumstances where they will be sought. Further detail could be added to Policy 5 to list the types of contribution that will be sought, and the locations, types of development where they will be sought.

Springfield Properties PLC (0455/01/002) - A per recent case law, there needs to be more than a minimal connection between infrastructure need and the development proposed. Policy 5 needs to be reflective of recent case law regarding developer contributions.

Springfield Properties PLC (0455/01/007) - Policy 5 needs to make reference to Circular 3/2012 (CD168).

Woodland Trust Scotland (0462/01/020) - In addition to point (b) the Council could add provision for compensatory planting as a developer contribution. Where appropriate and where facilities or infrastructure will be placed under pressure from additional development developers should contribute through native tree planting. Scottish Planning Policy principle 217 (Paragraph 147, Page 30 assumed) (CD004) states that 'where appropriate planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, or preferably linked to a wider green network.'

Portmoak Community Council (0541/01/002) - Would value greater flexibility within this Policy enabling a broader application of this Policy. Specifically within a small community that developer contributions can be applied to support common infrastructure projects within the community and not just immediate off-site developments.

Homes for Scotland (0562/01/004) - The Policy must acknowledge recent case law regarding developer contributions. There has been recent case law considering the issue of where contributions towards infrastructure could and should be sought. It is therefore relevant to consider referencing those conclusions within Policy 5 and in particular the need for there to be more than a minimal connection between infrastructure need and the development proposed.

Homes for Scotland (0562/01/008) - It would be relevant to reference Circular 3/2012 (CD168) within Policy 5 to give the full context for the policy and scope for pursuing contributions towards infrastructure. Homes for Scotland will fully engage in any review process.

Scone Estate (0614/01/005) - Policy 5 does not comply with Circular 3/2012 (CD168). It is unclear what 'comprehensive planning' means and would request that the wording is clarified. Developer obligations should only be sought to mitigate the impact of development, in line with Circular 3/2012 (CD168). There is a risk that 'comprehensive planning' introduces uncertainty in what may or may not be sought in terms of developer obligations.

Scone Estate (0614/01/016) - Policy 5 does not comply with Circular 3/2012 (CD168). Concern over the 'Note' section in particular "Proposals which increase the number of dwellinghouses within settlements by over 10% with identified deficiencies in community infrastructure may be subject to proportionate community facilities contribution. This sentence is not in line with the tests of Circular 3/2012 (CD168). Developer contributions cannot be sought for 'identified deficiencies' they should only be sought to mitigate the anticipated impact of the development in question. This is confirmed by the third test of Circular 3/2012 (CD168) 'relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area'. Propose that the wording is either deleted or amended so that there is no risk that the policy is in contravention of the Circular tests.

A & J Stephen Limited (0622/01/020) - There has been recent case law considering the issue of where contributions towards infrastructure could and should be sought. It is therefore relevant to consider referencing those conclusions within Policy 5 and in particular the need for there to be more than a minimal connection between the infrastructure need and the development proposed.

A & J Stephen Limited (0622/01/024) - It would be relevant to reference Circular 3/2012 (CD168) within Policy 5 to give the full context for the policy and scope for pursuing contribution towards infrastructure. A & J Stephen Limited will fully engage in any review process.

Network Rail (0509/01/03) - Supports the approach of Policy 5. Network Rail is embarking on a drive to attract third party funding to deliver enhancement projects. This is based on the principle that third parties derive benefits from enhancements should make a financial contribution that is proportionate to the benefits that they can reasonably be expected to derive. It is right that where the cumulative impact of new developments will exacerbate a current, or generate a future, need for additional infrastructure that appropriate contribution are made by developers. We understand the need for local planning authorities and infrastructure providers to work closely together to understand development impacts and appropriate mitigation and to ensure effective delivery. Network Rail should be clearly excluded from having to make developer contributions as a publically owned company arm's length body of the Department of Transport (DfT).

Developer Contributions and Affordable Housing Supplementary Guidance

TACTRAN (0057/01/005) - Welcomes the recognition of the cumulative impact development has on existing transport infrastructure and facilities. It is appropriate for developers to provide reasonable contributions towards the new or upgrade of infrastructure. TACTRAN wishes to be consulted on any future changes to the existing Supplementary Guidance to ensure that necessary improvements to strategic connectivity are included where appropriate.

<p>SNH (0353/01/031) - Recommend the Supplementary Guidance includes green infrastructure and active travel contributions. Request to be consulted on revised Supplementary Guidance.</p> <p>Stewart Milne Homes (0290/03/017) - It is questioned whether the Councils Developer Contributions and Affordable Housing Supplementary Guidance (CD021), Section 6 Transport Contributions is valid taking account of the Supreme Court decision on the Aberdeen City and Shire Strategic Transport Fund. The Supplementary Guidance should be reviewed to ensure it remains valid.</p> <p>Network Rail (0509/01/011) - Recommend that the revised Developer Contributions and Affordable Housing Supplementary Guidance (CD021) reflect current policies 58A, 58B and 5 and emerging proposals in the LDP e.g. Perth Station and bus/rail hub and contributions thereto.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>Policy 5: Infrastructure Contributions</u></p> <p>SNH (0353/01/005) - Modify Policy 5b to 'the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure or there are opportunities for improved connectivity.'</p> <p>Stewart Milne Homes (0290/03/007) - Modify Policy 5 to set out specific requirements of developer contributions linking to Supplementary Guidance.</p> <p>Springfield Properties PLC (0455/01/002); Homes for Scotland (0562/01/004); A & J Stephen Limited (0622/01/020) - Modify Policy 5 to set out specific requirements of developer contributions linking to Supplementary Guidance.</p> <p>Stewart Milne Homes (0290/03/016); Springfield Properties PLC (0455/01/007); Homes for Scotland (0562/01/008); A & J Stephen Limited (0622/01/024) - Modify Policy 5 to make reference to Circular 3/2012 (CD168).</p> <p>Scottish Government (0451/01/006) - Modify Policy 5 to list the types of contribution that will be sought, and the locations, types of development where they will be sought.</p> <p>Woodland Trust Scotland (0462/01/020) - Modify Policy 5 to include provision of compensatory planting as a developer contribution.</p> <p>Portmoak Community Council (0541/01/002) - Modify Policy 5 to allow contributions to be sought for common infrastructure.</p> <p>Scone Estate (0614/01/005) - Modify Policy 5 to provide further clarity on the wording 'comprehensive planning'.</p> <p>Scone Estate (0614/01/016) - Modify Policy 5 to provide delete or modify the 'Note' to bring in line with Circular 3/2012 (CD168).</p> <p>Network Rail (0509/01/003) - Modify Policy to exclude network Rail from being required to make a contribution.</p>

<p><u>Developer Contributions and Affordable Housing Supplementary Guidance</u></p> <p>TACTRAN (0057/01/005) - No modification but wish to be consulted on changes to revised Supplementary Guidance</p> <p>SNH (0353/01/031) - Modify the Supplementary Guidance to include green infrastructure and active travel contributions and be consulted on revised Supplementary Guidance. Update the Action Programme accordingly.</p> <p>Stewart Milne Homes (0290/03/017) - Review the Developer Contributions and Affordable Housing Supplementary Guidance (CD021), Section 6 Transport Infrastructure to ensure it is valid.</p> <p>Network Rail (0509/01/011) - Modify Supplementary Guidance to reflect current policies 58A, 58B and 5 and emerging proposals in the LDP where contributions may be required.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>Policy 5: Infrastructure Contributions</u></p> <p>SNH (0353/01/005) - TAYplan Policy 6 (CD022) identifies a wide range of contributions which may be required to mitigate any adverse impact on infrastructure, services and amenities brought about by development. Circular 3/2012 (CD168) and Policy 5 allows for appropriate contributions to be sought where a deficit would be exacerbated by new development. While the proposed modification seeks to provide clarity in relation specifically to connectivity the proposed wording could cause ambiguity as the majority of new developments would not be required to make any such contribution. Policy 5 will remain effective with or without reference to improved connectivity in the event that such issues are identified as these are likely to be site specific and not cumulative across a range of sites.</p> <p>No modification is proposed to the Plan.</p> <p>Stewart Milne Homes (0290/03/007) - No evidence has been provided to support the position that the level of developer contributions is making many sites unviable. The Developer Contributions and Affordable Housing Supplementary Guidance September 2016 (CD021) provides a clear outline of the necessary contribution requirements within Perth & Kinross which allows for early consideration of contribution requirements when carrying out site assessments in advance of promoting the inclusion of sites within the Local Development Plan. Circular 6/2013: Development Planning (CD001) paragraph 81 identifies that 'detailed policies may be removed to Supplementary Guidance ...provided an appropriate context remains in the Plan itself.' Policy 5 defines the principle and context for infrastructure contributions with the detail defined through Supplementary Guidance in line with the Circular. It is acknowledged that it would not be appropriate to produce other Supplementary Guidance than that identified under Policy 5.</p> <p>No modification is proposed to the Plan.</p> <p>Stewart Milne Homes (0290/03/016); Springfield Properties PLC (0455/01/007); Homes for Scotland (0562/01/008); A & J Stephen Limited (0622/01/024) - The Local Development Plan is developed in line with Government Policy including Circular 3/2012 (CD168) which provides the framework for requiring contributions to mitigate the impact of new</p>

development. Policy 5 defines the principle of developer contributions and sets out the basis for Supplementary Guidance. The Developer Contributions and Affordable Housing Supplementary Guidance September 2016 (CD021) define how contributions will be required in line with Circular 3/2012 (CD168). Circular 3/2012 (CD168) requires that authorities consider the requirement for a planning obligation using a sequential approach that favours the use of a planning condition wherever possible. This is reflected within Policy 5. Developer contributions can be secured by other means than planning obligations and it is not necessary for the Policy to refer to the Circular. In the event that a planning obligation is requested for a particular development, this would be considered against the Circular. This issue was considered through the review of the previous Local Development Plan through Issue 4 Infrastructure Contributions (CD174) where the Reporter agreed with the Council's position.

No modification is proposed to the Plan.

Scottish Government (0451/01/006) - Paragraph 81 of Circular 6/2013: Development Planning (CD001) states 'detailed policies may be removed to Supplementary Guidance, especially if there is no significant change from the previous plan, and provided the appropriate context remains in the plan itself.' The view is that this is at odds with paragraph 139 which states that Supplementary Guidance should not include 'items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.' The Council has adopted Developer Contributions and Affordable Housing Supplementary Guidance (CD021) which details the application of the various different developer contributions to new development across the Council area. Since the adoption of the Local Development Plan in 2014 this Guidance has been reviewed and updated twice to reflect changing circumstances. The Council would seek to continue this approach as there is no significant change from the previous plan and through Policy 5 it is considered that appropriate context remains in the Plan. It also provides significant flexibility where revisions to the application of contributions are required. To contain this level of detail would not allow for changes in the detailed application of the Guidance within the scope of Government Policy and the adopted Local Development Plan.

The representation from the Scottish Government does not refer to Local Development Plan 2 Policy 20: Affordable Housing (CD144) which is also supplemented by the adopted Supplementary Guidance. The Council considers that this Policy fulfils the requirements of paragraph 139 of the Circular (CD168) as it sets out that 'Residential Development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed' which is a clear summary of how the policy will be applied to new development.

If the Reporter considers that additional information is required to be included within Policy 5 the following provides a summary of the requirements of the Adopted Developer Contributions and Affordable Housing Supplementary Guidance 2016 (CD021) taking account of paragraph 139 of Circular 6/2013: Development Planning (CD001). The Council would view that the inclusion of this within the Local Development Plan would be excessive and that the current approach taken by the Council is more proportionate and no modification would be sought.

Primary Education

A full list of the schools where contributions will be sought, Supplementary Guidance Appendix 1.

A plan showing the City Centre zone where developments of less than 20 units are exempt from contributing towards primary education, Supplementary Guidance Appendix 4.

A list of types of developments which would require to contribute towards primary education and any exemptions:

- Applies to:
 - Dwellings with two or more bedrooms;
 - Change of use to create a dwellinghouse with two or more bedrooms.
- Exemptions for:
 - Affordable and Council Housing;
 - Applications for dwellings which are not likely to place an additional burden on the existing schools, for example Student accommodation lined to a college/university or holiday accommodation;
 - Single bedroom dwellings;
 - Sheltered housing.

Contribution level will be £6,460 per dwelling (But this may be subject to change as defined in the Supplementary Guidance).

Auchterarder A9 Junction Improvements

A plan showing the Auchterarder A9 Junction Boundary, Supplementary Guidance Appendix 2.

- Applies to:
 - Residential Dwellings;
 - Non-residential development where a Transport Assessment is required;
 - Development out with the Auchterarder A9 Junction Boundary, within the Strathearn Housing Market Area, which is identified to have a significant impact on the junction.
- Exemptions for:
 - Affordable and Council Housing;
 - Non-residential developments which do not require a Transport Assessment or are considered to reduce the need to travel;
 - Developments within the Auchterarder Development Framework area.

Contribution level will be £3,450 per dwelling or pro-rata for non-residential development (But this may be subject to change as defined in the Supplementary Guidance).

Transport Infrastructure

A plan showing the Transport Infrastructure boundary, Supplementary Guidance Appendix 3.

Two tiers of contribution level within Perth Core Area & Out-with Perth Core Area.

A plan showing the City Centre zone where developments of less than 20 units are exempt from contributing towards primary education Supplementary Guidance

Appendix 4.

- Applies to:
 - All Residential Dwellings – Flat rate contribution for Open Market and reduced for Affordable Housing;
 - Non-residential development – Individual rate per m² based on different use classes.
- Exemptions for:
 - Employment use on brownfield land;
 - Change of use to create less than 5 dwellinghouses;
 - Development which would not increase traffic levels or would support Council objectives.

Perth Core Area

Land Use	Contribution per m ²
Retail	£123
Employment	£11
Other non-residential use	£43

Land Use	Contribution per unit
Residential	£3,549
Residential - Affordable	£1,775

Out-with Perth Core Area

Land Use	Contribution per m ²
Retail	£92
Employment	£8
Other non-residential use	£32

Land Use	Contribution per unit
Residential	£2,639
Residential - Affordable	£1,319

The contribution figures and the application to development may be subject to future change. Subject to appropriate consultation additional contribution requirements may be introduced through the lifetime of the Development Plan. The most up to date contribution position will be detailed within the adopted Supplementary Guidance.

Springfield Properties PLC (0455/01/002); Homes for Scotland (0562/01/004); A & J Stephen Limited (0622/01/020) - The Local Development Plan is developed in line with Government Policy including Circular 3/2012 (CD168) which provides the framework for requiring contributions to mitigate the impact of new development. The case law referred to the Supreme Court and decision concerning Aberdeen City and Shire Strategic

Transport Fund which provides guidance in relation to application of Government Policy to Local Authority Policy but it does not change Government Policy. The Council, having taken expert external legal advice (CD175) has undertaken a review of the methodology and approach to Transport Infrastructure Contributions as set out in the Developer Contributions and Affordable Housing Supplementary Guidance (CD021). The methodology and approach to Transport Infrastructure Contributions is considered to be valid in terms of legislation, caselaw and National Policy. The Council does not consider it necessary to reference specific case law within Policy 5 or specify the need for there to be more than a minimal connection between the infrastructure need and the development proposed. This is already a requirement of the five Tests of Circular 3/2012 (CD168).

No modification is proposed to the Plan.

Woodland Trust Scotland (0462/01/020) - Circular 3/2012 (CD168) and Policy 5 allows for appropriate contributions to be sought where a deficit would be exacerbated by new development. This approach is underpinned through Local Development Plan 2 (CD144) Policy 38: Forestry, Woodland and Trees and Policy 40: Green Infrastructure. While the proposed modification seeks to provide clarity in relation specifically to connectivity the proposed wording could cause ambiguity as the majority of new developments would not be required to make any such contribution. Policy 5 will remain effective with or without reference to the provision of compensatory planting in the event that such issues are identified.

No modification is proposed to the Plan.

Portmoak Community Council (0541/01/002) - Circular 3/2012 (CD168) and Policy 5 allows for appropriate contributions to be sought where a deficiency would be exacerbated by new development. Where a development is shown to make any adverse impact on infrastructure, services and amenities then contributions or mitigation can be sought. Developer Contributions cannot be secured towards existing deficiencies or requirements which are tenuous in terms of the proposed development. The proposed modification is not required.

No modification is proposed to the Plan.

Scone Estate (0614/01/005) - Comprehensive planning relates to the delivery of the necessary infrastructure required to meet the aspirations of the Local Development Plan for each development site in creating a sustainable place. Circular 3/2012 (CD168) and Policy 5 allows for appropriate contributions to be sought where a deficiency would be exacerbated by new development. The requirement for contributions is considered in the context of the whole Local Development Plan and it is not considered that the use of 'comprehensive planning' in this Policy provides uncertainty or requires further clarity.

No modification is proposed to the Plan.

Scone Estate (0614/01/016) - The 'Note' within Policy 5 highlights that where larger developments come forward within settlements which would increase the number of residential Dwellings by over 10% then they would be assessed to determine whether they would exacerbate deficiencies in community infrastructure. If appropriate a proportionate contribution may be sought. The Local Development Plan is developed in line with Government Policy including Circular 3/2012 (CD168) which provides the framework for requiring contributions to mitigate the impact of new development. Policy 5

defines the principle of developer contributions and any contribution requirement towards community infrastructure would be assessed on an individual basis with proportionate contribution being sought in consideration of individual impact and taking account of the relevant Government Policy.

While the Council would seek no modification if the Reporter was so minded the Council would agree to modifying the 'Note' to read 'Proposals which increase the number of residential Dwellings within settlements by over 10% and which would exacerbate deficiencies in community infrastructure may be subject to a proportionate community facilities contribution.'

Network Rail (0509/01/003) - The Councils welcomes the support for Policy 5. The requirement for a developer contribution is to mitigate any adverse impact on infrastructure, services and amenities brought about by development. If a development is proposed by Network Rail which would impact on infrastructure, services or amenities then the development would be assessed on an individual basis. Proposal required for an operational nature will generally be exempt from any contribution requirement. Modifying Policy 5 to provide a blanket exemption for Network Rail is not considered appropriate.

No modification is proposed to the Plan.

Developer Contributions and Affordable Housing Supplementary Guidance

TACTRAN (0057/01/005) - The position presented by TACTRAN is noted. As a statutory consultee the Council will consult with TACTRAN on revisions to the adopted Supplementary Guidance and will consider all comments through this process.

No modification is proposed to the Plan.

SNH (0353/01/031) - The Developer Contributions and Affordable Housing Supplementary Guidance (CD021) will be reviewed to take account of the new Local Development Plan. The Plan and associated documents should be read as a whole and where specific developer contribution proposals are identified then it may be appropriate to include these within the Supplementary Guidance. As a statutory consultee the Council will consult with Scottish Natural Heritage on revisions to the adopted Supplementary Guidance and will consider all comments through this process. The Action Programme will be updated to reflect the adopted Local Development Plan.

No modification is proposed to the Plan.

Stewart Milne Homes (0290/03/017) - The Council, taking expert external legal advice (CD175), has undertaken a review of the methodology and approach to Transport Infrastructure Contributions as set out in the Developer Contributions and Affordable Housing Supplementary Guidance (CD021). This review has taken account of the Supreme Court decision in relation to the Aberdeen City and Shire Strategic Transport Fund. The methodology and approach to Transport Infrastructure Contributions is considered to be valid in terms of National Policy.

No modification is proposed to the Plan.

Network Rail (0509/01/011) - The Developer Contributions and Affordable Housing Supplementary Guidance (CD021) will be reviewed to take account of the new Local

Development Plan. The Plan and associated documents should be read as a whole and it is not considered that it is necessary to reference specific policies but where specific developer contribution proposals are identified then it may be appropriate to include these within the Supplementary Guidance.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy 5 Infrastructure Contributions

1. Paragraph 32 of Circular 3/2012: Planning Obligations and Good Neighbour Agreements states that broad principles, including the items for which contributions will be sought and the occasions when they will be sought should be set out in the strategic development plan or local development plan. To this purpose, TAYplan Policy 6 Developer Contributions includes a list of matters for which contributions might be sought, subject to compliance with the advice in Circular 3/2012. It also requires local development plans to set out a policy framework for seeking developer contributions.
2. However, for the purposes of Policy 5, this list cannot be treated as exhaustive because local development plans cannot anticipate every situation where the need for a contribution might emerge, as paragraph 30 of Circular 3/2012 points out. If a proposed contribution meets the tests in Circular 3/2012, the council would not be constrained in requesting it simply because the purpose to which it would be put is not specifically mentioned in Policy 5. It is inadvisable, therefore, for Policy 5 to adopt a prescriptive approach. Nor should it slavishly replicate the list in TAYplan Policy 6. Instead, it needs to be worded in such a way that it may be applied flexibly in response to the unique circumstances of individual applications. Thus, there is no need to ensure that reference is made in the proposed plan to seeking contributions for green infrastructure and active travel.
3. Nevertheless, the third test in paragraph 14 of Circular 3/2012 indicates that, where it is possible to identify infrastructure provisions in advance, contributions should relate to development plans. Thus, it is appropriate for Policy 5 to make specific reference to the planned Auchterarder A9 junction improvements and Perth transport infrastructure, in accordance with TAYplan Policy 10 Strategic Infrastructure Projects, and to primary education. Also relevant is the advice in paragraph 139 of Circular 6/2013 Development Planning, which explains what topics are and are not suitable for inclusion within supplementary guidance.
4. TAYplan Policy 6 expects detailed matters such as the level of contributions and methodologies for their calculation to be set out in supplementary guidance. This is consistent with the second bullet point in paragraph 26 of Circular 3/2012 and paragraph 139 of Circular 6/2013. I therefore see no need for Policy 5 to include reference to how contributions would be calculated, nor to the rates that would be applied in different situations. The effect of requiring contributions to be made can impact upon the viability of proposals in the short term. Paragraphs 20, 22 and 23 of Circular 3/2012 recognise the impact upon viability that contributions may have and the policy makes provision for staged or phased payments accordingly.
5. In the case of most individual applications, compensatory tree planting is more appropriately secured by condition, as advised in paragraph 17 of Circular 3/2012. Where

extensive areas of new woodland are planned, they could in principle be supported by developer contributions. This matter illustrates the need to ensure that Policy 5 is not prescriptive but capable of being applied flexibly. This flexibility would allow for community infrastructure needs generated by development to be met.

6. In relation to whether developer contributions may be applied more flexibly to support common infrastructure projects, the United Kingdom Supreme Court directed in 2017 that the Scottish Government would need to enact new legislation to allow this to happen. Furthermore, paragraph 21 of Circular 3/2012 states that contributions should not be sought in order to resolve existing deficiencies, however they may have arisen. What paragraphs 14 and 17 of Circular 3/2012 do allow for is contributions to be sought to address the cumulative impact of development. Consequently, I agree with the examination reporter for the existing local development plan in relation to this issue. He stated that a requirement that arises due to an existing infrastructure deficiency would potentially comply with the tests in Circular 3/2012 if the developer were expected to address only the additional impact of their development rather than the deficiency in its entirety. It would be a matter for the council to decide on a case-by-case basis whether a developer contribution could lawfully be required.

7. The phrase “comprehensive planning” is contained within Policy PM3: Infrastructure Contributions of the existing local development plan and expresses the need for a flexible approach to be used, rather than a prescriptive one. The words comprising this phrase should be attributed their normal dictionary meanings. Reference is made to Circular 3/2012 in TAYplan Policy 6. As the proposed plan must accord with TAYplan, there is no need to include reference to Circular 3/2012 in Policy 5. Applying the advice in Circular 3/2012 on a case-by-case basis should be sufficient to ensure that requests for developer contributions are properly justified in principle.

8. The council has taken into account the implications of recent court judgements for Policy 5. This case law has not changed Scottish Government policy and I see no need for it to be referenced within the text of the policy.

9. It would be difficult and, in my view, inappropriate to exempt certain developers from making contributions in preference to others. The implementation of the policy and the detail of the supplementary guidance is guided by the terms of Circular 3/2012. I am satisfied that this provides appropriate flexibility for each proposal to be considered on its merits. Moreover, section 75B of the Town and Country Planning (Scotland) Act 1997 (as amended) provides a right of appeal against a refusal to modify or discharge a planning obligation.

10. In the light of representations made by the Scottish Government, the council's schedule 4 summary of responses provides an alternative wording for the policy. I agree with the council's view that the level of detail contained within this alternative wording would be excessive, disproportionate and would fail to comply with the advice in paragraph 139 of Circular 6/2013 regarding the respective content of supplementary guidance and policy statements. There is no need to include contribution levels – these should be contained within supplementary guidance because they may be subject to change and a separate process of public consultation. Nevertheless, I also agree with those respondents who consider that Policy 5 needs to be more specific about when and in what circumstances a contribution may be sought.

11. Consequently, I issued a further information request (FIR02), which sought comments

upon this new wording. Seven responses were received. The Scottish Government chose not to respond.

12. In its FIR02 response, the council provided a further alternative rewording of the policy that I am content to accept because it complies with relevant advice in Circular 6/2013 and Circular 3/2012. However, as a consequence of my comments below, I have recommended some changes to the wording to improve its clarity and accuracy.

13. In its FIR02 response, Scone Estate expresses concern about the note at the end of the policy. TAYplan Policy 6 states that contributions may be sought for “other community facilities”. In the note, the council indicates that a contribution may be sought where there is an existing deficiency and the number of residential dwellings in a settlement would increase by more than 10 per cent. This would be consistent with the principle that a contribution may be sought to address only the additional impact of development rather than the deficiency in its entirety. A new note appears three times in the council’s FIR02 wording. This is unnecessary repetition and I shall recommend that it appears only once, at the end of the policy, and that it should incorporate the wording of the existing note. Scone Estate also repeats its request for the phrase “comprehensive planning” to be clarified. The words comprising this phrase should be attributed their normal dictionary meanings.

14. The FIR02 responses submitted by A&J Stephen Limited, Homes for Scotland and Stewart Milne Homes express similar concerns. A&J Stephen Limited and Homes for Scotland refer to the council’s resolution to amend Policy 1D. This is a matter more appropriately dealt with in Issue 02: Placemaking of this examination. With regard to all three of these responses, reference is made to Circular 3/2012 in TAYplan Policy 6. As the proposed plan must accord with TAYplan, I see no need for Policy 5 to include reference to Circular 3/2012. Again, in relation to all three responses, the council has taken into account the implications of recent court judgements for the wording of Policy 5. This case law has not changed Scottish Government policy and I see no need for case law to be cited or referenced within the text of the policy. Most of the remaining points would be addressed by removing the methodology for calculating contribution rates and the rates themselves to supplementary guidance, which I shall recommend. This guidance will be subject to a separate process of public consultation. This is where the detailed arguments made in these responses would most productively be made.

15. In its FIR02 response, Portmoak Community Council seeks greater flexibility in the use of contributions. However, new legislation may be needed to allow for the pooling of contributions in this manner and it would also be unlawful to require proposals to make a contribution where there is only a trivial or notional relationship between the development proposed and the requirement to make a contribution.

16. In its FIR02 response, Network Rail continues to argue that it should be exempted from making any contributions on the basis that it is a provider of ‘social infrastructure’. However, as it acknowledges in its response, the concept of ‘exempted social infrastructure providers and fleet vehicles’ is not recognised in Scottish Law. Therefore, development proposals submitted by Network Rail would be assessed against development plan policies, including Policy 5, on the same basis as those of any other developer. It would be a matter of judgement for the council to decide whether a Network Rail proposal would fall within one of the exemptions provided for by the modified policy. It would be more appropriate for detailed guidance about the scope and applicability of these exemptions to be contained within supplementary guidance, which would be subject

to a separate process of public consultation and democratic oversight.

Perth City Centre Zone

17. It is clear from existing supplementary guidance and the suggested rewording of the policy in the council's schedule 4 summary of responses that contributions relate to residential development. In the responses received to FIR02, no objection is raised to the council's suggestion to exempt proposals for fewer than 20 dwellings from making contributions towards primary education and transport infrastructure. Treating proposals for 20 or more dwellings on a case-by-case basis would allow a clear assessment against the tests in Circular 3/2012 to be made for each proposal. I have altered the wording of the FIR02 proposed modification to make it clear that it is only residential development proposals from which contributions would be sought. It would also aid clarity to state that the need for contributions would be assessed on a case-by-case basis, rather than 'individually'.

Primary Education and New Housing Development

18. The threshold for primary education contributions is where primary school capacity exceeds 80 per cent. This is the same as the threshold set in existing supplementary guidance. It is appropriate for this threshold to be included within the policy as a 'hook' upon which supplementary guidance may be hung. I have altered the FIR02 proposed modification to make it clear that detailed information about methodology, geographic qualification and contribution rates will be contained within supplementary guidance. It is also necessary to clarify that it is only residential development proposals from which contributions would be sought.

19. In their FIR02 responses, A&J Stephen Limited and Homes for Scotland point out that Policy 25 Housing Mix requires one- or two-bedroom homes to make up at least 10 per cent of homes in proposals for 20 houses or more. This would be in addition to the provision of affordable housing. This matter is discussed as part of Issue 10 Residential Development of this examination. Whereas one-bedroom homes would be exempted from the requirement to contribute, two-bedroom homes would not. The respondents make the point that the most recent household projections for Scotland, as reported to full council on 29 August 2018, indicate that seven per cent of single adult, single parent and two adult households have children and that this figure is projected to remain the same throughout the plan period.

20. Despite what the respondents state about the aspirations of two adult households with a child (or children) to occupy larger homes, a proportion of such families would be likely to occupy a home with two-bedrooms. Therefore, I consider it reasonable for the council to seek contributions from proposals for homes with two or more bedrooms.

Auchterarder A9 Junction Improvements and Perth Transport Infrastructure

21. The need to fund necessary infrastructure is not disputed by respondents to FIR02. What is disputed is how contributions should be calculated. No such calculations are included within the council's FIR02 proposed modification. I am satisfied that this wording sufficiently explains the circumstances in which contributions would be sought, leaving the details to be explained in supplementary guidance, which will be subject to a separate process of public consultation.

22. A&J Stephen Limited suggest that there should be a 50 per cent reduction in the transport contribution sought from each one- and two-bedroom home. Reductions or exemptions are proposed for affordable and/or council housing, where car ownership is likely to be lower. As far as market housing is concerned, the council's proposed wording leaves room for different contribution rates to be agreed in supplementary guidance, which will be subject to a separate process of public consultation.

Developer Contributions and Affordable Housing Supplementary Guidance

23. The detailed content of proposed supplementary guidance is not a matter for this examination to address. Consequently, I have restricted my comments above to the division between those matters that are appropriate for supplementary guidance and those that are more appropriately included within Policy 5.

Reporter's recommendations:

I recommend that the following modifications be made:

1. At the end of the policy but before the note, add the following new wording:

"The Council currently seeks specified developer contributions towards Primary Education, Auchterarder A9 Junction Improvements and Transport Infrastructure. Other contribution requirements will be assessed on a case-by-case basis.

Perth City Centre Zone

Within the Perth City Centre Zone, proposals for fewer than 20 dwellings will not be required to contribute towards Primary Education or Transport Infrastructure. Where a proposal is for 20 or more dwellings, the contribution requirement will be assessed on a case-by-case basis.

Primary Education and New Housing Development

Primary Education contributions will be sought from residential proposals for the primary school catchment areas scheduled within the council's supplementary guidance. This schedule is based upon schools that are currently operating at or above 80% of total capacity and where the cumulative impact of extant planning permissions and Local Development Plan allocations would result in the school projected to be operating at or above 100% of total capacity.

Where the Council has invested in primary schools to support future development a contribution will be sought from new residential development within the relevant primary school catchment area. The areas where contributions are to be required will be reviewed annually and published in the council's supplementary guidance.

In assessing new development against the Primary Education contribution requirement, the following principles will apply:

Applies to:

- Dwellings with two or more bedrooms;
- Change of use to create a dwellinghouse with two or more bedrooms.

Exemptions for:

- Affordable and Council Housing;
- Applications for dwellings which are not likely to place an additional burden on the existing schools, for example student accommodation linked to a college/university or holiday accommodation;
- Single bedroom dwellings;
- Sheltered housing.

Auchterarder A9 Junction Improvements

All new development proposals within the Auchterarder A9 Junction Improvement Area may be required to contribute towards the junction improvements.

In assessing new development against the Auchterarder A9 Junction Improvement contribution requirement the following principles will apply:

Applies to:

- Residential dwellings;
- Non-residential development where a transport assessment is required;
- Development out-with the Auchterarder A9 Junction boundary, within the Strathearn Housing Market Area, which is identified to have a significant impact on the junction.

Exemptions for:

- Affordable and Council housing;
- Non-residential developments that do not require a transport assessment or are considered to reduce the need to travel;
- Proposals within the Auchterarder Development Framework area.

Perth Transport Infrastructure

All new development within the Transport Infrastructure contribution area may be required to contribute towards the junction improvements.

In assessing new development against the Transport Infrastructure contribution requirement, the following principles will apply:

Two tiers of contribution level within Perth Core Area & Out-with Perth Core Area.

Applies to:

- All residential dwellings – flat rate contribution for open market and reduced for affordable housing;
- Non-residential development – individual rate per m² based upon different use classes.

Exemptions for:

- Employment use on brownfield land – employment land is defined as those sites with uses falling within Class 4 (business), Class 5 (general industrial) and/or Class 6 (storage or distribution);

- Changes of use to create fewer than five dwellinghouses;
- Development which would not increase traffic levels or would support Council objectives.”

2. Add the following new wording to the end of the note:

“Other contribution figures and their application to development proposals may be subject to future change. Subject to appropriate consultation, additional contribution requirements may be introduced throughout the lifetime of the development plan.”

Issue 05	Policy 6 Settlement Boundaries	
Development plan reference:	Policy 6 Settlement Boundaries, page 24	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
C Sinclair (0178) Stewart Milne Homes (0290/03) Scottish National Heritage (SNH) (0353) Alistair Godfrey (0410) Ian Stratton (0480) Cleish and Blairadam Community Council (0510)		Kinross-shire Civic Trust (0526) Krys Hawryszczuk (0536) Cllr Michael Barnacle (0584) Ken Miles (0592) Mr & Mrs Scott (0598/10) Scone Estate (0614)
Provision of the development plan to which the issue relates:	Policy 6: Settlement Boundaries, and other settlement boundary issues	
Planning authority's summary of the representation(s):		
<p><u>Policy wording</u></p> <p>SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 6 should reflect the outcome of Table 8.1, pages 134-136 of the Habitats Regulations Appraisal (CD056).</p> <p>Alistair Godfrey (0410/01/003) - Policy wording needs clarifying to ensure that (b) does not subvert the intention of (a), that (c) is only allowed if there is no capacity within the settlement boundary or elsewhere within the principal settlement, and to define the terms 'adjacent' and 'not directly adjoining' by measure.</p> <p>Scone Estate (0614/01/023) - The LDP should state clearly that the Housing in the Countryside Policy applies to villages and settlements which are not in the tiers of settlements and do not have settlement boundaries.</p> <p><u>Exceptions to the policy</u></p> <p>Cleish and Blairadam Community Council (0510/01/002); Kinross-shire Civic Trust (0526/01/003); Krys Hawryszczuk (0536/01/002); Cllr Michael Barnacle (0584/01/007); Ken Miles (0592/01/002) - Disagree with the introduction of exceptions to allow development of the edge of settlements for some or all of the following reasons:</p> <ul style="list-style-type: none">• introduces an opportunity for loose interpretation which could lead to breaches of the Policy thus undermining the effectiveness of the Plan to control development;• any development outwith a settlement boundary can lead to further planning applications; the boundary is then compromised and eroded, losing its protective capability;• the exceptions are covered by other policies;		

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

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

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

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

New Settlement Boundaries

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

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

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

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

Mr & Mrs Scott (0598/10/001) - Object that no settlement boundary is identified for Abernyte for the following reasons:

- Settlements which are smaller than Abernyte are identified and in most cases, allowance made for housing.
- There has been a very limited amount of housing in Abernyte over the last 20 years,

- despite it being a popular place to stay.
- The primary school roll is down to 4 pupils and the Council's reluctance to allow for any housing in or around Abernethy is a considerable factor in the school roll dramatically dropping.

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

Modifications sought by those submitting representations:

Policy wording

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

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

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

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

Exceptions to the policy

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

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

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

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

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

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

Stewart Milne Homes (0290/03/008) - An additional part d) should be included in Policy 6 to allow for development adjacent to settlement boundaries if it is in a sustainable location.

<p><u>New Settlement Boundaries</u></p> <p>C Sinclair (0178/01/001) - A Settlement Summary and defined settlement boundary should be included in the Plan for New Fowlis.</p> <p>Mr & Mrs Scott (0598/10/001) - A settlement boundary should be included in the Plan for Abernyte.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>Policy wording</u></p> <p>SNH (0353/04/001) - It is considered that amending Policy 6 to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056), and detailed in the previous section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply for proposals arising under this policy. It would also set out what will be expected of them in making a planning application.</p> <p>If the Reporter is so minded the suggested additional text by the respondent should be added to Policy 6 as detailed in the 'Modifications Sought' section.</p> <p>Alistair Godfrey (0410/01/003) - Criterion (a) allows for rural businesses to be located adjacent to the settlement boundaries of non-principal settlements. Principal settlements are excluded as these are not rural locations and it is therefore not appropriate to include businesses wishing to locate in these settlements as falling within the scope of policy 8. Criterion (b) allows for developments adjacent to settlement boundaries where a specific operational and locational need can be demonstrated. It is not considered that criterion (b) will either prevent or allow development which would otherwise be acceptable or unacceptable under criterion (a); proposals only have to accord with one of the three criterion. It is therefore not considered that the wording of criterion (b) risks undermining the intention of criterion (a). Furthermore, proposals have to be compatible with the suite of policies contained within the LDP and this provides additional protection.</p> <p>No modification is proposed to the Plan.</p> <p>Alistair Godfrey (0410/01/003) - Where a proposal is required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective Housing Land Supply, these will be assessed against TAYplan Policy 1 (CD022, page 8). Part B of TAYplan Policy 1 sets out the sequential approach which prioritises land within principal settlements before land on the edge of principal settlements. No further clarification is considered necessary.</p> <p>No modification is proposed to the Plan.</p> <p>Alistair Godfrey (0410/01/003) - It is not considered necessary to set a specific distance within which proposals will be considered 'adjacent to' a settlement, and outwith proposals will be considered 'not directly adjoining' a settlement boundary. If the red line boundary of a proposed development abuts the settlement boundary then it will be considered 'adjacent to' the settlement and will therefore only be considered if it meets one of the criteria (a) to (c). If there is a gap between the red line boundary and the settlement boundary then it will fall to be assessed against either Policy 8 Rural Business and Diversification or Policy 19</p>

Housing in the Countryside.

No modification is proposed to the Plan.

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

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

Exceptions to the policy

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

No modification is proposed to the Plan.

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

No modification is proposed to the Plan.

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

No modification is proposed to the Plan.

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

No modification is proposed to the Plan.

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

No modification is proposed to the Plan.

New Settlement Boundaries

C Sinclair (0178/01/001); Mr & Mrs Scott (0598/10/001) - It is often very difficult to identify meaningful boundaries for small settlements due to the more dispersed nature of many of these settlements. It is therefore considered that using Policy 19: Housing in the Countryside to assess applications for development in these small settlements is more appropriate and will allow proposals to first and foremost be assessed against their suitability and fit within, and their impact upon, an existing building group rather than being almost deemed acceptable in principle because the proposal is within a settlement boundary line. Using Policy 19 to guide development will allow these small settlements to grow more naturally than determining where development is/is not appropriate based on what can be an arbitrary line. This approach was supported by the Examination Reporter for the adopted LDP. The Reporter at that time concluded that 'the application of Policy RD3 and the accompanying supplementary guidance will provide an adequate framework for the consideration of development proposals....There is no reason to suspect that this approach will fail to strike an appropriate balance between, on the one hand, satisfying the expectation in SPP to permit residential development in all rural area, and on the other, to encourage an efficient settlement pattern which contributes to reducing the need to travel' (CD015, pages 104-105, paragraph 14).

Comparison is drawn in the representations between New Fowlis and Abernyte, and other similar (and smaller) sized settlements which do have a boundary identified. Whilst settlement size was an important consideration in determining which settlements should have a boundary and which should not, decisions were not simply based on a pre-determined size limit. Instead each settlement was considered on its own merits taking account of the relative significance of that settlement in its particular location in terms of the range and type of facilities such as schools, shops or community facilities, and its overall

size and number of houses. The scope for expansion of each settlement in terms of available sites and the ability to sustain additional development were also taken into account. A judgement was then made about whether a settlement boundary was required or whether the Housing in the Countryside Policy afforded adequate control.

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

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

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

No modification is proposed to the Plan.

Reporter's conclusions:

Policy wording

1. I agree that the policy should be modified in accordance with the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.
2. The words “adjoin” and “adjacent” are very similar in meaning but the use of both could introduce doubt, thereby allowing room for dispute and potentially hindering the consistent interpretation of the policy. I consider that “adjoin” most accurately reflects how the council intends to apply the policy. Greater clarity would also be achieved by stating that it is the boundary of a development site, rather than specific elements of a proposal, that should adjoin a settlement boundary. These changes would make it unnecessary to

define “adjacent” by measure. With these changes, I consider that the policy would be sufficiently clear and robust to remove any doubt about when sites should be treated as being in the countryside.

3. Proposals for development on sites that adjoin a settlement boundary would be required to comply with at least one of three criteria and the application of the policy would be restricted to “built development”, which excludes material changes of use. Criterion a) requires compliance with Policy 8 Rural Business and Diversification. The note at the end of this policy makes it clear that it applies only to settlements not defined as principal settlements in TAYplan Policy 1 Location Priorities. Given my conclusion above, additional clarity is required with regard to how sites that adjoin non-principal settlement boundaries should be treated. Criterion a) would apply only to non-principal settlements and to proposals for existing and new rural businesses. Criterion b), however, could apply to any settlement with a defined boundary and for a wider range of built development, including single houses. This is consistent with TAYplan Policy 1B Sequential Approach, which identifies “land on the edge of principal settlements” as being the second sequentially most preferable sites for development. It is also consistent with TAYplan Policy 1C Outside of Principal Settlements, which allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. I am satisfied that criterion b) would not subvert the intention of criterion a). Criterion c) refers to Policy 24 Maintaining an Effective Housing Land Supply, which very clearly sets out the circumstances in which any identified shortfall in housing land supply would be remedied, in accordance with TAYplan. It is possible that a proposal might potentially be justified against more than one of these criteria. However, it would be a matter for an applicant to decide against which of the three criteria to assess their proposal. In my view, the three criteria are sufficiently well differentiated and framed to allow them to be applied with confidence by applicants and consistently by the council.

4. Any proposal on a site which is outside an identified settlement boundary and does not adjoin a settlement boundary will be treated as being in the countryside. Therefore, the final paragraph of the policy unambiguously sets out the circumstances in which Policy 19 Housing in the Countryside would apply. Consequently, it is unnecessary for the policy to state that Policy 19 applies to villages and settlements which are not within the tiers of settlements defined in TAYplan Policy 1 and do not have a settlement boundary.

Exceptions to the policy

5. In my view, it would be unduly restrictive to have no exceptions to the policy at all or to limit proposals to those that could show a community benefit. This is because such an approach would be more restrictive than TAYplan, with which the proposed plan must accord. The exceptions give local expression to TAYplan Policies 1B and 1C. TAYplan Policy 1B2 identifies sites on the edge of principal settlements as the second sequentially most preferable location for development. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. Cross-references to Policy 8 Rural Business and Diversification and Policy 24 Maintaining an Effective Housing Land Supply of the proposed plan make it clear in what other ways exceptional proposals must accord with the proposed plan.

6. Scottish Planning Policy paragraph 30 provides guidance about the principles of sustainable development as it relates to development planning. TAYplan Policy 1

identifies a principal settlement hierarchy and a sequential approach to the siting of development. In the countryside, it seeks to “avoid suburbanisation...and unsustainable patterns of travel and development”. TAYplan has been approved and local development plans must now accord with its policies. I am satisfied that the policy is in accordance with TAYplan and that the sequential approach to the siting of development complies with what Scottish Planning Policy paragraph 30 expects of development planning. The exceptions to the policy and the opportunity for individual proposals to be assessed against Scottish Planning Policy paragraph 29, promote sustainable development in the manner expected by Scottish Planning Policy paragraph 40. Consequently, I see no need to add an additional criterion to the policy.

7. The policy does make a distinction between urban (i.e. principal) and rural (i.e. non-principal) settlements in criterion a).

8. Paragraph 2.6 of Circular 4/2009: Development Management Procedures states that pre-application consultation is required only for “national and major developments”. So, although pre-application consultation is to be encouraged, it would be inappropriate for the policy to require pre-application consultation with communities whatever the size of the proposal.

9. I am satisfied that the proposed exceptions to this policy are consistent with TAYplan Policy 1, which defines principal settlements; establishes a sequential approach to the siting of development, and sets out how development in non-principal settlements should be assessed. Also relevant is Scottish Planning Policy paragraph 79, which expects spatial strategies to make provision for rural development. The proposed exceptions seek to restrict development in the countryside that would otherwise be unsustainable, whilst at the same time promoting rural development in line with the advice in Scottish Planning Policy paragraph 79, the National Planning Framework and TAYplan.

10. The evidence submitted does not justify treating Scone any differently from other settlements identified in TAYplan as Tier 1 principal settlements, most of which are located in the countryside. Furthermore, in the case of Scone, additional control would be provided by Policy 41 Green Belt.

New Settlement Boundaries

11. New Fowlis is relatively compact and the settlement boundary proposed by Mrs C Sinclair would not significantly increase its size in comparison with the settlement boundary shown in the Strathearn Area Local Plan 2001. However, settlement size is not the sole criterion for identifying settlement boundaries. For example, New Fowlis contains no services or employment sites (although it is relatively well-served by public transport). The Settlement Statements briefly explain why boundaries are proposed for some settlements of a similar size to New Fowlis. I have seen no evidence to suggest that there is any inconsistency in the way that New Fowlis was assessed.

12. Abernyte has a primary school, is served by public transport and there are employment and tourism-related facilities nearby. However, it has a dispersed pattern of habitation. No settlement boundary been proposed by respondents and I note that the site being promoted for residential development by P Keir Doe (dealt with as Issue 30 of this examination) falls outside the settlement boundary identified in the Perth Area Local Plan 1995. I agree with the council's view that a substantial amount of residential development would be needed in order to significantly increase pupil numbers at the school and that

there are other ways to secure a sustainable pupil roll, such as by altering the school's catchment area.

13. The proposed plan needs to comply with TAYplan policy 1A: Principal Settlement Hierarchy and I have seen no evidence to suggest that New Fowlis and Abernyte have been assessed inconsistently by the council in this respect. I am satisfied that the sustainable development of these two settlements need not be prejudiced simply because they would not have a defined settlement boundary. This is because, regardless of where a specific proposal would be sited, it would need to accord overall with the development plan. So, although proposals may be acceptable in principle within a settlement boundary, there is no guarantee that they would always be permitted. Conversely, given that provision for sustainable rural development is made in Policies 8 and 19 in particular, there is no reason to assume that development outside a settlement boundary would always be unacceptable.

Reporter's recommendations:

I recommend that the following modifications be made:

1. In the second sentence, replace: "...directly adjoining..." with: "...on sites that adjoin..."
2. In criterion (a), replace "...is not adjacent to a principal settlement;" with "...does not adjoin a principal settlement boundary;"
3. In criterion (c), delete the full stop and, in its place, add: "; and"
4. Add the following new criterion to the policy: "(d) will not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s)."
5. In the third sentence, replace: "...not directly adjoining..." with: "...on sites that do not adjoin..."
6. In the final sentence of Note 2, replace: "...adjacent to..." with: "...on sites that adjoin..."

Issue 06	Economic Development	
Development plan reference:	Policy 7: Employment and Mixed Use Areas, pages 25-26 Policy 8: Rural Business and Diversification, page 26 Policy 9: Caravan Sites, Chalets and Timeshare Developments, page 28	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (0040) Tayside and Central Scotland Transport Partnership (TACTRAN) (0057) Newbigging Farm Partnership (0164) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410)		The Gleneagles Hotel (0522) Royal Society for the Protection of Birds (RSPB) (0546) Crieff Hydro Ltd (0589) Ken Miles (0592) Scone Estate (0614)
Provision of the development plan to which the issue relates:	Economic Development policies pages 25-28	
Planning authority's summary of the representation(s):		
<p><u>Policy 7: Employment and Mixed Use Areas</u></p> <p>Newbigging Farm Partnership (0164/01/001) - Supports the inclusion of this policy.</p> <p>Lynne Palmer (0040/01/006) - Suggests that the use of employment is not defined and considers that this should be added in the glossary and that the Plan should explain the use of 'core'.</p> <p><u>Policy 7A: Business and Industrial</u></p> <p>TACTRAN (0057/01/006) - Supports the criteria used in this policy 7A in particular: (b) The local road network must be suitable for the traffic generated by the proposals (c) There should be good walking, cycling and public transport links to new employment generating areas. This ensures no detrimental traffic impact, and good active travel links.</p> <p>Alistair Godfrey (0410/01/004) - Seeks amendment of (b) to refer to connections to national network.</p> <p>RSPB (0546/01/003) - RSPB Scotland welcomes the inclusion of a criterion regarding European designated sites but seeks modification so wording reflects the Regulation: 48 95) of the Conservation (Natural Habitats &c.) Regulations 1994 ('the Habitats Regulations') (CD026) and paragraph 207 of Scottish Planning Policy (CD004, p48). Although it is the competent authority (the council's) responsibility to undertake appropriate assessment the regulation confirms that the applicant can be required to provide such information as the authority may reasonable require for the purposes of the assessment. The second modification sought above would make this clear in the policy.</p>		

Policy 7B: Mixed Use Sites

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 7B should reflect the outcome of Table 8.1, pages 136-137 of the Habitats Regulations Appraisal (CD056).

Policy 7C: Motor Mile

Alistair Godfrey (0410/01/004) - Seeks deletion of this single use 7C motor mile policy due to concerns about: this single use allocation; its low carbon credentials; considers it contrary to Policy 53: Nuisance from Artificial Light and Light Pollution; and is concerned that showroom's are highly lit.

Policy 8

TACTRAN (0057/01/007) - Supports the criteria to be applied for rural business and diversification, in particular (b), (g) and (i). These criteria ensure that there won't be an unreasonable impact on the operation of the road network and ensure that sustainable travel options are promoted and supported whenever possible.

Scone Estate (0614/01/006) - Clause (h) is overly restrictive in that only ancillary development is supported; it does not provide for destination niche retailing in the rural area at any scale. Revised wording is proposed which would allow for retail development that can support Perth and Kinross' visitor economy, whilst also protecting town centres in line with Scottish Planning Policy (SPP) (CD004).

Policy 9

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 9 should reflect the outcome of the Habitats Regulations Appraisal (CD056, pages 137-138, Table 8.1).

RSPB (0546/01/004) - Policy wording should better reflect the wording in Regulation 48(5) of the Conservation (Natural Habitats, &c.) Regulations 1994 (CD026) and paragraph 207 of SPP (CD004). Although it is the Council's responsibility to undertake appropriate assessments, Regulation 48(2) confirms that the applicant can be required to provide such information as the authority may reasonably require for the purposes of the assessment. A wording change is suggested to clarify this in the policy.

Ken Miles (0592/01/009) - Policy 9c should include reference to Loch Leven Special Protection Area.

The Gleneagles Hotel (0522/01/001) - Object to the lack of a suitable and robust policy framework for tourism and leisure facilities. Do not accept the Council's argument that SPP and the National Tourism Development Framework provide the requisite level of encouragement and support for tourist facilities and developments in the Plan area. The importance of tourism to the LDP area should not be overlooked or undermined by the lack of explicit policy support. TAYplan directs LDPs to 'further assist in growing the year-round

economy including the role of the tourism and sporting and recreational sectors' (CD022, page 18). The National Tourism Development Framework 2013 reinforces this and specifically references Gleneagles as an example of a long-established resort (RD026, page 20). Policy ED5: Major Tourism Resorts from the adopted LDP (CD014, page 25) should be retained in LDP2 in a shape and form which protects, supports and enhances the existing, expanding and potentially new major tourism providers within the Plan area (specific wording suggested).

Crieff Hydro Ltd (0589/01/002) - Intend re-submitting planning application ref: 13/00148/IPM for 'Mixed use development including holiday lodges, leisure facilities, care home, assisted living accommodation, farm shop and cafe and associated landscaping and access routes (in principle) at land 300m West of The Old Manse, Gilmerton'. The Plan should include a site-specific policy to support these proposals to provide certainty in terms of future investment and facilitate the delivery of the Hydro's plan for future sustainable growth.

Modifications sought by those submitting representations:

Policy 7: Employment and Mixed Use Areas

TACTRAN (0057/01/006), Newbigging Farm Partnership (0164/01/001), SEPA (0742/01/003) - Supports this policy, no specific change sought.

Lynne Palmer (0040/01/006) - Seeks definition of employment in the glossary and explanation of the use of 'core'.

Policy 7A: Business and Industrial

Alistair Godfrey (410/01/004) - Seeks deletion of this single use 7C motor mile allocation and seeks amendment of (b) to 'local road network and connections to national network must be suitable for the traffic generated by the proposal'.

RSPB (0546/01/003) - Replace 'adverse impacts' in criterion (g) of Policy 7A with 'adverse effects', and add the following sentence to the end of that criterion "Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects."

Policy 7B: Mixed Use Sites

SNH (0353/04/001) - Policy 7, part 7A: Business and Industrial (page 25) of the Proposed LDP contains the criteria:

(g) Proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).

However, due to the subdivision of Policy 7, this could possibly be misinterpreted as not being applicable to mixed use areas under 7B. As such it is recommended that the text of criterion (g) is moved to the beginning of the overall policy under the title or to the end under a new 'In All Cases' section, or alternatively that the second paragraph of Policy 7B is updated to require that proposals are '...compatible with the amenity of adjoining uses and meet criteria (a)-(g) of 7A above...'

Policy 7C: Motor Mile

Alistair Godfrey (0410/01/004) - Seeks deletion of this single use 7C motor mile policy

Policy 8

TACTRAN (0057/01/007) - Supports this policy, no specific change sought.

Scone Estate (0614/01/006) - Clause (h) should be reworded: 'Outwith settlement centres, retailing will be only be acceptable if it can be demonstrated that it is either, ancillary to the main use of the site or is providing a niche, destination, retailing experience which supports the tourism/visitor offer of Perth and Kinross. In both scenarios retail development will only be acceptable if it can be shown not to prejudice the vitality of existing retail centres in adjacent settlements'.

Policy 9

SNH (0353/04/001) - The requirement within Policy 9 (page 28) of the Proposed Plan, should be updated to read that in all cases:

'Development proposals will only be approved where they will not result in adverse effects, either individually or in combination, on the integrity of the River Tay and Dunkeld-Blaigowrie Lochs Special Areas of Conservation.'

RSPB (0546/1/004) - Replace 'adverse impacts' in the penultimate paragraph of Policy 9 with 'adverse effects'. Add the following sentence to the end of that paragraph: 'Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.'

Ken Miles (0592/01/009) - Policy 9c – include 'and Loch Leven Special Protection Area'.

The Gleneagles Hotel (0522/01/001) - Include the following policy on 'Major Tourism Resorts': 'The Plan area includes a number of significant tourism estates which play a significant role in the local, national and international tourism economy. Their ability to meet tourism demand within the Plan area is considered central to the overall vision of the Plan. Their improvement or expansion will be encouraged. It is acknowledged that the landscapes of the Plan area are integral to their tourism offer and as such these areas will be afforded additional protection from developments which have the potential to adversely impact upon it.'

Crieff Hydro Ltd (0589/01/002) - The Plan should include a site-specific policy supporting the Hydro's future proposals for investment in the tourism economy, identifying that the tourism and other uses proposed within a re-submitted planning application (previous ref: 13/00148/IPM) will be supported in principle at Crieff Hydro.

Summary of responses (including reasons) by planning authority:

Policy 7: Employment and Mixed Use Areas

Newbigging Farm Partnership (0164/01/001) - Supportive comments are noted.

Lynne Palmer (0040/01/006) - With regard to the use of the term employment and the

distinction in the Council's proposed policy approaches for core and general employment sites, these are best explained within the policy. Where it is important that there is precise definition this is provided. This is more appropriate than providing an explanation in the glossary which may or may not be referred to.

No modification is proposed to the Plan.

Policy 7A: Business and Industrial

Alistair Godfrey (0410/01/004) - With regard to sought amendment to criteria (b) to refer to connections to the national network this is unnecessary.

No modification is proposed to the Plan. However if the Reporter considered it would make the policy clearer then the Council would not object to the following wording for criteria '(b) The local road network and connections to the national network must be suitable for the traffic generated by the proposal.'

RSPB (0546/01/003) - With regard to RSPB's suggested wording no modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making these changes to criteria (g) as follows as it would not have any implications for any other aspect of the plan.

(g) Proposals should not result in adverse ~~impacts~~ effects, either individually or in combination, on the integrity of any European designated sites. Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects

Policy 7B: Mixed Use Sites

SNH (0353/04/001) - It is considered that amending Policy 7 to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056), and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites (CD052, p63) will apply for proposals arising under these policies. It would also set out what will be expected of them in making a planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy 7 as detailed in the 'Modifications Sought' section.

Policy 7C: Motor Mile

Alistair Godfrey (0410/01/004) - A single use zone for the motor mile is appropriate to cluster car sales and associated uses. There is already a significant amount of car sales premises on Dunkeld Road. Its location in relation to the strategic road network, its visibility, and the lack of adjacent residential areas, makes it a suitable location. This sector is changing with the advent of electric vehicles but it is not the planning systems role to restrict opportunities for a sector of the economy. This is a matter to be addressed at national government level. With regard to appropriate lighting this is a detailed matter that should be considered at the planning application stage with regard to Policy 53: Nuisance from Artificial Light and Light pollution, whilst local heat and energy strategies address energy efficiency matters.

No modification is proposed to the Plan

Policy 8

Scone Estate (0614/01/006) - SPP requires plans to set out a spatial strategy for their rural areas (CD004, paragraph 79) but this makes no specific mention of retailing. Out of centre locations are also the least preferred option for retail uses (SPP, CD004, paragraph 68). It is therefore considered that retail development is inappropriate outwith settlement centres unless it is ancillary to an existing attraction or business in order to support and protect existing settlements centres. As a result it would not be appropriate to support its inclusion within Policy 8. The Examination Reporter for the adopted LDP supported this position, concluding that 'There is no policy support at either national or strategic level making a special case for retailing developments outwith settlement centres which are not ancillary to the main use of the site whatever that use may be. Accordingly, there is no need to alter the text of criterion (f) [in the adopted Plan] in that respect' (CD015, page 44, paragraph 13).

No modification is proposed to the Plan.

Policy 9

SNH (0353/04/001) - It is considered that amending Policy 9 to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056), and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply for proposals arising under these policies. It would also set out what will be expected of them in making a planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy 9 as detailed in the 'Modifications Sought' section.

RSPB (0546/01/004); Ken Miles (0592/01/009) - The wording of the penultimate paragraph of Policy 9 reflects the mitigation measures set out in the Habitats Regulations Appraisal (CD056) as approved by SNH. The Council can also request further relevant information for any planning application to allow the application to be assessed. Neither the changes suggested by RSPB or Ken Miles are therefore considered necessary.

No modification is proposed to the Plan.

The Gleneagles Hotel (0522/01/001) - The Examination Reporter for the adopted LDP concluded that 'Policy ED5 adds nothing to the achievement of the stated aims of the Plan which cannot be achieved by way of its other policies when read as a whole' (CD015, page 55, paragraph 9). However, as no respondent had sought the complete removal of the policy the Reporter at that time was limited to altering the wording of the policy. Consequently the Council did not seek to retain the policy in the Proposed Plan.

Crieff Hydro Ltd (0589/01/002) - Crieff Hydro Ltd intends resubmitting their application reference 13/00148/IPM and seeks a site-specific policy to support these proposals. The previous Reporter considered that giving particular support to specific business ventures effectively created a hierarchy between those businesses which were to be given policy support and which were not. The Reporter concluded that 'it is inappropriate to give

particular support to the commercial viability of one business venture rather than another' (CD015, page 55, paragraph 8). The application previously submitted by the respondent was for holiday lodges but also included significant elements of non- tourism uses: leisure facilities, care home, assisted living accommodation, farm shop and cafe. The application was refused as insufficient environmental information had been provided in support of the application to enable assessment against LDP policies (Decision Notice for planning application 13/00148/IPM, CD152). The option of a site specific policy to support the respondents' proposals was not consulted on through the Main Issues Report.

The important role that tourist facilities play in the local and wider economy and the benefits that they bring to Perth & Kinross are acknowledged. The Council, however, remains of the view that additional policy support over and above that in SPP (CD004) and the Tourism Development Framework for Scotland Refresh 2016 (CD166) is not required (MIR Responses Policies, CD142, pages 3-4). By their very nature these significant tourism developments are largely one-off applications which are usually linked to a cultural or natural asset. The Proposed LDP2 overall provides a comprehensive suite of policies against which such applications can be assessed. In light of this, and the previous Reporters findings, it is not considered appropriate to include either a policy for tourism and leisure facilities or a site-specific policy in the Plan.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy 7 Employment and Mixed Use Areas

1. The activities and processes that fall within use Classes 4, 5 and 6 are defined in the schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997. This order applies everywhere in Scotland. It is unnecessary for the glossary to refer to them because there is no room for local interpretation of their scope.
2. The policy clearly states where and in what circumstances land should be protected for Class 4, 5 and 6 uses. Core employment proposal sites and core employment safeguarding sites are clearly identified on the proposals maps. No further explanation of what "core" means is necessary for the consistent application of the policy.
3. I see no need to define "employment" beyond its ordinary meaning of engagement in an occupation or business.

Policy 7A Business and Industrial

4. Business and industrial uses are likely to be significant travel generators, including of heavier vehicles. Good connections to the local and national road network are therefore necessary to support these uses. I agree that additional clarity would be achieved by the inclusion of a reference to the national road network.
5. I agree that "adverse effects" is more accurate than "adverse impacts".
6. Regulation 48(2) of the Conservation (Natural Habitats, &c.) Regulations 1994 expects applicants to provide all information reasonably required to conduct an appropriate assessment or to determine whether one is required. Additional clarity would be achieved by reminding applicants of this requirement. However, the text of the suggested

modification needs to be strengthened to reflect the emphasis in Regulation 48(2) (i.e. “shall” rather than “should”).

Policy 7B Mixed Use Sites

7. Regulation 54(2) of the Conservation (Natural Habitats, &c.) Regulations 1994 explains when a planning authority in Scotland is required to consider effects on a European site. I therefore agree that the policy should be modified in accordance with the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

8. The clearest way to achieve this would be to require mixed use proposals to accord with criterion (g) of Policy 7A.

Policy 7C Motor Mile

9. Although it would be inappropriate to give particular support to the commercial viability of one business over another, this policy seeks to restrict commercial uses to a particular business sector. I consider that this is a legitimate objective for planning policies to support. This policy has the same wording as Policy ED1C in the Perth & Kinross Local Development Plan, adopted 3 February 2014 and the evidence submitted does not allow me to reasonably conclude that the inclusion of this wording would be inappropriate.

10. The environmental effects of this policy could adequately be controlled by condition on a case by case basis and other legislation is capable of addressing any existing nuisance. In relation to light pollution, individual proposals would need to accord overall with the development plan. This would include Policy 53 Nuisance from Artificial Light and Light Pollution, which seeks to avoid any obtrusive and/or intrusive effects in this regard.

Policy 8 Rural Business and Diversification

11. Scottish Planning Policy paragraphs 60 and 68 expect the planning system to apply a ‘town centre first’ approach to the siting of retail development and for a sequential approach to be adopted for the siting of retail development. Out of centre locations are to be treated as the sequentially least preferable. TAYplan Policy 1A Principal Settlement Hierarchy identifies Scone as a tier 1 principal settlement within the Perth Core Area. Consequently, it cannot be treated as being in a more remote or rural area for the purposes of Scottish Planning Policy footnote 33. Neither does Scottish Planning Policy paragraph 79 include retail development within the list of matters that a development plan spatial strategy should consider when promoting rural development.

12. There has been no material change to the national or strategic policy context regarding the siting of retail development since the current local development plan was adopted, in 2014. Thus, I see no reason to disagree with the examination reporter who found no support for making a special case for retailing generally or niche retailing outwith settlement centres that would not be ancillary to the principal use of a site.

13. I am satisfied that the policy does not amount to a ‘blanket ban’ on niche retailing. Such proposals might be acceptable, subject to their accordance with development plan policies as a whole, if ancillary to a principal use. I am satisfied that the policy strikes the

right balance between allowing ancillary retail activity in rural locations and supporting the thrust of national retail planning policy.

Policy 9 Caravan Sites, Chalets and Timeshare Developments

14. I see no need for a specific policy to support the development of major tourism resorts and to protect their landscape settings from harm. Criteria (a) and (d) of Policy 8 Rural Business and Diversification of the proposed plan expect all future rural business and diversification proposals to support tourism development and to protect the landscape and environmental capacity of a site.

15. Similarly, I see no need for a site-specific policy to support the development of Crieff Hydro. Policy 8 provides a framework for assessing all rural business proposals on an equal basis and there is support for tourism development within Scottish Planning Policy, as well as the Tourism Development Framework for Scotland: role of the planning system in delivering the visitor economy (Refresh 2016), which are important material considerations in the determination of any planning application. Furthermore, paragraph 100 of Scottish Planning Policy states that it is a matter for strategic development plans (in this case TAYplan) to "...identify and safeguard any nationally or regionally important locations for tourism...".

Policy 9 In All Cases

16. I agree that "adverse effects" is more accurate than "adverse impacts".

17. Regulation 48(2) of the Conservation (Natural Habitats, &c.) Regulations 1994 expects applicants to provide all information reasonably required to conduct an appropriate assessment or to determine whether one is required. Additional clarity would be achieved by reminding applicants of the need for sufficient information to be provided to allow the council to conduct an appropriate assessment or to determine whether one is required. However, the text of the suggested modification needs to be strengthened to reflect the emphasis in Regulation 48(2) (i.e. "shall" rather than "should").

18. Regulation 54(2) of the Conservation (Natural Habitats, &c.) Regulations 1994 explains when a planning authority in Scotland is required to consider effects on a European designated site. I therefore agree that the policy should be modified in accordance with the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances. As indicated on Table 8.1 of the appropriate assessment, this would require a reference to the Dunkeld-Blairgowrie Lochs Special Area of Conservation to be added.

19. The inclusion of the Loch Level Special Protection Area is not recommended by Table 8.1 of the appropriate assessment. The respondent has presented no further information justifying why it should be referenced within Policy 9.

Reporter's recommendations:

I recommend that the following modifications be made:

1. In the first criterion (b) of Policy 7A, after "...local road network..." add: "...and

connections to the national road network...”

2. In Criterion (g) of Policy 7A, replace “...impacts...” with “...effects”

3. At the end of Criterion (g) of Policy 7A, add the following new sentence: “Applications shall be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.”

4. In the second sentence of Policy 7B, between “...(e)...” and “...of...”, add: “...and (g)...”

5. In the second sentence of Policy 9: in all cases, replace “...impacts...” with “...effects...”

6. In the second sentence of Policy 9: in all cases, between “...Tay...” and “...of...” in the second sentence, add: “...and Dunkeld-Blairstown Lochs Special Areas...”

7. Add the following new sentence to the end of the second sentence of Policy 9: in all cases: “Applications shall be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.”

Issue 07	Retail and Commercial Development	
Development plan reference:	Policy 10: City, Town and neighbourhood centres, page 29 Policy 11: Perth City Centre Secondary Uses Area, page 30 Policy 12: Commercial Centres and Retail Controls, page 30 Policy 13: Retail and Commercial Leisure Proposals, page 31-32	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) David Gordon (0130) Alistair Godfrey (0410) Scottish Government (0451) Theatre Trust (0454) D King Properties (Scotland) Ltd (0461) Aldi Stores Ltd (0591) Ken Miles (0592)		
Provision of the development plan to which the issue relates:	Retail and Commercial Development	
Planning authority's summary of the representation(s):		
<p><u>Policy 10: City, Town and neighbourhood centres</u></p> <p>TACTRAN (0057/01/008) - Supports this policy aims but seeks an additional criterion to ensure sustainability in terms of transport.</p> <p>David Gordon (0130/01/001) - Objects to the policy text about use of pavement areas for restaurant/café/bar uses because recent decisions suggest that the Council sets the bar too high in terms of adverse effect from pavement obstruction.</p> <p>Theatre Trust (0454/01/003) - Supports encouragement of residential uses in upper floors but there can be conflicts between residents and existing uses and any restrictions placed on such venues can significantly harm their viability. Seeks additional text within the policy to make clear that residential use will only be supported where it would not cause harm to existing town centre use.</p> <p>Aldi Stores Ltd (591/01/003, 591/01/004) - Relevant to policies 10 and 13 considers that there is projected in the Perth and Kinross Retail Study 2016 (CD215) to be significant spare convenience retail expenditure within Perth and Kinross region and this should be referenced within the LDP.</p> <p><u>Policy 11: Perth City Centre Secondary Uses Area</u></p> <p>Theatre Trust (0454/01/004) - Proposes that theatres and other arts and cultural uses are</p>		

added to the list of potential uses that would be encouraged within the area as this is compatible with the types of uses already cited and can act as catalyses for wider improvement and increased vitality during the day and in the evening.

Policy 12 Commercial Centres and Retail Controls

D King Properties (Scotland) Ltd (0461/01/002) - Supports reference 'proposals for retail units will be promoted in the commercial centres shown on the proposals map' and that 'the Council supports improvements to the commercial centres including increased floor space.'

TACTRAN (0057/01/009) - Supports this policy aims but suggest an additional criterion to ensure sustainability in terms of transport.

Scottish Government (0451/01/017) - Seeks amendment to make this policy accord with SPP's (CD004, p20) 'town centre first' approach set out in paragraph 68, which highlights that the first choice of locations for retail should be town centres (including city centres and local centres); followed by edge of town centre; and only then should other commercial centres identified in the development plan be considered.

Policy 13 Retail and Commercial Leisure Proposals

TACTRAN (0057/01/010) - Supports this policy aims and notes that criteria 5+6 will promote sustainable travel.

Alistair Godfrey (0410/1/5) - Seeks a definition of edge in criteria (b) edge of city or town centre, and suggests that (b) and (d) out of centre locations that are or can be made easily accessible by a choice of transport modes, need to be linked to Policy 12 especially – 12 (a) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre.

Scottish Government (0451/01/018) - Seeks amendment to include the full range of uses that generate significant footfall. This would make this policy accord with paragraph 68 of SPP (CD004, p20) which states that development plans should adopt a sequential town centre first approach when planning for uses which generate a significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This list of uses goes wider than the previous SPP which only referred to retail and leisure.

Aldi Stores Ltd (591/01/003, 591/01/004) - It is considered that there is projected in the Perth and Kinross Retail Study 2016 (CD215) to be significant spare convenience retail expenditure within Perth and Kinross region and that this should be referenced within the LDP. There has been an increase since the 2014 study and there is spare expenditure capacity within the Perth catchment of between £27 and 29.7 million up to 2029, which equates to between 2,200 and 2,400 sq m net floorspace. Likewise the across the whole of the Perth and Kinross area the assessment states the capacity will increase to between £38.7 and £48 million equating to between 3,200 sq m and 3,900 sq m net.

Also considers this policy should be amended to make it consistent with SPP paragraph 73 (CD004, p21) to say under criteria 1 that proposals demonstrate either a qualitative or a quantitative deficiency rather than requiring both.

Ken Miles (0592/1/10) - Seeks additional text “and Loch Leven Special Protection Area”
Modifications sought by those submitting representations:
<p><u>Policy 10: City, Town and neighbourhood centres</u></p> <p>TACTRAN (0057/01/008) - Seeks an additional criterion that says “The development proposals are, or can be made easily accessible by a choice of travel mode.”</p> <p>David Gordon (0130/01/001) - No specific change sought. Objects to the policy text about use of pavement areas for restaurant/café/bar uses which currently refers to ‘provided such uses do not adversely affect pedestrian flows and fit with design guidance and service access’ and considers that the Council sets the bar too high in terms of adverse effect from pavement obstruction.</p> <p>Theatre Trust (0454/01/003) - Seeks additional text within the policy to make clear that residential use will only be supported where it would not cause harm to existing town centre use.</p> <p>Aldi Stores Ltd (591/01/003, 591/01/004) - Seeks reference to the Perth and Kinross Retail Study significant spare convenience retail expenditure within Perth and Kinross region.</p> <p><u>Policy 11: Perth City Centre Secondary Uses Area</u></p> <p>Theatre Trust (0454/01/004) - Proposes that theatres and other arts and cultural uses are added to the list of potential uses that would be encouraged within the area.</p> <p><u>Policy 12 Commercial Centres and Retail Controls</u></p> <p>D King Properties (Scotland) Ltd (0461/01/002) - Supports the references to support retail proposals, increased floor space, and improvements within the existing commercial centres.</p> <p>TACTRAN (0057/01/009) - Seeks an additional criterion that says “The development proposals are, or can be made easily accessible by a choice of travel mode.”</p> <p>Scottish Government (0451/01/017) - Seeks amendment of the policy text as follows:</p> <p>Commercial centres are shown on the proposals map, in some of the commercial centres certain uses will be restricted based on existing planning consents and legal agreements for planning obligations.</p> <p>Proposals to improve commercial centres, including increased floor space provided will be acceptable where:</p> <ul style="list-style-type: none"> a) a sequential assessment, demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available within the lifetime of the Plan; b) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre; c) it can be demonstrated that the proposal helps meet quantitative or qualitative deficiencies in existing provision; d) it can be demonstrated that there will be no change to the role or function of the centre

in the network of centres;
 e) it is of an appropriate scale;
 f) any detrimental impacts identified in the transport assessment are mitigated
 g) parking provision and landscaping is not compromised.

Proposals to modify planning obligations and other planning controls that control floor space and/or the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment.

Policy 13 Retail and Commercial Leisure Proposals

TACTRAN (0057/1/10) - Supports this policy.

Alistair Godfrey (0410/1/5) - Seeks a definition of edge in criteria (b) edge of city or town centre, and suggests that (b) edge of city or town centre and (d) out of centre locations that are or can be made easily accessible by a choice of transport modes, need to be linked to Policy 12 especially – 12 (a) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre.

Scottish Government (0451/1/18) - Policy 13 should be amended to include the full range of uses that generate significant footfall (offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities) not just retail and commercial facilities.

Aldi Stores Ltd (0591/1/3, 0591/1/4) - No specific change sought but considers that the Perth and Kinross Retail Study significant spare convenience retail expenditure within Perth and Kinross region should be referenced. Also considers this policy should be amended to make it consistent with SPP to say under criteria 1 that proposals demonstrate a qualitative or a quantitative deficiency rather than requiring both.

Ken Miles (0592/1/10) - Seeks additional text “and Loch Leven Special Protection Area”

Summary of responses (including reasons) by planning authority:

Policy 10: City, Town and neighbourhood centres

TACTRAN (0057/1/8) - This policy relates to accessible locations so the change proposed by Tactran is considered unnecessary.

No modification is proposed to the Plan.

David Gordon (0130/1/1) - With regard to the consideration of impact on pedestrian flows when encouraging use of pavement areas there needs to be a balance struck and pedestrian flow is an important consideration. This comment concerns the development management decision process. The policy is considered appropriate.

No modification is proposed to the Plan.

Theatre Trust (0454/1/3) - With regard to encouragement of residential uses on upper floors the sought addition of text to caveat that this will only be supported where it would not cause harm to the existing town centre is not essential.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan. The policy text could be amended to add 'On the upper floors, particularly where property is underutilised, the Council will encourage the retention and development of housing and other uses complementary to city or town centres where it would be compatible with the city or town centre uses.'

Aldi Stores Ltd (0591/01/003, 0591/01/004) - With regard to referencing the Perth & Kinross Town Centre and Retail Study 2016 ((CD215) the forecast spare expenditure is only potential, will be highly dependent on the retail market, and is point in time with developments coming forward and changing the picture. When determining retail planning applications the study conclusions and any Retail Impact Assessment (RIA) will be considered during the development management process. An up to date assessment will be carried out then and it is not necessary or appropriate to include reference to this study in the policy.

No modification is proposed to the Plan.

Policy 11: Perth City Centre Secondary Uses Area

Theatre Trust (0454/01/004) - The Perth Concert Hall, the Perth Museum and Art Gallery, and the Library all lie within this area. Any proposal would need to be treated on its merits however it is recognised that there could be some potential for additional cultural uses within this area (subject to a sequential approach). The Council would be comfortable with making the change to policy 13 as requested by Scottish Government to expand its scope to include the full range of uses that generate significant footfall rather than just retail and commercial leisure (please see below under Policy 13). This would address this issue too without requiring a change to Policy 11.

No modification is proposed to the Plan.

Policy 12 Commercial Centres and Retail Controls

D King Properties (Scotland) Ltd (0461/01/002) - Supportive comments noted.

TACTRAN (0057/01/009) - This policy relates to accessible locations so the change proposed by TACTRAN is considered unnecessary.

No modification is proposed to the Plan.

Scottish Government (0451/01/017) - The suggested change to make this policy in accordance with SPP (CD004 p20) and Policy 13: Retail and Commercial Proposals is logical and would provide better clarity and consistency however the the Council seeks an additional sentence (2nd sentence of the policy) which clarifies what information that will be required to assess impact.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification to amend the policy text as suggested it would not have any implications for any other aspect of the plan.

Policy 13 Retail and Commercial Leisure Proposals

TACTRAN (0057/01/010) - Supportive comment noted.

Alistair Godfrey (0410/01/005) - There is no need to define edge of centre, a measurement would be inappropriate as the distance will vary in relation to the size of the existing centre and the settlement.

No modification is proposed to the Plan.

It is sufficient that retail proposals for edge of city centre or town centre and for out of centre locations have to comply with Policy 12 and criteria 1-7 which includes as (7) it can be demonstrated that there will be no significant impact (individual or cumulative) on any of the centres within the network of centres. This goes further than the scope of policy 12 (a) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre.

No modification is proposed to the Plan.

Scottish Government (0451/01/018) - The suggestion that this policy should be extended in scope to include the full range of uses that generate significant footfall would be beneficial and would align better with the Transport and Accessibility Policy 58B New Development Proposals (CD144, p93).

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change to replace 'The location for retail and commercial leisure facilities' with 'The location for any use that generates a significant footfall (retail, commercial leisure, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities)' as it would not have any implications for any other aspect of the plan.

Aldi Stores Ltd (0591/01/003, 0591/01/004) - With regard to referencing the Perth & Kinross Town Centre and Retail Study 2016(CD215), the forecast spare expenditure is only potential, will be highly dependent on the retail market, and is point in time with developments coming forward and changing the picture. When determining retail planning applications the study conclusions and any Retail Impact Assessment (RIA) will be considered during the development management process. An up to date assessment will be carried out then and it is not necessary or appropriate to include reference to this study in the policy.

No modification is proposed to the Plan.

With regards to amending this policy to make it consistent with SPP (CD004 p21) to say under criteria 1 that proposals demonstrate a qualitative or a quantitative deficiency rather than requiring both would be beneficial.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change to point 1, 'it can be demonstrated that a proposal helps meet quantitative ~~and~~ or qualitative deficiencies in existing provision.'

No modification is proposed to the Plan.

Ken Miles (0592/01/010) - The policy text already includes “and Loch Leven Special Protection Area”

No modification is proposed to the Plan.

Reporter’s conclusions:

Policy 10 City, Town and Neighbourhood Centres

1. Policy 10 must be read and interpreted in conjunction with Policy 12 Commercial Centres and Retail Controls and Policy 13 Retail and Commercial Leisure Proposals, as well as any other relevant development plan policies. In compliance with Scottish Planning Policy paragraph 68, Policy 13 criteria (a) to (d) set out a sequential approach for the siting of retail, commercial and leisure facilities within a hierarchy of centres. Within this hierarchy, sites within a town centre are the sequentially most preferable. One of the principal characteristics of town centres, as expressed in Scottish Planning Policy paragraph 62, is “a high level of accessibility”. So, sustainability in terms of transport choices is a major factor in the selection of the sequentially most preferable centres within the hierarchy.
2. Policy 13 criterion (d) requires proposals for out-of-centre locations to demonstrate that they are or can be made easily accessible by a choice of transport modes. Policy 13 criterion (5) states that proposals in edge-of-centre; other commercial and out-of-centre locations will only be acceptable if they provide for accessibility to public transport and non-car modes of transport. On this basis, I see no need for Policy 10 to be modified to replicate this requirement.
3. Policy 10 adopts a permissive approach to the development of pavements for restaurant/café/bar use. Moreover, every case has its own unique set of circumstances and decision makers are entitled to use their own planning judgment when deciding applications. The content of any proposed design guidance is not a matter for this examination to address. The content of any such guidance should be subject to public consultation. This would be the most appropriate opportunity to comment upon the criteria against which individual applications should be assessed.
4. It may be unreasonable to allow proposals for new residential development to limit the operation of existing businesses. I agree that the vitality and viability of existing centres should not be prejudiced by residential development. Neither should residential development unreasonably restrict the operation of existing businesses. The proposed text states that new uses should be “complementary”. The respondent suggests that this should be strengthened to state that residential development should “not cause harm” to existing uses. The council suggests that new uses should be “compatible” with (i.e. may co-exist or harmonise with) town centre uses. I consider that co-existence between uses is the most appropriate objective in this case. I have recommended that Policy 10 be modified accordingly. Detailed matters, such as soundproofing for example, are most appropriately dealt with by condition on a case-by-case basis.
5. I see no need to make reference to the retail studies produced in 2014 and 2016. These studies are an important part of the evidential underpinning for the proposed plan. However, they are only a snapshot of activity and potential within the sector. They may

only be relied upon in the determination of individual planning applications at the time of their production. A more agile approach to retail data is needed when determining individual proposals over the plan period. This approach should take account of the effect of changing trends in the retail sector and the findings of any retail impact assessment produced for the proposal. Writing the findings of existing retail studies into development plan policies now would not be compatible with this more agile approach.

Policy 11 Perth City Centre Secondary Uses Area

6. A concert hall, museum, art gallery and library are located within this area. These uses are compatible with the reference in Scottish Planning Policy paragraph 68 to “cultural facilities and...other public buildings such as libraries...” as generators of significant footfall. Hence, I consider it appropriate to extend the list in Policy 11 to include and define cultural facilities. Furthermore, this would be consistent with similar modifications proposed during the examination of Issue 8 Community Facilities, Sports and Recreation and Issue 50 Whole Plan Issues. The council considers that making a similar modification to Policy 13 would make it unnecessary to modify Policy 11. However, as Policy 11 relates to part of the city centre, there should be no need for a sequential approach to be followed by proposals for uses that fall within the list of uses contained therein. Accepting this proposed modification would allow Policy 11 to be applied on a stand-alone basis, in appropriate cases. This would increase the likelihood that it would achieve its objective of encouraging uses that generate significant footfall to be sited within this area. In the event that a proposal for a potentially inappropriate use were to come forward within this area, it would be required to accord overall with the development plan, which would include an engagement of the sequential approach required by Policy 13.

Policy 12 Commercial Centres and Retail Controls

7. Policy 12 must be read and interpreted in conjunction with Policy 13, as well as any other relevant development plan policies. Policy 13 complies with Scottish Planning Policy paragraph 68 because criteria (a) to (d) set out a sequential approach for the siting of development that would generate significant footfall within a hierarchy of centres. Within this hierarchy, city or town centre sites are the sequentially most preferable. Scottish Planning Policy paragraph 62 indicates that one of the principal characteristics of town centres is “a high level of accessibility”. So, sustainability in terms of transport choices is a major factor in the selection of the sequentially most preferable centres within the hierarchy.

8. Policy 13 criterion (d) requires proposals for out-of-centre locations to demonstrate that they are or can be made easily accessible by a choice of transport modes. Policy 13 criterion (5) states that proposals in edge-of-centre; other commercial and out-of-centre locations will only be acceptable if they provide for accessibility to public transport and non-car modes of transport. On this basis, I see no need for Policy 12 to be modified to replicate this requirement.

9. Promoting retail uses in commercial centres without qualification is inconsistent with the town centre first sequential approach for the siting of retail development set out in Scottish Planning Policy paragraph 68. I therefore agree that Policy 12 should be modified in the manner requested by the respondent. The word “and” should be added to the end of criterion (f) to make it clear that all of criteria (a) to (g) would need to be complied with. In its response to my further information request (FIR07), the council

clarified the content of a second sentence it would wish to see added to the modification proposed by the Scottish Government. However, as it would duplicate word-for-word part of the proposed modification, its inclusion would be superfluous. I have also made minor changes to improve grammar and punctuation.

Policy 13 Retail and Commercial Leisure Proposals

10. Scottish Planning Policy does not define ‘edge of centre’ in terms of distance from a city or town centre boundary. It is therefore a matter of judgment for the planning authority to decide when sites should be considered on the ‘edge’ or ‘outside’ a centre in the hierarchy.

11. Proposals must accord overall with the development plan, so there is no need to specify compliance with Policy 12 within Policy 13. Moreover, criterion 7 seeks to ensure that development in one centre would not have a significant negative impact upon any other centre.

12. Scottish Planning Policy paragraph 68 sets out the full range of uses that are sequentially most preferably located within a city or town centre. I agree that the policy should be modified to reflect this guidance.

13. I see no need to make reference to the retail studies produced in 2014 and 2016. These studies are an important part of the evidential underpinning for the proposed plan. However, they are only a snapshot of activity and potential within the sector. They may only be relied upon in the determination of individual planning applications at the time of their production. A more agile approach to retail data is needed when determining individual proposals over the plan period. This approach should take account of the effect of changing trends in the retail sector and the findings of any retail impact assessment produced for the proposal. Writing the findings of existing retail studies into development plan policies now would not be compatible with this more agile approach.

14. The third bullet point in Scottish Planning Policy paragraph 73 provides a justification for siting development in an out-of-centre location if it would “help to meet qualitative or quantitative deficiencies”. Criterion (1) of Policy 13 requires proposals to demonstrate that they would address qualitative and quantitative deficiencies. In line with the more agile approach to the use of retail data that I have discussed above, Policy 13 should not impose more stringent requirements than those advised in national policy. This is because it would be unreasonable to prevent one type of deficiency from being addressed simply because there is no identifiable deficiency in the other.

15. In the final paragraph, Policy 13 makes explicit reference to the Loch Leven Special Protection Area, so no modification is required in this respect.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. In the fifth paragraph of Policy 10, replace: “...complementary to city or town centres...” with “..., provided that they would be compatible with existing city or town centre uses...”.

2. In the first sentence of Policy 11, between “...offices...” and “...restaurants...”, insert

“...cultural facilities (including theatres and other arts venues)...”

3. Rephrase and re-order the wording of Policy 12 to read: “Commercial centres are shown on the proposals map. In some of the commercial centres certain uses will be restricted based upon existing planning consents and legal agreements for planning obligations.

Proposals to improve commercial centres, including increased floor space will only be acceptable where:

- (a) a sequential assessment demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available within the lifetime of the Plan;
- (b) it can be demonstrated that there would be no significant impact (individual or cumulative) on any city or town centre;
- (c) it can be demonstrated that the proposal would help meet quantitative or qualitative deficiencies in existing provision;
- (d) it can be demonstrated that there would be no change to the role or function of the centre in the network of centres;
- (e) it would be of an appropriate scale;
- (f) any detrimental impacts identified in the transport assessment would be mitigated, and
- (g) parking provision and landscaping would not be compromised.

Proposals to modify planning obligations and other planning controls that control floor space and/or the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and, where appropriate, a transport assessment.”

4. In the first sentence of Policy 13, between “...location...” and “...should...”, insert: “...for any use that generates a significant footfall (retail, commercial leisure, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities)...”

5. In criterion (1) of Policy 13, replace “...and...” with “...or...”

Issue 08	Community Facilities, Sports and Recreation	
Development plan reference:	Policy 14 Open Space Retention and Provision, page 32-33 Policy 15 Public Access, page 33 Policy 16 Social and Community Facilities, page 35	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
George Skea (0023) Steven McLeary (0320) Ramblers Scotland (0322) Lisa Marshall (0346) Christopher Marshall (0347) Scottish Natural Heritage (SNH) (0353)		Alistair Godfrey (0410) Scottish Government (0451) Theatres Trust (0454) Scott Paterson (0528) Portmoak Community Council (0541)
Provision of the development plan to which the issue relates:	Community Facilities, Sports and Recreation related policies, page 32-35	
Planning authority's summary of the representation(s):		
<p><u>Policy 14 Open Space Retention and Provision</u></p> <p>SNH (0353/01/008) - An open space audit and strategy would provide the evidence base for the quantity, quality and functions of all open space for the Supplementary Guidance. This is referred to in paragraphs 222 and 224 of Scottish Planning Policy (CD004). Currently it is unclear how the value of existing open space provision is assessed.</p> <p>Scottish Government (0451/01/007) - Scottish Planning Policy refers specifically to safeguarding `outdoor sports facilities` (CD004; para 226). The wording of Policy 14A should be changed to `Areas of open space, parks, outdoor sports facilities, including sport pitches, and allotments/community growing areas` in order to be in line with SPP.</p> <p>Scottish Government (0451/01/008) - To better reflect the Scottish Planning Policy (CD004; para 227), additional wording should be inserted into Policy 14B to encourage opportunities for a range of community growing spaces, not just allotments.</p> <p>Scott Paterson (0528/01/001) - The creation of wildflower meadows and open grassland should be encouraged within existing and new areas of open space. They would benefit biodiversity and would be easier to maintain than intensively managed open spaces.</p> <p>Portmoak Community Council (0541/01/003) - It should be clearer whether the policy applies only within settlement boundaries or outwith settlement boundaries as well.</p> <p><u>Policy 15 Public Access</u></p> <p>George Skea (0023/1/001) - Supports highlighting the Long Distance Route between Kinross and Balado. However it would be better to link this to Old Cleish Road to the south of Kinross as the current route has difficult crossings.</p>		

Steven McLeary (0320/01/002); Lisa Marshall (0346/01/003); Christopher Marshall (0347/01/003) - The long distance route between Crook of Devon and Kinross Coldrain does not appear to join other existing paths. The use of this path could result in increased traffic and consideration should be given to issues such as parking and pedestrian and road safety at either end point.

Ramblers Scotland (0322/01/001) - Objects to the wording of the policy which is too vague and open to interpretation. The terms `adverse and `integrity` are difficult to apply in a meaningful way in this context. Furthermore, it is not the paths but the users of these facilities which need to be protected by the policy.

Alistair Godfrey (0410/01/006) - The policy should recognise general rights of access exercisable under the Land Reform (Scotland) Act 2003 (CD033), over and above Core Paths and rights of way, as well as recent changes in legislation and guidance.

Policy 16 Social and Community Facilities

Theatres Trust (0454/01/005) - Policy 16 protects facilities from unnecessary loss. Additional text should be added to the Policy requiring applicants to demonstrate that they have made genuine effort to market the facility at an appropriate rate and there is no realistic aspect of the existing use continuing. The title should be amended to make it explicit that the Policy applies to cultural facilities such as theatres.

Modifications sought by those submitting representations:

Policy 14 Open Space Retention and Provision

SNH (0353/01/008) - Amend Note to add the intent to produce an open space audit and strategy to inform the Supplementary Guidance on Open Space.

Scottish Government (0451/01/007) - Change the wording to `Areas of open space, parks, outdoor sports facilities, including sport pitches, and allotments/community growing areas`.

Scottish Government (0451/01/008) - Additional wording should be inserted to encourage opportunities for a range of community growing spaces.

Scott Paterson (0528/01/001) - Encourage the creation of wildflower meadows and open grassland.

Portmoak Community Council (0541/01/003) - Clarify whether the policy applies only within settlement boundaries or outwith settlement boundaries as well.

Policy 15 Public Access

George Skea (0023/01/001) - Link the Long Distance Route from Balado to Old Cleish Road to the south of Kinross.

Steven McLeary (0320/01/002); Lisa Marshall (0346/1/003); Christopher Marshall (0347/1/003) - No specific change was proposed to the Plan however respondents stated that any proposal should include conditions around traffic, pedestrian safety and parking at either end of the route.

Ramblers Scotland (0322/01/001) - The policy should be re-worded so as commence: "Development proposals that would have a demonstrable and significant impact disadvantageous for users of the core paths, right of way or other well-used routes will not be permitted."

Alistair Godfrey (0410/01/006) - No specific change was requested.

Policy 16 Social and Community Facilities

Theatres Trust (0454/01/005) - Include text requiring applicants to demonstrate that they have made genuine effort to market the facility at an appropriate rate and there is no realistic aspect of the existing use continuing. Amend the title to `Social, Cultural and Community Facilities`.

Summary of responses (including reasons) by planning authority:

Policy 14 Open Space Retention and Provision

SNH (0353/01/008) - The Open Space Provision for New Developments Supplementary Guidance will provide a framework for determining the open space requirements for new development. It will set out:

- The standards for open space in new developments
- The types of open space which are required
- Whether the open space provision should be on-site or off-site
- The mechanisms for the maintenance of open space

Quantity, quality and accessibility standards set out in the guidance will be based on national guidelines and existing Council standards and can be applied to new development in any context. Developers may undertake an assessment of the existing open space provision of the surrounding area in order to justify their choice of on-site provision or to show that the right type of open space is already available in the vicinity of the development. There are a number of sources such as open source databases, aerial imagery and site visits which can be used to proof check whether the proposal meets the standards outlined in the guidance.

The guidance will link to audits and strategies which are currently in place for the management of existing public open spaces maintained by the Council (e.g. play areas, sport pitches, Core Paths). These facilities have been audited and can be viewed on the Council's website at <http://www.pkc.gov.uk/article/15496/Map-of-play-areas>.

In general, the value of an overarching Open Space Audit & Strategy is acknowledged however the Council does not have resources allocated for this exercise at the moment. It is not considered appropriate to make this commitment in the Development Plan prior to securing the necessary resources for undertaking an audit.

No modification is proposed to the Plan.

Scottish Government (0451/01/007) - Open space is an umbrella term for areas which are used for recreational purposes by the community or have amenity value. The policy highlights sport pitches, parks and allotments/community growing areas however the designation covers a range of other public open spaces such as tennis courts, bowling

greens and smaller residential amenity spaces. The modification is not considered to make a significant change to the content or application of the Policy.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to changing the wording to `Areas of open space, parks, outdoor sports facilities, including sport pitches, and allotments/community growing areas`.

Scottish Government (0451/01/008) - The Policy is considered to be in line with SPP which refers to local authorities` statutory duty to provide allotments where there is proven demand (CD004; para 227). The Supplementary Guidance being developed to accompany Policy 14 will include reference to other community growing spaces such as orchards.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to the following wording to Policy 14B: `Allotments/community growing areas should be incorporated where there is a proven demand in the local area.`

Scott Paterson (0528/01/001) - Natural, low maintenance vegetation is suitable in a number of instances depending on the intended function of the open space and the character of the surrounding area. The Supplementary Guidance for Policy 14 will encourage low maintenance solutions in landscape design for areas of open space with less activity and higher biodiversity potential. Furthermore, Policy 39 on Biodiversity covers requirements in relation to protecting and enhancing wildlife and wildlife habitats. It is not considered necessary to make a specific reference to the creation of wildflower meadows and open grassland within the Policy as this level of detail is not appropriate for the Plan.

No modification is proposed to the Plan.

Portmoak Community Council (0541/01/003) - The Policy applies to all areas open space of recreational or amenity value. The Plan designates the key areas of open space which are within settlement boundaries. In areas outwith settlement boundaries it has to be decided on a case by case basis whether the site in question has recreational or amenity value. In most cases open spaces have a clearly identifiable function (e.g. sports area/ playground) and Policy 14 can be applied. Where the value of the site as open space is questionable and it is not within a settlement boundary, the proposal will be determined under Policy 19: Housing in the Countryside; Policy 8: Rural Business and Diversification and Policy 1: Placemaking. These policies cover the acceptability of the proposed land use as well as the impact of the proposal on the amenity of existing households and the landscape framework.

No modification is proposed to the Plan.

Policy 15 Public Access

George Skea (0023/01/001); Steven McLeary (0320/01/002); Lisa Marshall (0346/01/003); Christopher Marshall (0347/01/003) - The Long Distance Routes are identified in the National Planning Framework 3 (CD003; page 75) as national developments and refer to improving and expanding existing Core Paths. They form part of a wider network which provides access to the outdoors encouraging walking and cycling. The rationale behind the Crook of Devon – Kinross route is to create a continuous route between Stirling, Kinross and beyond to Fife, primarily for recreational purposes. The long distance routes are

highlighted in the Plan to reflect the aspiration of NPF3. The project has already started, and sections of the path have been completed on the ground.

The south route links to other paths around Crook of Devon and there are opportunities to make further off-road linkages to Kinross. At this stage it is unknown whether additional parking will be required and if so, where this should be located in relation to the wider Core Path Network. As for safety considerations, they are relevant to the design and development of all paths and are assessed as part of the proposals when they come forward.

No modification is proposed to the Plan.

Ramblers Scotland (0322/01/001) - 'Integrity' by definition refers to 'the state of being whole and undivided'. The policy protects against development which would have a negative impact on this state and lead to the fragmentation of public access routes (e.g. block Core Paths routes). The Plan in general relates to spatial elements, their quality and relationship to each other. Deciding what is disadvantageous for users is considered to be more subjective and is not within the remit of the Local Development Plan.

No modification is proposed to the Plan.

Alistair Godfrey (0410/01/006) - Section 13 of the Land Reform (Scotland) Act 2003 (CD033; Chapter 5) states that 'it is the duty of the local authority to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised'. In line with the legislation, Policy 15 protects core paths, disused railway lines, asserted rights of way and other well-used routes to ensure that development does not obstruct these routes. The Land Reform (Scotland) Act 2016 (CD034) does not include changes which would affect Policy 15.

No modification is proposed to the Plan.

Policy 16 Social and Community Facilities

Theatres Trust (0454/01/005) - The Council believes that cultural facilities (e.g. theatres or concert halls) are included within the term community facilities. The Glossary for the Proposed Plan states that 'Social and Community Facilities are primarily those currently within Classes 10 (Non-residential institutions), and 11 (Assembly and Leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as well as conventional healthcare uses and theatres'. Therefore it is not considered necessary to amend the Policy wording.

Based on Policy 16, a community facility may be turned into a different use if the change does not affect the availability of the provision and no suitable alternative community uses can be found for the building or land. Adding the suggested wording could emphasise what is required if a community facility is put up for sale however 'genuine effort' and 'appropriate rate' is difficult to define which would not enhance the clarity of the Policy. No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to amending the title of the Policy to 'Social, Cultural and Community Facilities' as it would not have any implications for any other aspect of the plan.

Reporter's conclusions:

Policy 14 Open Space Retention and Provision

1. Policy 14 includes a commitment by the council to prepare supplementary guidance detailing open space provision in new development. The council explains that this guidance will link to current audits and strategies. Whilst I note that a representation has stated that an open space audit and strategy would provide an important part of the evidence base for the supplementary guidance, it is not within my remit to consider the scope of this guidance. However, there will be consultation on the supplementary guidance which will allow engagement on both its content and evidence base. No modification is therefore required in response to this representation.
2. I agree that Policy 14A Existing Areas does not fully reflect paragraph 226 of Scottish Planning Policy. Paragraph 226 makes specific reference to outdoor sports facilities and this is not included within Policy 14A. I find therefore that a modification is required to include reference to outdoor sports facilities. The modification accords with the wording suggested by the Scottish Government within their representation as I agree that this reflects Scottish Planning Policy.
3. Paragraph 227 of Scottish Planning Policy identifies that local development plans should encourage opportunities for a range of community growing spaces. Policy 14B Open Space within New Developments does not refer to community growing spaces. I note that the proposed supplementary guidance would refer to community growing spaces. However, I find that in order to better reflect Scottish Planning Policy a modification to Policy 14B is required to insert a reference to community growing spaces. Specific wording was not suggested in the representation, however the modification I have identified reflects both the requirements of Scottish Planning Policy and the text suggested by the council.
4. The council has confirmed that supplementary guidance will encourage low maintenance solutions for areas of open space with less activity and higher biodiversity potential. In addition, Policy 39 Biodiversity seeks to protect and enhance all wildlife habitats and Policy 40 Green Infrastructure seeks to protect and enhance existing green infrastructure and the incorporation of new green infrastructure within developments. As a result, I consider the proposed plan provides an appropriate framework to create biodiversity benefits from open space, including the provision of wildflower meadows and open grassland; no modifications are therefore required.
5. The council has specified that Policy 14 applies to all areas of open space of recreational or amenity value. As the proposed plan only identifies key areas of open space within settlements, I consider that there could be confusion in the understanding of the scope of the policy, particularly regarding undesignated areas of open space outside settlement boundaries. A modification is therefore required to ensure clarity. The modification acknowledges that there may be open space outside settlement boundaries of recreational or amenity value.

Policy 15 Public Access

6. The long-distance routes referred to within the proposed plan are identified within the National Planning Framework. I note that the council has confirmed that there are opportunities to make further off-road linkages to these routes. In addition, section 3.4

(page 89) of the proposed plan explains that further work is required to establish the exact alignment and required improvements to the national network of long-distance cycling and walking paths. I therefore do not consider it is necessary for the precise details of the routes to be identified within the proposed plan. It is appropriate to consider matters such as parking and safety during the detailed design and development of the routes, which will take place outside the local development plan process. No modifications are therefore required.

7. Paragraph 228 of Scottish Planning Policy requires local development plans to safeguard access rights and core paths. I note the concern regarding the use of the terms 'adverse' and 'integrity' within Policy 15 and the suggestion that it is the interests of the users of the facilities which need to be addressed. I am satisfied that the wording of Policy 15 reflects that within Scottish Planning Policy. In particular, the final sentence of the first paragraph of Policy 15, which seeks to ensure that proposals that would unreasonably affect public access rights would not be permitted, unless any adverse impacts are adequately addressed, and suitable alternative provision is made. By seeking to ensure that public access rights would not be unreasonably affected, I find that this approach would ensure user's interests would be protected. No modifications are therefore required in response to this representation.

8. The Land Reform (Scotland) Act 2003 is referred to within paragraph 221 of Scottish Planning Policy. This identifies that the planning system should provide for easy and safe access to and within green infrastructure, including core paths and important routes, within the context of statutory access rights under the Act. Policy 15 seeks to protect access and this is referred to as a consideration for the assessment of development proposals. The policy refers to core paths, disused railway lines, asserted rights of way and other well-used routes. I consider this approach accords with the statutory provisions of the Act and no modifications are therefore required.

Policy 16 Social and Community Facilities

9. As part of the assessment of a proposal against Policy 16, it would not be unreasonable to expect that an applicant would submit information to demonstrate how the criteria set out within the policy had been met. Therefore, I am satisfied that matters such as marketing and property/land value would form part of the council's consideration when determining whether there were any suitable alternative community uses. I do not believe it is necessary to include this level of detail within the policy to ensure its implementation is effective. However, I do accept that reference to cultural facilities within the policy title would better describe its scope. I consider that a modification is required regarding this element of the representation.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Amend the first sentence of Policy 14A: Existing Areas to read:

"Areas of open space, parks, outdoor sports facilities, including sports pitches, and allotments/community growing areas, are areas of land which have value to the community for either recreational or amenity purposes."

2. Add the following text to the end of the first paragraph of Policy 14B: Open Space within New Developments:

“The Council will also encourage opportunities for the provision of community growing spaces as part of new developments where appropriate.”

3. Amend Policy 14A: Existing Areas by adding the following to the end of the first sentence:

“; these areas are located both within and outside settlement boundaries”

4. Amend the title of Policy 16: Social and Community Facilities to:

“Social, Cultural and Community Facilities.”

Issue 9	Policy 19 Housing in the Countryside	
Development plan reference:	Policy 19: Housing in the Countryside, page 36	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Braes of the Carse Conservation Group (0161) Kinross-shire Civic Trust (0526) John Dewar Lamberkin Trust (0532/02) Portmoak Community Council (0541) Royal Society for the Protection of Birds (RSPB) (0546) Cllr Michael Barnacle (0584) Scone Estate (0614)		
Provision of the development plan to which the issue relates:	Policy 19: Housing in the Countryside	
Planning authority's summary of the representation(s):		
<u>Application of Policy 19 within the Green Belt</u> John Dewar Lamberkin Trust (0532/02/003); Scone Estate (0614/01/009) - Object to the limitation of the application of the Housing in the Countryside policy in the Green Belt. The scope of development acceptable in the green belt should be widened. <u>Amendments to the HRA requirements</u> Braes of the Carse Conservation Group (0161/01/013) - In order that appropriate weight is afforded to them, Policy 19 should state that development proposals should not result in adverse impacts on Local Landscape Areas. RSPB (0546/01/005) - It is the Council's responsibility to undertake Appropriate Assessments. The Conservation (Natural Habitats, &c.) Regulations (CD026) and Scottish Planning Policy (SPP) (CD004) confirm that applicants can be required to provide information for the Assessment. A wording change is suggested to clarify this in Policy 19. Portmoak Community Council (0541/01/004) - Policy 19 should state that development proposals should not result in adverse impacts on the integrity or the character of the protected areas listed. <u>Comments relating to Supplementary Guidance</u> Scone Estate (0614/01/022) - For category (6) development on rural brownfield land, the definition of 'brownfield land' should reflect the widely accepted SPP definition of brownfield so as to avoid confusion (CD004, page 71). Scone Estate (0614/01/021) - There is a significant disparity between the wording of the Housing in the Countryside policy and Supplementary Guidance (CD167), and		

Development Management officer interpretation. A review is required to provide additional clarity in the policy text and the Supplementary Guidance to allow Development Management officers to give consistent advice and interpretation of the policy at pre-application stage, particularly in relation to categories (4) and (5). Often advice states that without a structural survey no opinion will be given, and a site visit will not be possible. However, it is unreasonable to expect applicants to undertake a costly investigative structural survey without some comfort that an application will be supported. Photographic evidence should be sufficient for a decision to be made either way, and the policy should be written either within the LDP or in the Supplementary Guidance to ensure that firm direction is given to allow a prospective applicant to make an informed decision on whether to continue to an application or not.

Other comments

Scone Estate (0614/01/011) - The LDP should state clearly that the Housing in the Countryside policy applies to villages and settlements which are not in the tiers of settlements and do not have settlement boundaries.

Cllr Michael Barnacle (0584/01/009) - Objects to the lack of recognition of the extent of windfall development in Kinross-shire which serves the Edinburgh market (approximately 300 since 2012). This suggests that the expected tightening of the current policy has not occurred.

Kinross-shire Civic Trust (0526/01/004) - The current Policy has not been interpreted properly leading to developments in Kinross-shire which are inappropriate to their rural setting. The resulting architecture is very banal and uninspiring; housing in the countryside, particularly in Kinross-shire which has so many Special Landscape Areas, has to recognise and be appropriate to the landscape situation. The Argyll & Bute Council Sustainable Design Guidance (RD004) is referenced as a good example. Such developments are also contrary to Sustainable Policy defined in the Strategic Policy as they will likely encourage additional travel. A more robust policy has to be adopted in order that future housing in the countryside reflects its rural situation and creates more of a mix of housing rather than dormitory suburbs which do nothing for the community.

Modifications sought by those submitting representations:

Application of Policy 19 within the Green Belt

John Dewar Lamberkin Trust (0532/02/003); Scone Estate (0614/01/009) - The scope of development acceptable in the green belt should be widened.

Amendments to the HRA requirements

Braes of the Carse Conservation Group (0161/01/013) - The last sentence of policy 19 should read: 'Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs **and Local Landscape Areas.**'

RSPB (0546/01/005) - Add the following text after the final paragraph (which ends...'River Tay SACs'): 'Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.'

Portmoak Community Council (0541/01/004) - Reword last sentence to read: 'Development proposals should not result in adverse effects, either individually or in combination, on the integrity **or character** of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs'.

Comments relating to Supplementary Guidance

Scone Estate (0614/01/022) - The definition of 'brownfield land' in category (6) should reflect the SPP definition of brownfield (CD004, page 71).

Scone Estate (0614/01/021) - The Policy should be written either within the LDP or in the Supplementary Guidance to ensure that firm direction is given at pre-application stage, but no specific wording changes are proposed.

Other comments

Scone Estate (0614/01/011) - The LDP should state clearly that the Housing in the Countryside policy applies to villages and settlements which are not in the tiers of settlements and do not have settlement boundaries.

Cllr Michael Barnacle (0584/01/009) - No specific change sought.

Kinross-shire Civic Trust (0526/01/004) - No specific change sought.

Summary of responses (including reasons) by planning authority:

Application of Policy 19 within the Green Belt

John Dewar Lamberkin Trust (0532/02/003); Scone Estate (0614/01/009) - Policy 19 controls the type and circumstances under which housing can be developed in the countryside. If its application were to be widened within the Green Belt, it would bring Policy 19 in direct conflict with Policy 41: Green Belt, which only allows for very limited housing development. The previous Examination Reporter concluded that 'Policy RD3 [of the adopted LDP] is essentially supportive of housing in the countryside and it is appropriate therefore for the proposed plan to exclude from that policy land within the green belt in order to reflect the much stricter level of control that applies to land within the designation when compared with other countryside areas' (CD015, page 85, paragraph 8).

It is not therefore considered appropriate to amend Policy 19 unless a change is first made to Policy 41 to allow for more housing opportunities within the Green Belt. As discussed under Issue 17: Policy 41 Green Belt, no modifications are proposed to Policy 41. It is not therefore appropriate to widen the application of the Housing in the Countryside policy in the Green Belt as this would bring Policy 19 into conflict with Policy 41.

No modification is proposed to the Plan.

Amendments to the HRA requirements

Braes of the Carse Conservation Group (0161/01/013); Portmoak Community Council (0541/01/004); RSPB (0546/01/005) - The wording of the final paragraph of Policy 19 reflects the mitigation measures set out in the Habitats Regulations Appraisal (HRA) as

approved by SNH (CD056). The HRA Appropriate Assessment is only concerned with impacts on the integrity of Natura 2000 sites. The character of an area is therefore not relevant to the HRA. The Natura 2000 network consists of those sites which are protected at European level i.e. Special Areas of Conservation and Special Protection Areas. Local Landscape Areas are a local designation at Perth & Kinross Council level only and are therefore not relevant to the HRA. No further changes are considered necessary.

No modification is proposed to the Plan.

Comments relating to Supplementary Guidance

Scone Estate (0614/01/022) - The definition of rural brownfield land is set out in the Housing in the Countryside Supplementary Guidance (CD167, section 6). The Guidance itself is not a matter for this Examination. The previous Examination Reporter did, however, comment briefly on this particular issue concluding that 'The authority is entitled to define brownfield land in rural areas on a different basis to that in other areas. There is no conflict in this approach with either legislation or government policy' (CD015, page 84, paragraph 3). The Council's reasons for defining rural brownfield land differently to the SPP definition of brownfield land can be found in the Examination Report for the adopted LDP (CD015, page 81). There is not considered a need to make any changes to the policy itself in light of these comments.

No modification is proposed to the Plan.

Scone Estate (0614/01/021) - The detail for Policy 19 is set out in Supplementary Guidance which is not a matter for this Examination. It is not considered that there is a disparity between the wording of Policy 19, the associated Supplementary Guidance, and Development Management officer interpretation. In any event the detailed matters raised in the representation are more appropriately addressed in the Supplementary Guidance, or in a review of procedure. No changes are considered necessary to Policy 19 itself in light of the concerns raised in the representation.

No modification is proposed to the Plan.

Other comments

Scone Estate (0614/01/011) - Policy 6: Settlement Boundaries already states that where there is no defined boundary to a settlement then the Housing in the Countryside policy applies. No further clarification is considered necessary to Policy 19.

No modification is proposed to the Plan.

Cllr Michael Barnacle (0584/01/009) - In the period 2012–2017 there were a total of 315 house completions on all sites across the Kinross Housing Market Area (2017 Housing Land Audit, CD050, page 34). This includes small sites (of less than 5 houses) and developments which are within settlement boundaries and which therefore fall outwith the scope of Policy 19.

In that same period 68 of the completions were windfall sites in the Kinross landward area i.e. developments outwith settlement boundaries (Windfall house completions, CD150). A further 84 completions were on small sites within the landward area (2017 Housing Land Audit, CD050, page 32). In the period 2012-2017 48% of completions in the Kinross

Housing Market Area were on windfall or small sites in the landward area. The table below compares this with the other housing market areas in Perth & Kinross.

Housing Market Area	Landward area windfall completions 2012-17	Landward area small sites completions 2012-17	Total completions 2012-17	% of completions on landward area sites 2012-17
Highland	31	112	235	61%
Kinross	68	84	315	48%
Perth	177	140	1,260	25%
Strathearn	5	63	544	12%
Strathmore	24	44	337	20%
Greater Dundee	15	0	27	55%
Perth & Kinross	320	443	2,718	28%

Source: 2017 Housing Land Audit (CD050, pages 32 & 34) and Windfall house completions (CD150).

The percentage of completions on landward area sites (small sites and windfall) varies widely from 12% in the Strathearn Housing Market Area to 61% in the Highland Housing Market Area. It is therefore considered that the extent of completions on landward area sites does not constitute a failure of the Housing in the Countryside policy to control inappropriate development in the Kinross HMA, but rather it simply reflects of the nature of the area and the development opportunities which have come forward since 2012. Significant progress has been made on a number of the allocated sites in the Kinross HMA since the adoption of the current LDP. It is therefore expected that the proportion of completions coming from windfall developments will reduce going forward. It is not considered that any changes are required to Policy 19: Housing in the Countryside as a result of the concern raised in the representation.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (0526/01/004) - The Housing in the Countryside Supplementary Guidance (CD167) gives detailed guidance against which planning applications are assessed. It is acknowledged that the 2005 version of the Guidance had some unintended and undesirable consequences. Since then, however, the Guidance has been reviewed twice and there are now many good examples of developments in the countryside which have come from the implementation of the Guidance. In addition the Council has prepared a Draft Placemaking Guide (CD041) which will be adopted as supplementary guidance to the new LDP, and following on from this a series of detailed Technical Notes will be prepared to provide specific guidance on a range of issues including housing in the countryside. Whilst steps are already in place to further increase the guidance available to applicants and development management officers, the Housing in the Countryside policy itself is considered robust and fit for purpose. No changes are therefore considered necessary to Policy 19 in response to the concerns raised in representations.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (0526/01/004) - SPP acknowledges the importance of protecting against unsustainable growth in car-based commuting in those areas which are easily accessible from cities and main towns (CD004, paragraph 76). In such areas plans are to: 'guide most new development to locations within or adjacent to settlements; and set out the

circumstances in which new housing outwith settlements may be appropriate...' (CD004, paragraph 81). In line with TAYplan Policy 1 the majority of new development is directed towards the largest settlements (CD022, page 8). Outwith settlements, categories 2-6 of Policy 19 and the associated Supplementary Guidance set out in some detail the circumstances under which new housing will be permitted. The policy is therefore considered to accord with SPP paragraph 81 (CD004) and as such no changes are considered necessary.

No modification is proposed to the Plan.

Reporter's conclusions:

Application of Policy 19 Housing in the Countryside within the Green Belt

1. Policy 41 Green Belt defines the extent of the green belt around Perth, as required by TAYplan Policy 1D Green belts. Paragraphs 49 and 51 of Scottish Planning Policy are concerned with the designation and extent of green belts. Proposals to alter the existing green belt boundaries around Perth are considered in the examination of Policy 41 (Issue 17). Once defined, paragraph 52 of Scottish Planning Policy expects local development plans to describe the types and scale of development that would be acceptable within the green belt. Neither TAYplan nor Scottish Planning Policy make any explicit reference to housing proposals being acceptable in principle within the green belt. Policy 19 states that housing proposals within the green belt would be limited to cases of proven economic need, conversions or replacement buildings. In the context of TAYplan Policy 1A Principal Settlement Hierarchy, the proposed plan is generally supportive of housing proposals in the countryside. Given the need for the proposed plan to accord with TAYplan Policy 1D, I am satisfied that Policy 19 is not unduly restrictive with respect to housing proposals within the green belt and that it complies with Scottish Planning Policy.

Amendments to the HRA Requirements

2. Regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994 (the Regulations) defines the meaning of European sites where appropriate assessment may be required. The council's Local Landscape Area designation is not included within this meaning. Appropriate assessment would not therefore be required for proposals within a Local Landscape Area unless it might lead to adverse effects upon a European protected site that does fall within the scope of the Regulations.

3. Regulation 48(2) of the Conservation (Natural Habitats, &c.) Regulations 1994 expects applicants to provide all information reasonably required to conduct an appropriate assessment or to determine whether one is required. Additional clarity would be achieved by reminding applicants of this requirement.

4. Where a Local Landscape Area contains or is closely associated with a European site, its natural habitats, which are a principal part of its character, will benefit from protection under the Regulations. Furthermore, protecting the character of a Local Landscape Area is provided for by Policy 36C Local Designations of the proposed plan and supplementary guidance. Therefore, I see no need for Policy 19 to make specific reference to the character of these areas.

Comments Relating to Supplementary Guidance

5. The definition of brownfield land in the proposed glossary is identical to that in the Scottish Planning Policy glossary. The council's supplementary guidance uses a more restrictive definition for rural brownfield land but this is not something that I can address as a part of this examination. The examination reporter for the existing local development plan found that the council is entitled to define brownfield land in rural areas on a different basis to that in other areas. There has been no relevant change to legislation or national planning policy since then. Consequently, for the purposes of this examination, it is sufficient for category (6) of Policy 19 to refer to "rural brownfield land" and for the note to refer to the need for proposals to comply with supplementary guidance.

6. The policy clearly sets out the situations in which proposals for housing in the countryside will be supported by the council. A local planning authority does not have its hands tied by advice given to applicants at pre-application stage. As each proposal will have its own unique set of circumstances, it is more appropriate for detailed advice to be contained within supplementary guidance rather than in a development plan policy.

7. Any concerns relating to the content of the planning authority's existing or proposed supplementary guidance, or its interpretation in individual cases, is not a matter for this examination to address. Any such concerns should be raised during public consultation about the content of the proposed guidance.

Other Comments

8. All proposals must accord with the development plan as a whole. With the modifications I have recommended, Policy 6 Settlement Boundaries of the proposed plan clearly explains the circumstances in which a housing proposal would fall to be considered against Policy 19. The proposed design of individual houses would be assessed against Policy 1B on a case-by case basis. There will be an opportunity to comment upon detailed advice relating to design matters during public consultation about the council's proposed Placemaking supplementary guidance, which is not a matter for this examination to address.

9. Paragraph 120 of Scottish Planning Policy sets out how councils should approach housing land supply outwith city regions. With respect to the contribution that windfall sites might make to the housing land requirement, paragraph 117 of Scottish Planning Policy states that this must be realistic and based upon clear evidence of past completions and sound assumptions about likely future trends. The council has demonstrated that it does have a clear understanding of this matter. I agree with the council that the number of windfall completions alone is not necessarily indicative of an ineffective policy for the control of inappropriate residential development in the countryside. The adequacy of the council's housing land supply position is dealt with as Issue 1 of this examination.

10. Paragraph 81 of Scottish Planning Policy supports a more restrictive approach to new housing development in the countryside. TAYplan Policy 1B Sequential Approach indicates that rural (i.e. non-principal) settlements and sites in the countryside are the sequentially least preferable for development. I am satisfied that Policy 19 accords with TAYplan in this regard and also complies with Scottish Planning Policy paragraph 81.

Reporter's recommendations:

I recommend that the following modification be made:

1. Add the following new sentence to the end of the third sentence:

“Applications shall be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.”

Issue 10	Residential Development	
Development plan reference:	Policy 20: Affordable Housing, page 37 Policy 21: Gypsy/Traveller's Sites, page 37-38 Policy 22: Particular Needs Housing Accommodation, page 38 Policy 25: Housing Mix, page 40	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
Stewart Milne Homes (0290/03) Kristin Barret (0423) Ian Fairley (0427) Springfield Properties PLC (0455) Barrett North Scotland (0513)		Portmoak Community Council (0541) Homes for Scotland (0562) Cllr Michael Barnacle (0584) Scone Estate (0614) A & J Stephen Limited (0622)
Provision of the development plan to which the issue relates:	Residential Development Policies pages 37-38, & 40	
Planning authority's summary of the representation(s):		
<u>Policy 20 – Affordable Housing in Rural Areas</u> Cllr Michael Barnacle (0584/01/010) - The LDP should recognise the need for appropriate affordable housing provision in the rural villages, rather than just the tiered settlement development approach of TAYplan (CD022). In rural villages the policy should seek to secure on-site provision, not financial contributions.		
<u>Policy 20 – Affordable Housing in Conversions</u> Scone Estate (0614/01/008) - Conversions are significantly more expensive. Restricting the building to affordable housing is likely to considerably reduce the number of people who are willing to convert buildings in Perth and Kinross. In turn this brings adverse implications for windfall development, which the Council rely on to meet their housing delivery targets.		
<u>Policy 20 – Other Comments</u> Ian Fairley (0427/01/001) - There is a shortage of housing in this country but what is proposed is private housing. A large part of any housing should be for those who can only afford to rent i.e. Housing Associations and Council.		
Stewart Milne Homes (0290/03/009) - The Policy advises that the details of provision, including landlord, tenure, house size and type will be a matter for agreement between the developer and the Council based upon local housing need and individual site characteristics. As required by Scottish Planning Policy (SPP) (CD004) and Planning Advice Note 2/2010 (CD040), all data relating to housing need or demand should be fed into and through the Housing Need and Demand Assessment which will provide an up to date, robust data source. Any agreement will also require to meet the tests set out in		

Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD168).

Policy 21

Cllr Michael Barnacle (0584/01/011) - Objects: policy too open door and open to breaches.

Policy 22

Scone Estate (0614/01/016) - Policy is restrictive in its consideration of potential populations requiring particular needs accommodation. There is a demographic of newly retired/active elderly people living in homes too large for their needs but there is no suitable alternative accommodation. Policy 22 should be broadened to allow for consideration of retirement villages outwith residential areas, but which are accessible via existing/new sustainable transport links.

Policy 25

Portmoak Community Council (0541/01/005) - Support policy.

Stewart Milne Homes (0290/03/012); Springfield Properties PLC (0455/01/004); Barrett North Scotland (0513/01/002); Homes for Scotland (0562/01/006); Scone Estate (0614/01/013); A & J Stephen Limited (0622/01/022) - Object to Policy 25 for some or all of the following reasons:

The Policy is highly prescriptive. The development mix within a site will be a function of known market conditions at any point in time and an appropriate housing mix on any site should be explored as part of any detailed site design discussions and placemaking expectations set through Policy 1 of the Proposed LDP. The wording of the policy should seek an appropriate mix as a general principle. Risk that the policy will add a further layer of potential delay to the delivery of housing sites.

The requirement is in addition to the existing 25% affordable housing requirement sought through Policy 20. SPP (CD004) allows planning authorities to seek an affordable housing element of up to 25% in any housing development. Policy 25 in effect seeks an additional element of unsubsidised affordable housing over and above that secured through Policy 20. Such an approach is clearly contrary to SPP and the advice set out within PAN 2/2010 (CD040). If the Council believes there to be a high demand for 1 and 2 bedroom homes the correct route would be for the Affordable Housing Policy to require a certain percentage of these homes to cater for that demand.

The requirement is too restrictive in terms of site viability. Not every site lends itself to the provision of 10% 1 and 2 bedroom properties. Generally, housebuilders till use in-house expertise of the current market conditions, as well as that of local property professionals, to dictate the desired housing mix for a specific sites. There is a danger that if the viability and suitability of a development site does not work, adequate housing land will not be brought forward, impacting on the provision of affordable housing.

There are already proposed policies which would ensure that the theme of 'Successful and Sustainable Places' is achieved, for example Policy 1: Placemaking. Unclear therefore why Policy 25 appears to suggest that community integration can only be ensured by providing 10% of the 'private' element of a development as 1 or 2 bedroom homes.

Stewart Milne Homes (0290/03/012) - The need for special needs homes, such as housing for wheelchair users, should be part of the affordable housing requirement under Policy 20. Any specific need for this special needs housing should be determined through developer obligations in line with Circular 3/2012 (CD168) and PAN 2/2010 (CD040).

Barrett North Scotland (0513/01/002) - The requirement for up to 10% of the development to be designed to meet 'specific identified needs' or to be capable of adaption is not necessary. The Building Standards Domestic Technical Handbook (2017) (CD151) already sets out clearly what housebuilders are required to do in order to ensure that their homes are adaptable. The wording should be amended to ensure that, as a general principle, homes are designed to lifetime standards as per the Building Regulations.

Kristin Barret (0423/01/004) - All new houses (not just 10%) should be, to some extent, disabled-friendly to allow people to stay in their existing home if their circumstances change.

Modifications sought by those submitting representations:

Policy 20 – Affordable Housing in Rural Areas

Cllr Michael Barnacle (0584/01/010) - The LDP should recognise the need for appropriate affordable housing provision in the rural villages, and should seek to secure on-site provision on such sites rather than financial contributions.

Policy 20 – Affordable Housing in Conversions

Scone Estate (0614/01/008) - The phrase 'including conversions' should be removed from the policy text.

Policy 20 – Other Comments

Ian Fairley (0427/01/001) - A large part of any housing should be for those who can only afford to rent i.e. Housing Associations and Council.

Stewart Milne Homes (0290/03/009) - Reference should be made to the Housing Need and Demand Assessment providing up to date, robust data and to Circular 3/2012 (CD168) in the text of Policy 20.

Policy 21

Cllr Michael Barnacle (0584/01/011) - Is not specific about change sought but considers the policy too open door and open to breaches.

Policy 22

Scone Estate (0614/01/016) - Policy should be broadened to allow for retirement villages.

Policy 25

Stewart Milne Homes (0290/03/012); Scone Estate (0614/01/013) - Policy 25 should be removed from the Plan.

Springfield Properties PLC (0455/01/004); Barrett North Scotland (0513/01/002); Homes for Scotland (0562/01/006); A & J Stephen Limited (0622/01/022) - The requirement for sites to provide 'at least 10% of their homes as 1 or 2 bedroom homes' should be deleted from Policy 25.

Barrett North Scotland (0513/01/002) - Delete the reference to '10% of homes to be designed to meet the needs of specific needs'. The wording should be amended to ensure that, as a general principle, homes are designed to lifetime standards as per the Building Regulations.

Kristin Barret (0423/01/004) - All new houses should be, to some extent, disabled-friendly not just 10%.

Summary of responses (including reasons) by planning authority:

Policy 20 – Affordable Housing in Rural Areas

Cllr Michael Barnacle (0584/01/010) - TAYplan Policy 1 (CD022, page 8) sets the location priorities for the identification of new housing sites. The LDP is required to comply with the higher level Strategic Development Plan. TAYplan Policy 1 does, however, allow for some development in settlements which are not defined as principal settlements and this is discussed in Issue 1: A Successful Sustainable Place.

Policy 20 requires the provision of an affordable housing contribution for all sites of five units or more. Whilst the policy does not specifically state that this provision is to be on-site, this is implied by the second sentence of paragraph one: '...the affordable housing should be integrated with and indistinguishable from market housing'. Policy 20 goes on to state that off-site provision or a commuted sum will only be permitted if it is demonstrated in a viability statement that on-site provision is not possible. It is acknowledged that it is sometimes the case that a commuted sum is accepted in lieu of on-site provision for small developments in rural villages. This is usually due to the logistical difficulties for Registered Social Landlords in managing houses in more remote locations.

The detailed guidance as to when a commuted sum may be acceptable is contained with the Developer Contributions and Affordable Housing Supplementary Guidance (CD021, paragraph 7.18). The need for increased affordable housing provision in rural villages can be considered through the next review of the Local Housing Strategy (due in 2020), and Strategic Housing Investment Programme (review due in October 2018). This could in turn influence a future review of the Supplementary Guidance, potentially with a view to restricting further the instances when commuted sums will be accepted. However neither the current, nor any future, supplementary guidance is a matter for this Examination.

Policy 20 indicates the Council's preference for the on-site provision of the affordable housing contribution on all sites. As such no change to the policy itself is considered necessary.

No modification is proposed to the Plan.

Policy 20 – Affordable Housing in Conversions

Scone Estate (0614/01/008) - Some conversions can incur greater development costs but developers are expected to take any requirement for developer contributions, including

affordable housing, into account in their financial appraisal and purchase of such sites. This said, it is acknowledged that in some exceptional cases there may be justification for reducing developer contributions and the Developer Contributions and Affordable Housing Supplementary Guidance sets out the circumstances under which a reduced contribution may be permitted (CD021, paragraphs 3.18 and 3.19). Given that there is already scope for developer contributions to be reduced where abnormal development costs render a development unviable, it is considered appropriate to continue to include conversions within the scope of Policy 20.

No modification is proposed to the Plan.

Policy 20 – Other Comments

Ian Fairley (0427/01/001) - Policy 20 requires the provision of an affordable housing contribution of 25% for all residential development proposals of five or more units in line with SPP (CD004, page 31, paragraph 129) and TAYplan Policy 4C (CD022, page 22). The Developer Contribution and Affordable Housing Supplementary Guidance sets out the forms which that affordable housing contribution may take. This includes social and mid-market for rent (CD021, paragraph 7.6) and Policy 20 indicates that the local housing need in an area will help determine the type of affordable housing provided on each site.

No modification is proposed to the Plan.

Stewart Milne Homes (0290/03/009) - The Perth & Kinross Housing Needs and Demand Assessment (HNDA) was prepared by the Council to build on the TAYplan-wide HNDA to inform the preparation of the LDP and the Local Housing Strategy. Discussions between developers and the Council as to the details of the affordable housing provision on a site will be informed by the HNDA and, in the interests of keeping policies short and succinct, it is not considered necessary to spell this out in the text of Policy 20. Circular 3/2012 is already referenced in the Developer Contribution and Affordable Housing Supplementary Guidance (CD021, paragraph 2.2) and it is not considered necessary to refer to the Circular in the policy text also.

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

Policy 21

Cllr Michael Barnacle (0584/01/011) - Scottish Gypsy/Travellers are an indigenous ethnic minority afforded the protection offered by the Equality Act 2010. A Scottish Parliament Report "Where Gypsy/Travellers Live" in 2013 (CD382) highlighted the difficulties and discrimination faced by Gypsy/Traveller communities and the desire to develop private sites and the difficulties encountered when engaging with the planning system. In the same year Perth & Kinross, in consultation with Gypsy/Traveller communities, produced a Strategy updated in 2018 (CD381)) to improve and sustain community relations in a manner underpinned by improved communication, respect and understanding. Research projects that informed the strategy highlighted the loss of, and need for additional private permanent and temporary sites. Sites suitable for Gypsy/Traveller communities require proactive protection and promotion. The original policy was inserted into the Proposed LDP 1 (CD014, Policy RD5 page 32) following consideration of an equalities impact assessment. This recognised that it was inappropriate to assess Gypsy/Traveller sites

under the same policy context as tourist orientated caravan sites. Accordingly the policy was developed with the express purpose of assisting travellers to make provision for their own needs, whilst safeguarding environmental and amenity concerns. Accordingly, whilst the policy does give greater scope for the development of traveller sites it is considered a proportionate approach given the specialist needs of this minority group. Policy 21A therefore protects against the further loss of existing sites and 21B sets out the support for provision of new sites while seeking to ensure that sites are fit for purpose and protecting the health and amenity of both the site residents and the amenity of neighbouring areas from potential impacts on landscape, noise and traffic.

As with the settled community, planning permission can be sought for small sites without the need for allocation in the Local Development Plan. There is no evidence that the need for more sites identified in 2013 has been satisfied. The progress report on the 2013 strategy (CD379para 2.2) in May 2018 noted that the action to bring forward further sites was not achieved during the life of the original strategy. Where the Council is not able to provide further sites, private proposals can come forward under Policy 21 to meet demand.

With regards to breaches there is regular engagement with the Gypsy/Traveller communities through the Communities team on both private and Council sites. Enforcement and planning officers work with residents to advise on avoiding and rectifying any planning breaches in accordance with the Planning Enforcement Charter (CD380) which emphasises the importance of resolving issues through negotiation.

Policy 22

Scone Estate (0614/01/016) - Policy 22 supports proposals for particular needs housing. Specifically mentioned are housing for frail or elderly people, people with additional support needs, and housing for people with varying needs. The intention of this policy is to support proposals for housing for people whose needs cannot or are not met in the general housing market. Retirement villages in form may vary little from general needs housing. It is therefore more appropriate that they are considered within the context of general housing allocations and located in areas suitable for residential development. In fact, a sustainable location is even more relevant for active elderly people – it is not just about transport links, but also social links in terms of being part of, and integrated within, a wider community. As such the locational policies in TAYplan (CD022) and the LDP are key determining factors.

The representation refers to ‘retirement villages outwith residential areas’ which suggests some form of standalone settlement. TAYplan specifically states that ‘There will be no need for any new settlements during the lifetime of this Plan’ (CD022 page 11).

The previous Examination Reporter concluded that ‘The term “retirement village” is insufficiently precise for it to be referred to in this policy. Some residents of such accommodation may have particular housing needs but that is not necessarily the case. A market housing “retirement village” development that has minimum age stipulations for potential occupiers but no other features to address particular needs is not comparable to the specialised forms of accommodation that this policy seeks to address’ (CD015, page 144-115, paragraph 7).

No modification is proposed to the Plan.

Policy 25

Stewart Milne Homes (0290/03/012); Springfield Properties PLC (0455/01/004); Barrett North Scotland (0513/01/002); Homes for Scotland (0562/01/006); Scone Estate (0614/01/013); A & J Stephen Limited (0622/01/022) - At the time of preparing the current adopted LDP, a specific need for smaller and low cost market housing was identified in the Council's Local Housing Strategy 2016-2021 (CD156, page 23). Leaving it to the market to address this need had in the past met with limited success. Understandably, developers had responded to market demand and provided the product which delivered the highest returns. Historically this has been for larger houses at the higher end of the market. In an effort to ensure an appropriate mix of housing, the adopted LDP therefore included the provision of low cost housing as part of the site specific developer requirements on some sites. This requirement has, however, caused uncertainty for both developers and Development Management officers in determining the required level of low cost housing on a site by site basis at planning application stage.

Following the preparation of the TAYplan Housing Needs and Demand Assessment, Perth & Kinross Council carried out a further Assessment in 2015. This highlighted a continuing and increasing need for smaller, lower cost market properties due to increases in single adult households, households with 2 adults and no children, and households with one adult with one or more children (CD155, page 15, Table D). The latest household projections for Scotland (2016-based) reinforce this. In Perth & Kinross the percentage of single person households by 2041 is projected to increase by 26% (CD170, Table 9). Single adult households with children are projected to increase by 33% (CD170, Table 12) whilst two adult households without children are to increase by 18% (CD170, Table 10). The average household size in Perth & Kinross is projected to decrease from 2.18 people in 2016 to 2.04 people in 2041 (CD170, Table 7).

The increase in single and two adult households without children is partly due to an ageing population. By 2041 nearly half of all households (47%) in Perth & Kinross will be headed by some aged 60+ (CD170, Table 14); there is an expected increase of 80% of those households headed by someone aged 75+ (CD170, Table 19). It is reasonable to assume that many of these households will wish to downsize to smaller properties.

Affordability calculations within the Housing Needs and Demand confirmed that without a significant deposit, equity, or more favourable lending conditions a house priced at the lower quartile price would not be a realistic option for over 50% of all household residents in Perth & Kinross. Moreover, using the same calculation a median priced property would not be affordable for 77% of all households (CD155, page 19, section 2.4). Policy 20: Affordable Housing seeks to provide for those households which are unable to their housing needs on the open market. Taking account of the statistics above, however, there is likely to be further households who may not qualify for an affordable house under Policy 20 but who still encounter difficulties in accessing the market. This further points to the need for additional smaller market houses which, by nature of their size, would be lower cost.

In determining an appropriate response to this issue in the Proposed LDP, consideration was given to the approaches taken in other Council areas. A number of Scottish Councils have tackled this issue in their LDP through a Density policy – Aberdeen City Policy H3 (CD153, page 60), Edinburgh Policy Hou 4 (CD154, page 116), East Lothian DP3 (CD161, page 97) – and/or a Housing Mix policy – Aberdeen City Policy H4 (CD153, page 61), Stirling Policy 2.2 (CD160, pages 35-36), Edinburgh Policy Hou 2 (CD154, page 115).

A disadvantage of a minimum density policy is that it is unlikely to be applicable to every site due to on-site constraints and the need to be compatible with the surrounding density / pattern of development. Furthermore, such a policy may not always result in smaller housing units; it might instead result in 3 or 4 bed flats/terraces which are less likely to meet the needs of smaller households including first time buyers and older people looking to downsize. For these reasons a minimum density policy was discounted.

In comparison, a housing mix policy could be applied to every site above a certain size, ensuring a proportion of smaller units on these sites. Housing mix policies have been successfully defended at LDP Examination at Aberdeen City (CD157, page 326, paragraphs 9-13), Edinburgh (CD158, page 851, paragraphs 23-26), and Stirling Councils (CD159, page 80, paragraphs 31-32). At the Aberdeen City Council LDP Examination, for example, the Reporter considered that meeting the housing needs of a growing elderly population and first time buyers is a 'reasonable objective of the planning system' (CD157, page 326, paragraph 12). Furthermore the Reporter did not consider that the policy requirement for smaller houses would unduly constrain the design approaches which could be taken in new developments and concluded that 'the reference to including some 1 and 2 bedroom units in the mix is acceptable' (CD157, page 326, paragraph 12).

In a departure from the approach taken by these other Authorities, however, Perth & Kinross Council are seeking to take this a step further by stipulating a minimum percentage of 1 and 2 bedroom houses on all developments of 20 or more units. This has met with resistance from the housebuilding industry as it is considered overly prescriptive and could result in further delays to the delivery of housing sites. Some respondents would wish that the policy instead just sought an 'appropriate' mix whilst others consider that the policy should be deleted in its entirety.

Rather than increasing delays, the Council suggest that the up-front requirement for a known percentage of smaller properties will provide far more certainty for developers. It is envisaged that this will actually speed up the process by negating the need for the 1 and 2 bedroom requirement to be negotiated on a site by site basis at planning application stage as is the case at the moment.

It is acknowledged that the proposed requirement for 1 and 2 bedroom houses is in addition to the requirement for 25% affordable housing sought under Policy 20: Affordable Housing. The adopted LDP includes specific developer requirements on some sites for low cost housing. Policy 25, however, lessens this focus on cost and instead seeks to achieve a mix of house sizes. Under Policy 25 development proposals are to meet the needs of smaller households including, but not limited to, older people and lower income households.

The 10% small house requirement differs from the 'Unsubsidised low cost housing for sale' category set out in the Developer Contributions and Affordable Housing Supplementary Guidance (CD021, page 25) as the latter does not specify the size of house. Instead it requires it to be demonstrated that the house will meet the needs of, and be affordable to, groups of households identified through the housing needs assessment. The Council may also seek to impose conditions on the missives to maintain the houses as affordable to subsequent purchasers. Under Policy 25 developers will not be required to demonstrate the houses meet an identified need in the same way, nor will the Council seek to control the future sale of the houses. Rather it is envisaged that these 1 and 2 bedroom houses will meet a need simply due to their smaller size. For example, under Policy 25 a developer could chose to build a percentage of small luxury houses aimed at older people wishing to

downsize. Such houses would not necessarily be affordable in terms of price but would still help to meet an identified need for smaller houses.

The requirement for 10% 1 and 2 bedroom houses under Policy 25 will only apply to sites of 20 or more. On sites of this size many developers will already be looking to provide a range of house sizes and types in the interests of good placemaking and community integration. It is not therefore envisaged that, in the majority of cases, the requirement will adversely impact on the viability of a development. Where there are extenuating circumstances there could be an option for the developer to submit a development viability statement, similar to that allowed for developer contributions.

No modification is proposed to the Plan. However if the Reporter considered it would make the Policy clearer, the Council would not object to adding the following note to Policy 25: 'Where an applicant considers that there are extenuating circumstances which mean that meeting the requirement for 10% 1 and 2 bedroom houses will render a development economically unviable, the Council may reduce or waive this requirement'. This must be demonstrated through a Development Viability Statement'.

Stewart Milne Homes (0290/03/012); Kristin Barret (0423/01/004); Barrett North Scotland (0513/01/002) - Increasingly, households which contain a person or people with specific housing needs wish to live within the community rather than being segregated simply because of their need for a specific type or design of house. It will not always be the case that such households are in need of an affordable house; rather they are in need of an appropriate house. It is therefore considered valid for planning policy to seek to help enable such households to live within the community by ensuring that, where appropriate, their needs can be accommodated within mainstream housing developments.

It is acknowledged that Building Standards Regulations (Technical Handbook 2017 Domestic – Sustainability, CD151, pages 8 & 11-12) already set requirements which seek to ensure that new houses can be adapted as the needs of a household change. These requirements are considered to address the concern raised by Kristin Barret that all new houses should be capable of adaption to some extent. Given that this requirement is already set out in Building Regulations there is not considered a need to repeat it in Policy 25.

What Policy 25 is seeking to achieve is to allow the option of requiring a small percentage of a development to provide houses to meet specific needs but only in those areas where there are identified clusters of households with such needs. The onus would be on the Council to demonstrate that such a cluster of households exist. Only two individual housebuilders objected to this part of Policy 25. No representation on this issue was received from Homes for Scotland.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy 20 Affordable housing in rural areas

1. Policy 20 seeks the provision of affordable housing in all housing developments over 5 houses. No distinction is made between rural or urban areas. The proposed plan already allocates some housing sites outside principal settlements. I am not convinced that a direct reference to the need for affordable housing in rural villages has been justified. Any

proposals for housing in rural villages could be adequately assessed against policy 20 as written.

2. I agree that the provision of affordable housing should ideally take place on-site in both urban and rural areas. Policy 20 states that “If the provision of affordable housing on-site is not possible following a viability assessment, the council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers”. I am satisfied that the application of the policy wording would ensure that on-site provision was the first option and only where this was shown to be unviable would other off-site options and finally a commuted sum be considered. This is reiterated (and more detailed guidance provided) in the council’s “Developer contributions and affordable housing supplementary guidance – 2016”. A sequential approach to the delivery of affordable housing is set out at paragraph 7.9 of the supplementary guidance with on-site provision as the first option and the payment of commuted sums the third and least preferred option. Paragraph 7.17 states that “...it will only be in limited circumstances that the council will accept the payment of a commuted sum in lieu of the provision of affordable housing on or off-site”.

3. Some of the instances where a commuted sum may be acceptable include where a development is in a remote inaccessible rural setting or where it is a very small development with associated difficulties in managing small and sporadic units (paragraph 7.18). I recognise that both of these instances apply in mainly rural areas. Nevertheless, I note the council’s intention to consider the need for increased affordable housing provision in rural villages through the next review of the Local Housing Strategy and the Strategic Housing Investment Programme. I agree that the most appropriate way to deal with the findings is through a future review of the supplementary guidance, which could include fewer instances where commuted sums would be deemed appropriate in rural areas. I do not consider that a modification to policy 20 is required.

Policy 20 Affordable housing in conversions

4. I acknowledge that in some cases, conversions may involve higher development costs than in new build circumstances. However, I agree that developers should take the requirement for developer contributions and affordable housing into account in their initial financial appraisal and purchase of such sites. Furthermore, I am satisfied that paragraphs 3.18 and 3.19 of the supplementary guidance provide sufficient flexibility for those cases where developers can demonstrate and clearly justify that there are exceptional costs involved, which were unknown when the initial offer of purchase was made. In such exceptional circumstances the supplementary guidance would allow for a reduction or give exemption from the requirement for affordable housing. Policy 20 also states that the council will take into account considerations that might affect deliverability such as development viability and the availability of funding.

5. Given the above, I do not regard the requirement for an affordable housing contribution in conversion housing schemes consisting of 5 or more units to be excessive. I am not persuaded that the policy would significantly reduce the number of conversions undertaken. No modification to policy 20 is required.

Policy 20 Other comments

6. Scottish Planning Policy defines affordable housing broadly as “...housing of a reasonable quality that is affordable to people on modest incomes”. Affordable housing is

described as social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build) and low cost housing without subsidy (paragraph 126). Scottish Planning Policy states that the level of affordable housing required by local development plan policies within a market site should generally be no more than 25% of the total number of houses (paragraph 129). TAYplan Policy 4 (Homes) requires local development plans to ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs.

7. Policy 20 seeks the provision of an affordable housing contribution amounting to the equivalent of 25% of the total number of units proposed, on housing sites over 5 units. The need for affordable housing was assessed in the Perth and Kinross Housing Need and Demand Assessment (2015) and the 25% requirement was based on the evidence provided within that study. Paragraph 7.6 of the supplementary guidance sets out the categories of affordable housing which would be considered appropriate, including housing for sale, as a reflection of Scottish Planning Policy. Policy 20 states that the details of provision, including tenure, will be a matter for agreement between the developer and the council based upon local housing need and individual site characteristics. I consider that policy 20, as written, together with the attached supplementary guidance conform with both national and strategic policy and aim to reflect the local housing need whether that is for “affordable” rented housing or “affordable” housing for sale.

8. The Housing Need and Demand Assessment and Circular 3/2012 (Planning obligations and good neighbour agreements) are referred to in the supplementary guidance (paragraphs 2.2 and 7.1). I am not convinced that it is necessary to also refer to them in the policy. If further detail is required then this would more appropriately be contained within the supplementary guidance.

9. No modifications to policy 20 required.

Policy 21 Gypsy/Traveller's sites

10. The Scottish Government acknowledges that Gypsy/Traveller communities have specific requirements and should have the same level of protection from discrimination and abuse in common with all of Scotland's minority ethnic communities. As an indigenous ethnic minority, they are afforded the protection offered by the Equality Act 2010. I note that the council has prepared a Gypsy/Traveller Strategy, in consultation with Gypsy/Traveller communities, which was updated in 2018. Research projects undertaken to inform the strategy and ascertain future accommodation needs identified a need for more temporary pitches and sites. It highlighted a lack of quality and lack of access and provision of private sites, as well as the loss of some private sites. As a consequence, I consider it appropriate that policy 21A seeks to protect existing sites and Policy 21B includes criteria against which to assess applications for new permanent and temporary sites. I agree that assessing such proposals in the same context as tourist orientated caravan sites would be unacceptable.

11. The criteria in policy 21 cover issues such as local amenity, appearance, impacts on neighbouring land uses, traffic and noise. In the absence of any sites allocated by the council to satisfy the need identified, I find that policies 21A and 21B are the minimum required to enable new sites to come forward and protect those existing. I do not regard

the policies as “open door” given the criteria attached which would need to be adhered to. In addition, I am satisfied that the council can deal with any breaches through its enforcement powers. Policy 21 does not require modification.

Policy 22 Particular needs housing accommodation

12. I agree with the conclusion of the reporter for the examination of the previous local development plan, that the term “retirement villages” is insufficiently precise to be referred to in this policy. Not all newly retired/active elderly people have “a particular need” to be addressed by specialised forms of accommodation, which is the purpose of the policy. The delivery of a mix of house types and sizes on market housing developments through policy 25 (Housing mix) would address some of the deficiencies in smaller homes provision referred to and provide elderly people living in properties which are too large, the opportunity to downsize (see paragraphs 13 to 23 below). The evidence submitted does not justify the inclusion of retirement villages outwith residential areas, regardless of their accessibility. I consider the existing wording of policy 22 to be appropriate.

Policy 25 Housing mix

13. Scottish Planning Policy states that development should be adaptable, including a mix of building densities, tenures and typologies which take into account how people use places differently, for example, depending on age and degree of personal mobility (paragraph 44). Paragraph 122 states that local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places. Intervention through the planning system to achieve a mix of housing is supported by national policy. Policy 4 (Homes) of TAYplan requires local development plans to ensure that a mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives. The inclusion of a policy which seeks to provide an appropriate mix of house types and sizes therefore reflects both national and strategic policy.

14. Information in the council’s Housing Need and Demand Assessment points to an increasingly aging population with an expected increase of 89% in the plus 75 years of age category from 2012 to 2037. Average household size is predicted to fall from 2.2 to 2.13. Household compositions are projected to change with 72% more households containing one adult and one or more children and further increases in single adult households (38%) and households with 2 adults and no children (25%). I note that the 2016 based “Household projections for Scotland” predicts the percentage of single person households by 2041 to increase by 26%. The average household size is projected to decrease from 2.18 in 2016 to 2.04 in 2041, with 47% of all households headed by someone aged 60 plus. All of this evidence points to a continued need for 1 and 2 bedroom houses in future housing developments in order to accommodate smaller households and to provide the opportunities for other households, including the elderly, to downsize.

15. In order to provide for this projected need, the council has made the policy on housing mix explicit by including a percentage figure of one and 2 bedroom homes which should be provided on sites with a capacity of 20 or more. Given the information above and in particular the projected increases in the numbers of single person households (26%) and the number of households headed by someone of 60 years or older (47%), I do not regard a requirement of 10%, on sites of 20 houses or more (which would not impact on smaller proposals), to be excessive. I am persuaded that the inclusion of a definite

percentage rather than seeking an “appropriate mix”, where a figure would have to be negotiated for each individual development, would lead to time savings in the processing of planning applications rather than unnecessary delays. Everyone involved would be aware of what is expected from the outset. This would reduce uncertainty in the decision making process. I find that the inclusion of a percentage figure requirement for larger housing developments has been adequately justified.

16. Furthermore, I do not accept the argument that the policy in effect seeks an additional element of unsubsidised affordable housing. The policy does not require the 1 and 2 bedroom homes to be affordable but to meet the needs of smaller households including, but not restricted to, older people and lower income households. The future sale of the properties would not be controlled in any way. Not everyone who wants to purchase a 1 or 2 bedroom property would need or be eligible for an affordable home. Retired buyers and couples without children are particular examples. Although smaller properties would normally be expected to attract lower average prices, high quality design and increased density could augment the prices achieved on the open market.

17. However, as this figure is in addition to any on-site affordable units, I accept that in some cases, the requirement could be overly prescriptive and impact negatively on the viability of a housing development. I, therefore, agree that in such circumstances the option should be available for developers to submit a development viability statement. I accept the wording suggested by the council but consider that it should be added to the policy wording itself rather than as a note at the end of the policy.

18. Although not summarised in the schedule 4, I am aware that in their original representation Portmoak Community Council as well as supporting the policy also suggest that the policy needs more flexibility. The community council considers that within a small community, the cumulative build of 20 or more homes over a set period (and not just on one site and at one time) should trigger a requirement to meet an appropriate mix of housing and types. In response to my further information request on this matter (FIR17), the council regards a requirement, for individual developers whose developments would push the total number of new houses in an area over the 20 unit threshold, to provide 10% one or two bedroom homes, to be both impractical and unreasonable. I agree that a considerable time and effort would be required to administer such a scheme and acknowledge the difficulties in deciding whether to apply it to planning permissions granted or only those houses actually built. The council considers it unreasonable to require some developers to incorporate a proportion of smaller houses within their development when others haven’t had to because they received planning permission sooner. I also accept that removing or reducing the 20 unit threshold could adversely affect the viability of smaller developments and constrain the design approaches undertaken.

19. Taking all of this into account and given the small number of new units which is likely to be involved, I am not persuaded that the suggested modification is either practical or necessary. As stated by the council, this does not prevent negotiations on an individual site basis seeking a mix of house types on sites below the 20 unit threshold.

20 Scottish Planning Policy refers to specialist housing provision and other specific needs as an element of housing provision separate from affordable housing (paragraph 132). Local authorities are required to consider the need for specialist provision that covers accessible and adapted housing and wheelchair housing in order to support independent living for elderly people and those with a disability. Where a need is

identified, policies should be prepared to support the delivery of appropriate housing. It would not be appropriate to consider the need for special needs homes, such as for wheelchair users, as part of the affordable housing requirement only. Such households may not need a subsidised home, but instead an adapted/adaptable market value home.

21. The council's housing mix policy states that there "may" be a requirement for up to 10% of a development to be designed to meet specific identified needs "or" for the developer to demonstrate that the house is capable of adaption. This would be expected only in circumstances where there are "identified" clusters of households with specific housing needs within the settlement. I am satisfied that the existing wording reflects government policy. In addition, I consider it is sufficiently flexible and requires enough justification to avoid applying an unnecessary or unduly onerous requirement on developers, subject to my recommended modification below. I am aware of the Building Standards Regulations and agree that they should ensure that all new houses would be capable of adaption to some extent. Nevertheless, I still find this policy approach to be appropriate in seeking to provide a small percentage of homes to meet "specific needs" on housing sites in those areas where clusters of such households exist. I do not consider that there is a need to refer to the Building Regulations in the policy. These will be implemented separately to the planning process.

22. At paragraph 17 above, I accept that in some cases, the requirement for 1 and 2 bedroom homes could be overly prescriptive and impact negatively on the viability of a housing development. This could also be the case for developments where the specific housing needs requirement would pertain. I have, therefore, applied the modification referring to viability to both requirements, by adding a new paragraph to the end of the policy.

23. Subject to the modification referred to in paragraphs 17 and 22 above, I regard policy 25, in combination with other policies such as policy 1 (Placemaking) and policy 20 (Affordable housing) as making an important and appropriate contribution towards supporting the creation of sustainable mixed communities and successful places. Policy 1 would not achieve this alone. The policies used in other council's local development plans does not alter my view that in the circumstances of Perth and Kinross Council, this policy approach is acceptable.

Reporter's recommendations:

I recommend that the following modification be made:

1. Add the following new paragraph to the end of policy 25 (Housing mix):

"Where an applicant considers that there are extenuating circumstances which mean that meeting these requirements will render a development economically unviable, the council may reduce or waive these requirements. This must be demonstrated through a Development Viability Statement."

Issue 11	Policy 23 Delivery of Development Sites	
Development plan reference:	Policy 23, Page 39	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
Sheena Thom (0224) Stewart Milne Homes (0290/03) Alistair Godfrey (0410) Springfield Properties PLC (0455) Woodland Trust Scotland (0462)		John Dewar Lamberkin Trust (0532/05) Homes for Scotland (0562) Gladman Development Ltd (0577) Scone Estate (0614) A & J Stephen Limited (0622)
Provision of the development plan to which the issue relates:	Policy 23 – Delivery of Development Sites	
Planning authority's summary of the representation(s):		
<p>Sheena Thom (0224/01/001) - Policy 23 states that 'For each site allocation in the LDP and residential windfall sites of 10+ dwellings, landowners and/or developers will produce a Delivery Strategy within one year of the LDP being adopted' Policy should be modified to include that sites taken forward by the Council will also be subject to this exercise.</p> <p>Stewart Milne Homes (0290/03/010) - No definition of a Delivery Strategy is provided therefore it is difficult to comment on its form and requirements, more information should be provided on what a delivery Strategy is. The preparation of a Delivery Strategy will likely only delay progress and pull resources that should be concentrated on the delivery of the site. Statements may be more appropriate for sites which have been allocated for a long period of time, with no progress shown, rather than new sites with developer backing which goes some way in demonstrating delivery. In many cases it is not possible to provide key information upfront as the infrastructure providers cannot provide this until a certain stage in the development process is reached. Developers input into the Action Programme (CD099) which is to support the delivery of the adopted LDP and sets the actions, timescales and partnerships required to implement the policies, proposals and strategies of the LDP. No need for further formal policy on this issue, instead the Council should work in partnership with Landowners, Developers and Infrastructure providers to deliver sites through the existing Action Programme process. If this policy is maintained, it must be ensured that this exercise in itself does not add an additional layer to the planning process.</p> <p>Springfield Properties PLC (0455/01/003) - Policy 23 should be deleted as it overlaps with the statutory requirement to produce Action Plans in support of the LDP. It would be helpful if there were stronger links between Housing Land Audits and Action Plans.</p> <p>Homes for Scotland (0562/01/005); A & J Stephen (0622/01/0021) - The intent behind the Policy is recognised but there is a risk that the requirement for a Delivery Strategy will overlap with the Statutory requirement to produce Action Programmes. The intended relationship between the Delivery Strategy and the Action Programme (CD099) is unclear and could be interpreted as the Council attempting to defer responsibility for production of the Action Programme (CD099) onto the Development sector. The sector is a willing</p>		

partner but should not be responsible for the Action Programme (CD099) production. Delivery Strategies for sites will likely change over time. A more joined up position through the Housing Land Audit (CD049) and the Action Programme (CD099) would generate a more joined up position on site delivery. The Council should have an understanding of site delivery through discussions with developers/landowners and if a site is allocated in the LDP then it must be taken that it will progress during the plan period.

Gladman Development Ltd (0577/01/003) - Concerned that this Policy seeks to add further administrative complexity to the housing delivery process. The information sought can be gathered from the Housing Land Audit (CD049).

Scone Estate (0614/01/015) - Concerned that the Delivery Strategy will bring significant potential to delay the delivery of housing sites by requiring another piece of work which will not deliver houses on the ground. A Delivery Strategy is unnecessary because the Action Programme (CD099) can fulfil the intended role of the Delivery Strategy.

Stewart Milne Homes (0290/03/018) - Policy 23 makes reference to sites of 300 or more houses including provision for self-build. This is not practical due to lending and Health and Safety issues. Self-build options are more appropriate for smaller sites or individual plots. Reference to this on large sites should therefore be removed from this policy.

Springfield Properties PLC (0455/01/008) - The Policy refers to Delivery Strategies for sites of 300 units to include provision for self-build. This is very prescriptive. Self-build within development sites can become highly complex and difficult with many health and safety issues.

Homes for Scotland (0562/01/009); A & J Stephen (0622/01/025) - The Policy also refers to provision of self-build for sites of 300 or more. Provision of self-build within a large developer led housing site is a very complex matter to achieve and has many associated health and safety considerations which will limit the opportunities coming forward.

John Dewar Lamberkin Trust (0532/05/001) - Support the objectives underpinning Policy 23 but scheduling updates to initial delivery strategies would be more constructive if determined by the projected work streams and programme as opposed to a specific 6 month period. The provision of an annual update in line with the Action Programme could assist in the implementation of policy objectives. For site MU70 a Delivery Strategy has been developed which has been a constructive approach towards consolidating pre-development work, engaging with stakeholders and providing all interested organisations with awareness of the delivery programme.

Alistair Godfrey (0410/01/007) - The wording 'including proposals for involving a range of developers' could undermine a masterplan or design with planning consent a community has accepted, but then faced with an unacceptable design. Any variation in design or layout, extension or reduction should be subject to a fresh planning application.

Woodland Trust Scotland (0462/01/021) - Support the Policy; it is sensible that developers prepare Delivery Strategies of sites of 10+ dwellings. Will the Delivery Strategies be made public?

Modifications sought by those submitting representations:

Sheena Thom (0224/01/001) - Modify Policy 23 to include that sites taken forward by the

<p>Council will also produce a Delivery Strategy.</p> <p>Stewart Milne Homes (0290/03/010); Springfield Properties PLC (0455/01/003); Homes for Scotland (0562/01/005); Gladman Development Ltd (0577/01/003); Scone Estate (0614/01/015); A & J Stephen (0622/01/021) - Delete Policy 23.</p> <p>Stewart Milne Homes (0290/03/018); Springfield Properties PLC (0455/01/008); Homes for Scotland (0562/01/009); A & J Stephen (0622/01/025) - Modify Policy 23 to remove reference to large sites of 300 or more including provision of self-build.</p> <p>John Dewar Lamberkin Trust (0532/05/001) - Modify Policy 23 to provide for annual update statements.</p> <p>Alistair Godfrey (0410/01/007) - No change proposed but seeks clarification that any variation in design or layout, extension or reduction should be subject to a fresh planning application.</p> <p>Woodland Trust Scotland (0462/01/021) - No change proposed but seeks clarification whether the Delivery Strategy would be made public.</p>
<p>Summary of responses (including reasons) by planning authority:</p> <p>Sheena Thom (0224/01/001) - If a site is owned by the Council and is allocated within the LDP or comes forward as a windfall development then under the requirements of the Policy 23 as it is written the Council would be required to produce a Delivery Strategy. It is not required to modify the Policy to specify that this applies to sites owned by the Council.</p> <p>No modification is proposed to the Plan.</p> <p>Stewart Milne Homes (0290/03/010); Springfield Properties PLC (0455/01/003); Homes for Scotland (0562/01/005); Gladman Development Ltd (0577/01/003); Scone Estate (0614/01/015); A & J Stephen Limited (0622/01/021) - The Council has produced a template for the Delivery Strategy (CD177) as non-statutory Supplementary Guidance. In producing the Action Programme (CD099) the Council seeks to work closely with Landowners and Developers to understand how the allocations within the LDP will progress but this information is sometimes not forthcoming and when provided is of limited detail so as to meaningfully inform the understanding of the site delivery. The Council is seeking to supplement the Action Programme (CD099) by creating a document for each site which can be used as a basis for discussions in advance of a planning application being submitted, inform the determination of the planning application and be updated to create a delivery plan after issue of planning consent. It is all too often the case that once a planning application is submitted for a site in the LDP that issues arise such as landownership and lack of suitable infrastructure investigation which places pressure on the delivery of the LDP vision while also impacting on the ability to determine the planning application. As noted in the representation submitted by The John Dewar Lamberkin Trust (0532/05/001) 'For site MU70 a Delivery Strategy has been developed which has been a constructive approach towards consolidating pre-development work, engaging with stakeholders and providing all interested organisations with awareness of the delivery programme.' The Homes for Scotland publication Delivering More Homes for Scotland: barriers and solutions (CD176) identifies the need to drive forward a culture of local authority commitment and ownership to the delivery of more new homes and an alignment of capital budgets with Local Development Plans. The Delivery Strategy aims to help</p>

achieve this aim by allowing for the consolidation of all aspects of the site delivery into a single document which will make it clearer to all stakeholders as to the timescales and requirements for the Local Development Plan and individual sites delivery. It is not viewed that the production of this document will create significant additional work load as if the information sought cannot be provided then it is doubtful the site could be considered effective.

No modification is proposed to the Plan.

Stewart Milne Homes (0290/03/018); Springfield Properties PLC (0455/01/008); Homes for Scotland (0562/01/009); A & J Stephen Limited (0622/01/025) - As defined in Pages 33-34 of the Perth & Kinross Housing Land Audit 2017 (CD050) the Housing Land Requirement in Perth and Kinross 2016 – 2028 is 888 units per annum but since 1995 an average of 603 units per annum have been delivered. Single developers taking forward larger sites will only have capacity to build a certain volume annually. Policy 23 is seeking to support the maximising of site delivery by promoting the joint delivery of sites and the option for self-build to come forward. Self-build provides opportunities for buyers to choose the type of home they want and make sure it meets their needs which is not always the case with the standard volume house builders product. Scottish Planning Policy (CD004) identifies that places should be created with a distinct character and identity, with a mix of different tenures (paragraph 78) and that self-build plots can contribute towards the affordable housing delivery (paragraph 86). The Scottish Government Joint Housing Delivery Plan for Scotland (CD061) Action 3 on Page 13 seeks to expand the delivery of self and custom build properties across Scotland. The Scottish Government is also increasing its support of self-build properties with the launch of a £4m fund which will help with delivery but the key constraint is access to suitable development land. Through the planning of large scale sites developers should consider how self-build could be integrated into the site at the outset. The issues identified in relation to health and safety and the complexity of delivery are noted but by tackling the subject at the outset of site development there will be scope to overcome issues and support Government aspirations. No evidence has been provided to support the position that health and safety concerns would not allow self-build plot delivery within a larger site to be achieved. The Council is not convinced that suitable evidence has been presented which would justify a modification to the Policy.

No modification is proposed to the Plan.

John Dewar Lamberkin Trust (0532/05/001) - Circular 6/2013: Development Planning (CD001) paragraph 134 defines that Action Programmes are to be updated and republished at least every two years. The Council seeks to update the Action Programme (CD099) every 6 months. In order to make the Delivery Strategy effective in showing site delivery it should be sufficiently up to date. The Council does not consider that this being reviewed every 6 months in line with the Action Programme (CD099) is insurmountable as if a site has been allocated within the LDP then it should be considered effective and move forward during the plan period. If during the 6 month period since the last update no further progress has been made then this can be set out by the landowner or developer when providing an update.

No modification is proposed to the Plan.

Alistair Godfrey (0410/01/007) - In line with planning regulations any material variation in design, layout, extension or reduction would require to be assessed through a planning application. Any change would be reflected through the Delivery Strategy.

<p>No modification is proposed to the Plan.</p> <p>Woodland Trust Scotland (0462/01/021) - Support for the Policy is noted. It is proposed that the Delivery Strategy would be a public document.</p> <p>No modification is proposed to the Plan.</p>
<p>Reporter's conclusions:</p> <ol style="list-style-type: none"> 1. Policy 23 states that "landowners" and/or developers will be required to produce a Delivery Strategy. In cases where sites are taken forward by the council, as landowner, this policy would therefore already apply. As a consequence, I am satisfied that a modification to specifically refer to the council is unnecessary. 2. The council has submitted a Delivery Strategy template (CD 177) which sets out the information which a developer would be expected to submit for each site. The council's stated intention (in a note in the document) is that the template would be further developed based on consultation and user feedback. I am not persuaded that the information required is unduly onerous or would involve an excessive amount of time to collate. The section on the infrastructure delivery trajectory recognises that the information is intended to be indicative of the matters considered to date. It is acknowledged that specific costs and infrastructure needs would be reviewed in detail alongside market conditions and build costs at the time of submission of a planning application. Furthermore, in the event that the level of information required can, in practice, be shown to be unduly onerous, the opportunity exists for the council's template to be modified accordingly following consultation and user feedback. 3. Rather than adding to the complexity of the planning process, I regard this as a useful exercise and complement to the Action Programme, in order to try to ensure that any issues such as land ownership or infrastructure delivery can be addressed at an early stage. I do not accept the argument that the Delivery Strategy is an attempt to defer responsibility for production of the Action Programme to the development sector. The council would still have a statutory responsibility to prepare the Action Programme. Delivery Strategies would act as a supplement to this process, not a replacement for it. The Action Programme sets out the actions and partnerships required to implement the strategy of the Local Development Plan, the Delivery Strategies would provide a more detailed assessment of the deliverability of individual sites. This level of detail is not currently provided in the Action Programme or in Housing Land Audits. 4. For sites of 300 houses or more, the Delivery Strategy would enable the preparation of a detailed Delivery Plan confirming the phased delivery of the site. All of this would reflect the strong focus in Scottish Planning Policy on enabling the delivery of new homes through strong engagement with stakeholders. In addition it would contribute to the following proposed solutions set out in the Homes for Scotland publication "Delivering more homes for Scotland: barriers and solutions - 2018": <ul style="list-style-type: none"> • Finding ways to drive forward a culture of local authority commitment and ownership to the delivery of more new homes in their areas, including a responsibility to align capital budgets with their Local Development Plans and a desire to see the Plans come to fruition. • Working with others to ensure a collaborative, better resourced and delivery focussed planning system that quickly and efficiently facilitates more new homes.

5. I note that a Delivery Strategy has been prepared for site MU70 and the developer considers its preparation to have been a constructive approach towards consolidating pre-development work, engaging with stakeholders and providing all interested organisations with awareness of the delivery programme. I consider that the production of Delivery Strategies as proposed in the policy is more likely to be a beneficial part of the planning process, leading to a more joined up position on efficient site delivery, rather than one which results in delays. I find the six monthly timetable for production to be appropriate, as it would align with the production of the Action Programme. As stated by the council, in the event that there is no progress/changes to report for a site, then this can be simply stated in the new version of the Delivery Strategy. I am satisfied that policy 23 should remain in the plan.

6. Self-build plots provide opportunities for buyers to choose the type of home they want and make sure it meets their needs. Scottish Planning Policy identifies self-build plots as one of the ways in which affordable housing may be provided. Scottish Government is working with other organisations to review best practice and current self-build procedures and programmes. In addition, to find out what the potential barriers to self-build projects are. The purpose is to identify opportunities to encourage more people to build their own homes. This reflects action 3 of the “Joint housing delivery plan for Scotland – 2015”. The Scotland self-build loan fund currently offers loans of up to £175,000, (for a limited period of 3 years), to help with construction fees in both urban and rural areas for individuals who have been unable to obtain mainstream mortgage finance.

7. I recognise that the council is seeking to maximise site delivery by promoting the joint delivery of sites and the option for self-build. Given government support for self-build as an option, I agree that it would be appropriate to require the developers of large scale sites “to consider” how self-build could be integrated into the site at the outset. However, the existing policy wording appears more prescriptive, requiring the Delivery Strategy to “demonstrate” how delivery will be maximised including “provision for self-build”. I have noted the concerns expressed by various housing developers with regard to potential lending, complexity and health and safety related problems, particularly on larger sites, while accepting that no detail has been provided to substantiate these concerns. However, conversely, no examples of existing housing sites, where self-build has been delivered as part of the development of a larger site, have been provided by the council. The evidence submitted does not allow me to safely conclude such difficulties would not arise. I, therefore, recommend amending the wording of the policy to refer to the “consideration” of the provision for self-build. This would allow developers to submit the necessary information to support their various concerns as part of the Delivery Strategy for the site and give the council the opportunity to fully consider these concerns.

8. Any material variation in design, layout, extension or reduction in relation to a housing site would require to be assessed through a new planning application. The wording of the policy does not alter this. No modification necessary.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Amend the third sentence of Policy 23 (Delivery of development sites) to read:
“On sites of 300 houses or more the Delivery Strategy should demonstrate how delivery will be maximised, including proposals for involving a range of developers and consideration of provision for self-build.”

Issue 12	Policy 24 Maintaining an Effective Housing Land Supply	
Development plan reference:	Policy 24: Maintaining an Effective Housing Land Supply, page 39	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
Errol Estate (0472) Homes for Scotland (0562) Gladman Developments Ltd (0577) The Pilkington Trust (0608) Scone Estate (0614) A & J Stephen Limited (0622)		
Provision of the development plan to which the issue relates:	Policy 24: Maintaining an Effective Housing Land Supply	
Planning authority's summary of the representation(s):		
<u>Emphasis on Windfall Sites</u> Gladman Developments Ltd (0577/01/005) - Support the overall intention of Policy 24 but have concerns at the mechanisms for delivering housing when there is a shortfall. The Council should add flexibility to their land supply by supporting and allowing additional housing sites to come through the planning system. Windfall sites have contributed considerably to the supply since 2013 and the Council should look to utilise windfall sites alongside other mechanisms instead of prioritising compulsory purchase. The fact that the Council has to rely on compulsory purchase for some sites raises concerns with the overall effectiveness of the land supply. Windfall sites should therefore be given more onus; if the Council fails to maintain a five year effective supply there should be an emphasis on allowing additional windfall sites, on top of the 10% already stated. <u>Sites for Longer Term Development</u> Errol Estate (0472/01/002); The Pilkington Trust (0608/01/003); Scone Estate (0614/01/014) - Support the introduction of a long term sites policy. Errol Estate (0472/01/002); Scone Estate (0614/01/014) - Policy 24 should be expanded to allow for additional land to be allocated for 'Longer Term Development' in the event of the existing allocated sites failing to deliver the required numbers of housing units in a certain timescale. The LDP should contain a policy similar to Moray Council's LONG policy (RD024, page 25). Such an approach will provide greater scope for a planned and managed approach to development than relying on a 10% windfall allowance. Such allocations provide long term certainty for communities and applicants alike giving a clear indication of where development is expected to happen beyond the current plan period or in the case of a shortfall. It also enables land owners or developers to invest in		

masterplanning and site surveys to take proposals forward with the reassurance that their land has a positive status in the Development Plan.

Pilkington Trust (0608/01/003) - The strategy for Perth West includes a 'pause and review' clause at 1,500 houses to 'reassess impact'. There is no clear justification for this figure. The Council recognises that the expanded Perth West site is overprovision (Housing Background Paper, CD018) but also accords it the status of a 'safety margin'. The expanded Perth West site should instead be designated as long-term, controlled by a related policy and only allowed to come forward as it is needed for the Greater Perth housing land supply. An additional policy is therefore needed such as that in Moray (RD024, page 25) and the Borders (RD025, page 75) to ensure that land anticipated to be required in the longer term is identified as embargoed and will only be released onto the market under certain specified conditions.

Other comments

Gladman Developments Ltd (0577/01/006) - The sentence 'only where it has been demonstrated...' adds nothing to the policy as it is the housing land audit itself which demonstrates that a shortfall in the five-year effective supply of housing land has occurred. Leaving this sentence in this policy could create a situation in which this sentence is treated as a test in itself; that is, an applicant for an unallocated site, brought forward to address the five-year housing-land shortfall, is forced into a sequential/comparative exercise examining all of the other sites in the audit/plan. This is inconsistent with the stated aim of the policy to maintain the level of supply.

Homes for Scotland (0562/01/001); A & J Stephen Limited (0622/01/017) - The Housing Supply Target and Housing Land Requirement that the LDP is expected to deliver are not explicitly stated within the Proposed Plan. Their omission from the LDP is unhelpful.

Modifications sought by those submitting representations:

Emphasis on Windfall Sites

Gladman Developments Ltd (0577/01/005) - Where a shortfall in the five year effective supply arises there should be an emphasis on allowing additional windfall sites, on top of the 10% already stated.

Sites for Longer Term Development

Errol Estate (0472/01/002); Scone Estate (0614/01/014) - Policy 24 should be expanded to allow for additional land to be allocated for 'Longer Term Development' similar to Moray Council's LONG policy (RD024).

Pilkington Trust (0608/01/003) - The extended Perth West site should be designated as a potential long-term development site.

A new policy should be included in the Plan which will prevent long-term sites coming forward until the following criteria are met:

- A shortage of housing land is identified through the annual Housing Land Audit;
- No windfall or constrained sites within the Greater Perth HMA can be brought forward to meet the shortfall;

- Consultation with stakeholders prior to inclusion in the Housing Land Audit;
- The area to be brought forward in the context of the Master Plan for the whole of Perth West, and the Master Plan approved as Supplementary Guidance for the LDP2.

Other comments

Gladman Developments Ltd (0577/01/006) - The sentence 'only where it has been demonstrated...' should be deleted from the policy.

Homes for Scotland (0562/01/001); A & J Stephen Limited (0622/01/017) - A comment should be added to Policy 24 that clarifies what the Housing Supply Target and Housing Land Requirement are that the LDP is seeking to deliver.

Summary of responses (including reasons) by planning authority:

Emphasis on Windfall Sites

Gladman Developments Ltd (0577/01/005) - Allowing additional unallocated – or windfall – sites to come forward is exactly what Policy 24 proposes should a shortfall in supply arise that cannot be met by progressing allocated sites. Various adopted LDP policies already deliver windfall sites such as Policy RD1: Residential Areas (CD014, page 30), and RD3: Housing in the Countryside (CD014, page 31). It is acknowledged that in the past windfall sites have contributed more than 10% of the land supply but, as is discussed under Issue 1: A Successful Sustainable Place, the adoption of a conservative windfall allowance strikes an appropriate balance between maintaining the plan-led approach whilst taking into account what actually happens on the ground.

Policy 24 does not suggest that the Council will have to rely on compulsory purchase but rather it is an option which may be explored if agreement cannot be reached with a landowner/developer on the bringing forward of an allocated site.

No modification is proposed to the Plan.

Sites for Longer Term Development

Errol Estate (0472/01/002); Pilkington Trust (0608/01/003); Scone Estate (0614/01/014) - The respondents seek the introduction of a new 'longer term sites' policy approach either to allow additional land to be allocated in the Plan, or to prevent part of an allocated site from coming forward in the short term.

The LDP identifies sufficient land within each HMA to meet the housing land requirement set out in TAYplan Policy 4A (CD022, page 22). This is discussed under Issue 1: A Successful Sustainable Place. The inclusion within the housing land requirement of a contribution from windfall sites is also discussed under Issue 1: A Successful Sustainable Place.

The Council does, in a number of strategic locations, recognise the value of long term sites for example in Perth Core Area, Blairgowrie, Crieff and Aberfeldy and it is considered especially important that these long term sites continue to come forward through the LDP process. The identification of longer term sites adopted by Moray Council is an interesting approach and is something which the Council will monitor. For the LDP which is the subject

of this Examination there is no requirement in Scottish Planning Policy or in TAYplan to identify longer term sites in this way. Scottish Government in their comments at Main Issues Report (MIR) stage suggested the inclusion of a policy to set out how proposals will be considered should a shortfall in housing land supply emerge (Scottish Government's response to the MIR, CD162, page 4, first paragraph) and Policy 24 is the Council's response to this suggestion.

Policy 24 is a new policy approach and is about topping up the housing land supply if required, rather than an alternative to the proper plan-making process. The policy sets out the circumstances under which it will be triggered, and the criteria against which sites will be assessed. The policy will need monitoring closely to see how well it works, however, the long term sites approach adopted by some other Council areas is also relatively new.

At Perth West, Issue 25: Perth Strategic Development Area sets out the reasons why it is not considered appropriate to embargo the development of this site in the short term.

The introduction of a long term sites policy, either as a stand-alone policy or by inclusion within Policy 24, is a significant new policy approach. This is not something which has been consulted upon for Proposed LDP2 and it is not therefore considered appropriate to introduce it at this late stage in the process.

No modification is proposed to the Plan.

Other comments

Gladman Developments Ltd (0577/01/006) - It is the Council who would identify any shortfall in supply through the annual housing land audit. If the Council is satisfied that sites within the audit cannot come forward then consideration will be given to proposals on unallocated sites. It is not the intention of Policy 24 that developers would be 'forced' into examining other sites in the Plan.

No modification is proposed to the Plan. However if the Reporter considered it would make the Policy clearer the Council would not object to changing the wording of the third sentence to 'Only where the Council is satisfied that sites within the housing land audit cannot come forward....' as this would not have any implications for any other aspect of the plan.

Homes for Scotland (0562/01/001); A & J Stephen Limited (0622/01/017) - The housing supply target and housing land requirement that the LDP is expected to deliver are set out in TAYplan Policy 4 (CD022, page 22). The housing land requirement for each Housing Market Area is set out in the Spatial Strategy for A Successful, Sustainable Place on page 17 of the Proposed LDP2. This is considered the appropriate place to refer to the housing land requirement and it is not considered necessary to repeat this in Policy 24.

As is explained under Issue 1: A Successful Sustainable Place, the LDP is required to identify sites to meet the housing land requirement and this is therefore the appropriate figure to reference in the Proposed LDP2. It is not considered necessary or appropriate to include the Housing Supply Target figure within Policy 24 as this is likely to cause confusion for readers.

No modification is proposed to the Plan.

Reporter's conclusions:Emphasis on windfall sites

1. I agree that windfall sites can make a valuable contribution towards housing supply, in line with paragraph 117 of Scottish Planning Policy, where the expected contribution is realistic and based on clear evidence of past completions and sound assumptions about likely future trends. Various policies in the proposed plan would allow future windfall development to take place, including policy 6 (Settlement boundaries), policy 11 (Perth City Centre Secondary Uses Area), policy 17 (Residential areas) and policy 19 (Housing in the countryside). Under Issue 1 A Successful, Sustainable Place I have noted that the proportion of past windfall development has consistently exceeded the 10% figure used by the council. I am satisfied that the proposed plan already incorporates adequate flexibility to support and allow windfall development. There is no cap on how much windfall development may take place. Compulsory purchase is one of a number of mechanisms which the council may use to maintain an effective housing land supply, but I am not persuaded that policy 24 seeks to "prioritise" it over other mechanisms. Taking into account the above, I do not consider that policy 24 requires amendment.

Sites for longer term development

2. The policy referred to in the Moray Local Development Plan (Policy H2 – Long Term Housing Designations) deals with long term sites which have been identified in the plan. These sites are not relied upon to meet the current housing land requirement but early release would be considered where a shortfall in the 5 year effective land supply is identified. No such sites are allocated in the Perth and Kinross proposed plan although some allocated sites are phased for development beyond the plan period.

3. The site at Errol referred to in the Errol Estate representation is dealt with in Issue 30 Greater Perth north and east – outwith core and the Perth West site in Issue 25 Perth Strategic Development Area. Neither of these sites are recommended for allocation for development in the longer term through this examination. I find in Issue 1 A Successful, Sustainable Place that the proposed plan makes sufficient provision for land to meet the housing supply target in accordance with TAYplan and Scottish Planning Policy. I, therefore, agree with the council that the introduction of a new stand alone "longer term sites" policy or its inclusion in policy 24 is not required. Any presently unallocated sites would be considered against policy 24 in circumstances where there was a shortfall. However, I also find under issue 1 that explicit reference to bringing forward sites identified currently for longer term development should be added to policy 24, in order to make it clear that this is one of the options which the council would consider where a shortfall is identified through the annual housing land audit. This would be in line with Scottish Government comments on the Main Issues Report.

Other comments

4. I concur that the current wording of the third sentence of policy 24 is open to misinterpretation. It could lead to the misunderstanding that developers would be expected to demonstrate that other sites in the housing land audit would not come forward when it is the council who would carry out this exercise. The council's suggested alternative wording would avoid any confusion. As a consequence, I consider that the policy wording should be amended.

5. I am satisfied that the most appropriate place to refer to the housing land requirement and housing supply target is at the start of the section, “A successful, sustainable place”. I have recommended various modifications to table 1 and the associated supporting text under Issue 1 A Successful, Sustainable Place. The table includes figures for the housing land requirement for each housing market area. I have not included reference to the housing supply target in the revised table in order to avoid confusion. However, I find that it would be appropriate to explain in the supporting text and as a footnote to table 1, that the housing land requirement is the housing supply target plus 18% generosity. The term would then be sufficiently well explained without adding further detail to table 1. No consequential modifications to policy 24 are required.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. Amend the second sentence of policy 24 (Maintaining an effective housing land supply) to read:

“Where a shortfall is identified through the annual housing land audit, the council will firstly seek to work with landowners/developers to bring sites forward, including sites which have been allocated as longer term expansions, and secondly will consider whether compulsory purchase of sites is required.”

2. Amend the third sentence of policy 24 (Maintaining an effective housing land supply) to read:

“Only where the council is satisfied that sites within the housing land audit cannot come forward, will proposals on unallocated sites be considered.”

Issue 13	The Historic Environment	
Development plan reference:	Policy 26: Scheduled Monuments and Non-Designated Archaeology, p.40 Policy 27: Listed Buildings, p.41 Policy 28: Conservation Areas, p.42 Policy 29: Gardens and Designed Landscapes, p.43 Policy 30: Protection, Promotion and Interpretation of Historic Battlefields, p.43	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Braes of Carse Conservation Group (0161) Perth & Kinross Heritage Trust (0272) Alistair Godfrey (0410) Perth Civic Trust (0444) Errol Community Council (0445) Scottish Government (0451)		Kinross-shire Civic Trust (0526) Cllr Mike Barnacle (0584) Ken Miles (0592) Scone Estate (0614) Euan Bremner (0616) Nick & Rosalind Grant (0629)
Provision of the development plan to which the issue relates:	Historic Environment policies p.40-43	
Planning authority's summary of the representation(s):		
<p><u>Policy 26: Scheduled Monuments and Non-Designated Archaeology</u></p> <p>Scottish Government (0451/01/009) - Paragraph 3 should be removed from the policy: "There are a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and the Council will seek to protect and preserve significant resources as far as possible, in situ wherever feasible." This should be accompanying text elsewhere in the plan. The paragraph does not relate to Archaeology, so does not belong in a policy relating to archaeology. To leave it in makes the policy unclear and confusing.</p> <p>Nick & Rosalind Grant (0629/01/002) - There are three Scheduled Monument sites at Old Lawers Village. Two are contiguous but the southern site is separated from the other two by a small "in-field" that has twice been subject to controversial applications for planning consent refusals in recent years. It is important that the site be seen as a whole and steps taken either to extend the SM site or to ensure wording of the appropriate policy to take away any future doubt.</p> <p><u>Policy 27: Listed Buildings</u></p> <p>Cllr Mike Barnacle (0584/01/018) - A number of policies including building retention allow for survey/reports to be commissioned by applicants, rather than chosen by PKC and the applicant billed. These are open to challenge because they are not independent.</p> <p>Scottish Government (0451/01/010) - Amend first sentence of the third paragraph of Policy</p>		

27A to state “Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long term future. Any development should be the minimum necessary to achieve these aims.” This is to ensure that full consideration is giving to all aspects of a proposed enabling development, as required by Scottish Planning Policy paragraph 142 (CD004).

Kinross-shire Civic Trust (0526/01/005) - The Trust is very concerned that opportunities are being offered for Listed Buildings to be demolished. Listed Buildings are created for a definite purpose and an important part of the heritage. Far too many buildings are being allowed to deteriorate to the state that a developer can have a structural engineer declare them to be demolished and a new building recreated in its place. More protection must be put in place to protect these buildings and a robust policy established that the buildings are retained.

Scone Estate (0614/01/012) - The Estate propose that the policy should make explicit reference that enabling development that is remote from a proposal for a listed building may be acceptable where it can be shown to be the only means of retaining a listed building. As a result the Estate would like reference included within the final policy which states that enabling development proposals either on and/or off-site will be considered where it can be shown that they are the only means of retaining a listed building. They consider their proposal is in line with national policy, Scottish Planning Policy at paragraph 137 states that the planning system should: “enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use” (CD004). In addition, Scone Estate objects to the policy 27B. The Estate believes that policy (d) should be re-worded to remove reference to the necessity that a site has been “marketed”. The consider that the wording of the policy should be changed so that owners can re-build properties that they own if they can prove that the repair of the building is not economically viable.

Policy 28: Conservation Areas

Braes of Carse Conservation Group (0161/01/007) - Supportive of Policy 28 in relation to Conservation Areas. They consider other areas in the Braes of the Carse require Conservation status. More than a third of the dwellings within the village of Ballindean are B and C listed buildings, it features the historic Wester Ballindean orchard and is described in “The Illustrated Architectural Guide to Perth & Kinross” (a publication supported by PKC, PKHT and Perth Civic Trust and others) as “a picturesque estate hamlet”. Kinnaird has its category A listed castle along with other B and C listed buildings (RD001).

Perth Civic Trust (0444/01/005) - Appraisals for Conservation Areas should be updated regularly. They believe that Conservation Areas are essential to the vitality of the City of Perth. There are two Conservation Areas in Perth - Perth Central and Perth Kinnoull. There are no Conservation Areas in the Perth Core Area Villages. Appraisals for Conservation Areas are listed as non-statutory guidance in LDP2. They suggest that the Council conducts an early review of the PKC Perth Central Conservation Area Appraisal (RD002) with particular focus on the section on opportunities for development and regeneration situated towards the end of the document. They believe there is an opportunity to make Perth more attractive and welcoming by improving townscapes and views on the main routes into and across the City Centre. Paragraph 17.12 of the 2008 Conservation Area Appraisal identifies several major streets as priorities for potential townscape improvement, including High Street between Methven Street and Kinnoull Street, South Street, Canal Street and York Place/Caledonian Road. The paragraph goes on to say that urban design

studies will be carried out to guide proposals and that consultation will then follow. We believe that such improvements are even more important now than they were in 2008.

Kinross-shire Civic Trust (0526/01/006); Ken Miles (0592/01/008) - Concerned that opportunities are being offered to demolish buildings within Conservation Areas. They consider that it is not only Listed Buildings which are important to the character and nature of Conservation Areas and there are a number of situations and buildings within Kinross-shire where buildings are simply being allowed to decay. In recent years the Trust submitted a Report (Milnathort CA Final amended - Kinross-shire Civic Trust) proposing that a Conservation Area be created in Milnathort (RD003). The Trust is still of this opinion and it is part of Scottish Government current policy that local authorities have an obligation to regularly look at areas within its boundaries and consider whether specific sites are worthy of becoming Conservation Areas. Milnathort centre is a very historic part of the County and it is vital to its conservation that consideration to its being created a Conservation Area.

Cllr Mike Barnacle (0584/01/012) - There is no mention of exploring new areas, contrary to national policy. Suggests the Council could support community let projects into feasibility of designations such as for Keltybridge and Maryburgh.

Euan Bremner (0616/01/004 & 005) - Land within the Kinnoull Conservation Area is very similarly placed and of very high value. Population densities are far below the minimum figure in the indicative range for such a location under the existing LDP. Given the physical character, with many trees and walls most "infill" would scarcely be visible so that the overall appearance would change little. Improvements to infrastructure would be financed by developers and the authority would receive a far greater amount of local tax revenue and subventions for schools "affordable" housing etc. Most new structures would be flatted. These would offer opportunities for older people to "downsize" so freeing up larger homes for families. Under-occupation of such is a major issue not least within the "conservation area" itself. There is common idea that new development in "conservation areas" should mimic what is already there. ("pastiche") Many disagree. There would be opportunities in the "conservation area" for innovative design which met current criteria for energy and water use. The council should prepare a plan and guidelines for the area to be incorporated in the new LDP. As it would not conflict with the current one it could be adopted as "supplementary guidance" before the new plan is approved by the council. There must be far stronger relationship between planning and finance. The provision in the present plan that applications for "approval in principle" in "conservation areas must be accompanied by detail site and building plans should not be repeated. It means that key provision of the LDP can be over-ridden by subjective ideas.

Errol Community Council (0445/01/002) - Notes the recent extension to the primary school now results in the boundary of the Conservation Area cutting through the middle of the school building. They suggest that perhaps it would be logical to redraw the boundary to include the whole of the school building.

Policy 29: Gardens and Designed Landscapes

Alistair Godfrey (0410/01/008) - This policy needs to conform to Scottish Planning Policy 2014, Policy 137. "The planning system should: promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning."

<p>Amendment sought to conform to SPP 2014 (CD004).</p> <p>Perth & Kinross Heritage Trust (0272/01/001) - Notes the Falls of Bruar and Blair Castle Garden and Designed Landscapes are obscured on Policy Map C by the Cairngorms National Park polygon. It is recommended that these Inventory sites are shown on top of the CNP polygon.</p> <p><u>Policy 30: Protection, Promotion and Interpretation of Historic Battlefields</u></p> <p>Perth & Kinross Heritage Trust (0272/01/001) - Welcomes the strengthening of Policy 30 for Historic Battlefields. This is in line with Scottish Government Policy for the protection of the Historic Environment (paras 149 and 151). Note the extent of the Battle of Killiecrankie Battlefield is obscured on Policy Map C by the Cairngorms National Park polygon. It is recommended that these Inventory sites are shown on top of the CNP polygon.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>Policy 26: Scheduled Monuments and Non-Designated Archaeology</u></p> <p>Scottish Government (0451/01/009) - Paragraph 3 should be removed from the policy and included in accompanying text elsewhere in the plan: "There are a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and the Council will seek to protect and preserve significant resources as far as possible, in situ wherever feasible."</p> <p>Nick & Rosalind Grant (0629/01/002) - No specific modification proposed but suggests that the wording of policy takes away doubt regarding development opportunities.</p> <p><u>Policy 27: Listed Buildings</u></p> <p>Kinross-shire Civic Trust (0526/01/005) - Policy 27B Demolition of Listed Buildings to be enhanced to protect listed buildings.</p> <p>Scone Estate (0614/01/012) - Policy should make explicit reference that enabling development that is remote from a proposal for a listed building may be acceptable where it can be shown to be the only means of retaining a listed building. In addition, Policy 27B (d) should be re-worded to remove reference to the necessity that a site has been "marketed".</p> <p>Scottish Government (0451/01/010) - Amend first sentence of the third paragraph of Policy 27A to state "Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long term future. Any development should be the minimum necessary to achieve these aims."</p> <p><u>Policy 28: Conservation Areas</u></p> <p>Braes of Carse Conservation Group (0161/01/007) - Villages of Ballindean and Kinnaird are assessed for conservation areas.</p> <p>Errol Community Council (0445/01/002) - Redraw the conservation boundary to include the</p>

whole of the school building.

Policy 29: Gardens and Designed Landscapes

Alistair Godfrey (0410/01/008) - Amendment sought to conform to SPP 2014.

Perth & Kinross Heritage Trust (0272/01/001) - Falls of Bruar and Blair Castle Garden and Designed Landscapes to be shown on top of the Cairngorms National Park polygon.

Policy 30: Protection, Promotion and Interpretation of Historic Battlefields

Perth & Kinross Heritage Trust (0272/01/001) - Extent of the Battle of Killiecrankie Battlefield on Policy Map C are shown on top of the Cairngorms National Park polygon.

Summary of responses (including reasons) by planning authority:

Policy 26: Scheduled Monuments and Non-Designated Archaeology

Scottish Government (0451/01/009) - Paragraph 3 was written to acknowledge the importance of other features within a historic setting that provide evidence of potential archaeology or contextual landscape features that allow interpretation of the historic setting of an area. The intention of this additional text is to afford greater protection to these features that allow the historic landscape to be read and understood.

The Ancient Monuments and Archaeological Areas Act 1979 specifically states that it is “the law relating to ancient monuments; to make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters”. Part II of the Act specifically discusses Archaeological Areas and allows for Local Authorities to identify areas of archaeological importance which may “merit treatment as such for the purposes of this Act” (Section 33(2)) (CD024). SPP 2014 reflects this view of archaeological areas and states under the section “Archaeology and Other Historic Environment Assets” in paragraph 151: “There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible” (CD004).

The additional statement in Policy 26 is therefore a mirror of SPP and the addition of this section aims to acknowledge that archaeological records are not stand alone evidence but part of a much wider context which requires to be read and that loss of other non-designated historic assets can significantly reduce the reading and understanding of local historic character.

No modification proposed to the Plan.

Nick & Rosalind Grant (0629/01/002) - Scheduled Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 (CD024) and any proposal that might have a direct impact on a scheduled monument would require Scheduled Monument Consent from Historic Environment Scotland. Policy 26 further states that “there is a presumption against development which would have an adverse effect on the integrity of a

Scheduled Monument and its setting unless there are exceptional circumstances". Any planning application would be therefore assessed against this policy. Changes to the Scheduled Monument area are the responsibility of Historic Environment Scotland. These comments will be passed on to them for review.

No modification proposed to the Plan.

Policy 27: Listed Buildings

Cllr Mike Barnacle (0584/01/018) - There is a general comment from Councillor Barnacle regarding the survey/reports to be commissioned by applicants. Proposals will be assessed with expert input from Conservation Officers working within the Development Management team against the policy provisions of the plan. They will assess proposals in terms of their impact on listed buildings to determine whether proposals are acceptable. There will be opportunity for public comments on these planning applications and these comments will be taken into account before determination.

No modification proposed to the Plan.

Policy 27A: Listed Buildings

Scone Estate (0614/01/012) - The third sentence of Policy 27A is the same wording as in the Perth & Kinross Council Local Development Plan Adopted HE2: Listed Buildings (CD014). It is noted that the wording the Scottish Government proposes is reflective of the wording from Scottish Planning Policy 2014, paragraph 142: "Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset" (CD004). The Council considers that the current statement adequately reflects the sentiment without requiring the additional wording. In terms of Scone Estate's suggestion to make more specific reference to remote enabling, this policy is concerned with the care and protection of Listed Buildings. Its main focus is to ensure that Listed Buildings are retained and maintained sympathetically. The policy wording does not preclude remote enabling – it allows for a range of possible options as long as the proposal is able to demonstrate that it is the "only means of retaining a listed building". The emphasis of this policy is therefore on the key issue. The wording is deliberately left open to allow for a range of creative solutions rather than promoting one specific approach.

No modification proposed to the Plan. However, if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan. Amend first sentence of the third paragraph of Policy 27A to state "Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long term future. Any development should be the minimum necessary to achieve these aims."

Policy 27B Demolition of Listed Buildings

Kinross-shire Civic Trust (0526/01/005) - This policy is reflective of Scottish Government planning policy. Scottish Planning Policy 2014 Listed Buildings (paragraph 141) states: "Listed buildings should be protected from demolition or other work that would adversely

affect it or its setting” (CD004). Perth & Kinross Council Local Development Plan Adopted policy was reviewed following the revision of SPP in 2014. This addition to the Listed Buildings policy was deemed necessary to provide further protection to listed buildings by providing a criteria that must be met before demolition is considered. This policy is not meant to encourage listed buildings to be demolished but is emphasising a presumption against demolition in all but the most necessary of circumstances. It does, however, recognise that there instances where this action is the only possible route.

The point of the criteria is to prevent the demolition of listed buildings in all but the most extreme cases. Criteria (d) is specifically written to prevent a building being demolished simply because the owner cannot afford to repair it. It ensures that other parties have the opportunity to intercede and save the building. The aim is to ensure that significant efforts have been made to retain the building before allowing for it to be lost forever.

No modification proposed to the Plan.

Policy 28: Conservation Areas

Braes of Carse Conservation Group (0161/01/007); Perth Civic Trust (0444/01/006); Kinross-shire Civic Trust (0526/01/005); Cllr Mike Barnacle (0584/01/012); Euan Bremner (0616/01/006); Errol Community Council (0445/01/002) - There are a number of areas that have been highlighted for potential conservation appraisals: Ballindean, Kinnaird, Keltybridge, Maryburgh and Milnathort. Revisions to Cleish, Errol, Perth City and Perth Kinoull Conservation Areas have also been proposed. As set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the statutory definition of a conservation area is an area of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” (CD035). Whilst conservation areas are demonstrated within the plan, the assessment and revision of them is a separate process from the LDP. There is a current resource issue regarding the identification of new conservation areas and the revision of conservation areas within the Planning department. There are 35 existing conservation areas within the Perth & Kinross Council area and only two conservation officers to cover them. Their main priority is to operate the day-to-day management of these areas through planning applications and listed building consents. The capacity of these staff to undertake the revision of conservation areas as well as the identification of new areas is extremely limited. In order for this aspiration to be achieved, further resources will need to be identified to allow time for these tasks to be carried out.

In terms of identifying new conservation areas, Milnathort was recently appraised. This assessment did not consider Milnathort to meet the requirements. The PKC Milnathort CA Assessment Report states that although there is a high concentration of historic buildings in the settlement, there is no clear boundary for a conservation area. It also notes that modern development has intruded into the historic core and although the historic pattern of development has been largely retained, it is not significantly unique to warrant designation (CD064, pages 1-2).

The principles of selection for designation include:

- Areas of significant architectural or historic interest in terms of specific buildings and/or scheduled monuments
- Areas of interest in terms of building groupings, which may or may not include listed buildings and/or scheduled monuments, and open spaces they abut
- Features of interest e.g. street pattern, planned towns or villages and gardens/ designed landscapes

- The requirement to protect an area due to its uniqueness or value and distinct character should also be considered

The conservation areas are reviewed systematically. Development Management have a ranking system that orders the review according to community pressure, date of previous appraisal, synergy of funds/initiatives and development pressure (CD065,). Currently, Birnam is being reviewed as it scored the highest in the ranking system. Cleish, which was appraised in 1981, is identified further down the list but does not score as highly and has therefore not been considered as a top priority. The target set in 2012 for Cleish to be reviewed was 2017 but due to the ongoing resource issue identified above, this has not been met. Errol and Perth Central were reviewed in 2008 and Perth Kinoull was reviewed in 2010 and therefore none are considered to require a revision at this current time. Ballindean, Kinnaird, Keltybridge and Maryburgh are all small settlements that are unlikely to meet these criteria and have very limited development pressure focused on them. With the resource issue already highlighted, it is extremely unlikely that these would be considered a priority in terms of appraisal work carried out.

With regards to the suggestion of community led local designations, this is a discussion that is currently being undertaken with Historic Environment Scotland and other key stakeholders. These discussions are focused on whether local designations should be established to support local community aspirations and whether these local designations should be managed by Local Authorities or by the communities that identify them. The outcomes of these discussions are unlikely to be established before the end of this plan process, but could potentially influence the approach undertaken in the following plan. It is, however, noteworthy that community led local designations would have no statutory weight in the planning system.

Concerns have been raised about the demolition of buildings in conservation areas. The policy clearly states:

“In those exceptional circumstances where demolition is considered acceptable and is to be followed by the redevelopment of the site, the application for proposed demolition should be accompanied by a detailed application for the replacement development. This is to allow for their consideration in parallel, and to ensure that the replacement scheme will enhance or preserve the character of the area and avoid the formation of gap sites.”

There are mechanisms out with the control of planning that can now help communities to identify and restore buildings that they consider important to the urban character of a settlement whether it is in or out of a conservation area. The Community Empowerment (Scotland) Act 2015 “will help to empower community bodies through the ownership or control of land and buildings, and by strengthening their voices in decisions about public services” (CD063). Furthermore, this may also link in with the local designation discussion that is underway where communities could potentially identify buildings that they consider significant to their local area although it is not necessarily identified as important at the national scale.

The design of new buildings or alterations within conservation areas is assessed on how it responds to its local context, whether it is an innovative new design or a more traditional approach. Most works to the outside of a building or structure in a conservation area will require planning permission. Small extensions, alterations to a roof, installation of a satellite dish, formation of a parking space and changes to the exterior of any building within a conservation area may all require planning permission. Proposals will be assessed

with expert input from Conservation Officers working within the Development Management team against the policy provisions of the plan. They will assess proposals in terms of their impact on the conservation area to determine whether proposals are acceptable. There will be opportunity for public comments on these planning applications and these comments will be taken into account before determination.

No change proposed to the Plan.

Policy 29: Gardens and Designed Landscapes

Alistair Godfrey (0410/01/008) - Scottish Planning Policy 2014 Gardens and Designed Landscapes section 148 states: "Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance" (CD004). The Council considers that the current policy wording is reflective of this approach:

"Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes. The Council may require the submission of a management plan with any application for development within areas included in the current Inventory. As resources permit, the Council will continue with the process of identification of non-Inventory sites in Perth and Kinross and the associated task of devising an approach to their future management".

No modification proposed to the Plan.

Perth & Kinross Heritage Trust (0272/01/001) - The placing of the Cairngorms National Park polygon over the Designed Landscapes polygon is to demonstrate the area that Development Management for Perth & Kinross Council work within. Although Perth & Kinross Council administers the applications in this area, the Cairngorms National Park Planning Authority has overall responsibility for this area and has the right to call in any application decision.

No modification proposed to the Plan.

Policy 30: Protection, Promotion and Interpretation of Historic Battlefields

Perth & Kinross Heritage Trust (0272/01/001) - The placing of the Cairngorms National Park polygon over the Historic Battlefields polygon is to demonstrate the area that Development Management work within. Although Perth & Kinross Council administers the applications in this area, the Cairngorms National Park Planning Authority has overall responsibility for this area and has the right to call in any application decision.

No modification proposed to the Plan.

Reporter's conclusions:

Policy 26 Scheduled Monuments and Non-Designated Archaeology

1. Although the title of Policy 26 clearly refers to archaeology, the third paragraph of the

policy discusses other non-designated historic assets and areas of historical interest. I note that this text fully reflects paragraph 151 of Scottish Planning Policy. However, the heading under which the text sits within Scottish Planning Policy is entitled 'Archaeology and Other Historic Environment Assets'. The council has explained that the third paragraph has been included to recognise the importance of non-designated assets and to provide greater protection to ensure the historic landscape is better understood.

2. Whilst I acknowledge that undesignated archaeology is an important part of the historic landscape, the text within the policy encompasses more than simply archaeology. I find it confusing that the text within the third paragraph sits within a policy which clearly relates to archaeology. Amendments are therefore required to ensure clarity. I consider the most appropriate amendments are to rename the policy to extend its scope to include other historic environment assets and create a new policy relating to other historic environment assets. These amendments will ensure the approach better reflects Scottish Planning Policy.

3. Policy 26A Scheduled Monuments explains that where a development proposal would have a direct impact on a scheduled monument, in addition to any planning approval, separate consent is required from Historic Environment Scotland. Policy 26A is clear that there is a presumption against development which would have an adverse effect on the integrity of a scheduled monument and its setting. This approach will ensure that the impact of future development proposals on scheduled monuments within Lawers Village will be fully assessed. With regard to the request to extend the boundary of the scheduled monument, it is not within my remit to consider this through the examination of the proposed plan; it is the responsibility of Historic Environment Scotland. I note that the council has passed the representation to Historic Environment Scotland for their consideration. No modifications are therefore required in response to this representation.

Policy 27 Listed Buildings

4. Whilst I acknowledge the concern expressed within a representation regarding the impartiality of surveys and reports commissioned by applicants, the council has confirmed that applications are fully assessed by specialist conservation officers. Therefore, if there were any concern over the accuracy of supporting documents, this would be addressed as part of the consideration of an application. I am satisfied that this is an appropriate and proportionate approach. No modifications are therefore required.

Policy 27A Listed Buildings

5. Paragraph 142 of Scottish Planning Policy identifies that enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of a listed building and securing its long-term future. It explains that any development should be the minimum necessary and that development should be designed and sited carefully. I agree that the third paragraph of Policy 27A does not fully reflect Scottish Planning Policy as it does not refer to: preventing the loss of listed buildings; securing their long-term future; and that any development should be the minimum necessary. A modification is therefore required; I am satisfied that the text suggested within the representation better reflects paragraph 142.

6. Policy 27A does not automatically preclude enabling development which is remote from the listed building to which it relates. I do not accept that it is necessary for the policy to specifically refer to instances where the enabling development may be remote from the

listed building. The key considerations for the assessment of such a proposal would be: whether it is the only means of preventing the loss of the asset and securing its long-term future; that any development is the minimum required to achieve this; and that the proposed development should preserve or enhance the character and setting of the historic asset. No modifications are therefore required.

Policy 27B Demolition of Listed Buildings

7. Policy 27B defines a number of criteria that will be expected to be demonstrated by an applicant who applies for permission to demolish a listed building. I note the differing views of two separate representations regarding the demolition of listed buildings.

8. A building can only be listed where it is of special architectural or historic interest. Paragraph 141 of Scottish Planning Policy explains that listed buildings should be protected from demolition and this is reflected within Policy 27B. Given the importance of listed buildings, I find it is appropriate for the council to include a presumption against demolition and for the proposed plan to define the criteria that will be considered in relation to demolition proposals.

9. Historic Environment Scotland's guidance, Managing Change in the Historic Environment: Demolition (2010), explains that the economic viability of reusing a listed building and the importance of a building are relevant considerations for a local planning authority when assessing an application for the demolition of a listed building. It is therefore reasonable to expect the applicant to undertake marketing of the property in order to demonstrate development viability. It is also appropriate for the policy to refer to the consideration of the special interest of the building. With regard to the request to amend the policy to allow property owners to rebuild their properties if they can prove that repair is not financially viable, this consideration is already included within criterion (d). I note that Historic Environment Scotland has not objected to the wording of Policy 27B. No modifications are therefore required in response to both representations.

Policy 28 Conservation Areas

10. Paragraph 2.41 of the Scottish Historic Environment Policy Statement (2016) explains that conservation areas are defined as areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. It goes on to state that all planning authorities are required, from time to time, to determine which areas meet this definition and to designate them as conservation areas. The assessment of the character of current conservation areas, amendments to existing boundaries and designation of new conservation areas is a separate process from the preparation of a local development plan. These matters are therefore not within my remit to comment on. I note that the council has explained that it does not currently have the resources to progress this area of work to the level requested in the representations. However, the council identify that a process is in place to prioritise the work when resources are available.

11. Demolition of buildings within conservation areas is referred to within paragraph 143 of Scottish Planning Policy. It identifies that where the demolition of an unlisted building is proposed, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where the building makes a positive contribution, the presumption is that the building should be retained. This approach is reflected within Policy 28B; therefore, I find that no modifications are required.

12. I note that representations express concern that a number of historic buildings are being left to decay by owners. The proposed plan sets out a positive policy framework which seeks to preserve or enhance the historic environment. For example, Policy 27A includes provision for enabling development to prevent the loss of listed buildings and Policies 27B and 28B seek to restrict demolition of heritage assets unless certain criteria are met. In addition, the council, in its response to the representations has explained that outside the planning process the Community Empowerment (2015) Act gives community bodies power regarding local ownership or control of buildings. It is highlighted that this also links to ongoing work to allow local communities to identify locally important buildings. I am satisfied that the approach set out within the proposed plan is proportionate and appropriate. No modifications are therefore required.

13. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. I am satisfied that there is nothing within Policy 28A New Development to suggest that the council would not support proposals for innovative design, where the proposal would preserve or enhance the character or appearance of the area. In addition, given the statutory duty, I consider it is appropriate for the council to require proposals for new development to be accompanied by a sufficient level of detail to enable a full assessment of the impact of the proposed development on the conservation area. No modifications are therefore required.

Policy 29 Gardens and Designed Landscapes

14. Paragraph 137 of Scottish Planning Policy identifies that the planning system should promote the care and protection of the designated and non-designated historic environment. I note that the representation does not refer to paragraph 148 of Scottish Planning Policy which specifically relates to gardens and designed landscapes. Paragraph 148 requires planning authorities to protect and where appropriate seek to enhance gardens and designed landscape included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance. Policy 29 explains that gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. As a result, Policy 29 seeks to ensure that change is managed in order to protect and enhance the integrity of sites on the Inventory of Gardens and Designed Landscapes. I am satisfied that this approach fully reflects the requirements of paragraph 148 of Scottish Planning Policy. No modifications are therefore required.

15. The proposed plan can only include policies and proposals relating to land within the part of Perth and Kinross that lies outside the Cairngorms National Park. The Cairngorms National Park Authority prepares its own local development plan that addresses planning matters within the national park. Although Perth and Kinross Council administers planning applications within the area, it is appropriate that Policy Map C Gardens & Designed Landscapes obscures the areas of the Falls of Bruar and Blair Castle Garden and Designed Landscapes that lie within the Cairngorms National Park. No modifications are therefore required.

Policy 30 Protection, Promotion and Interpretation of Historic Battlefields

16. The proposed plan can only include policies and proposals relating to land within the part of Perth and Kinross that lies outside the Cairngorms National Park. The Cairngorms National Park Authority prepares its own local development plan that addresses planning

matters within the national park. Although Perth and Kinross Council administers planning applications within the area, it is appropriate for the proposed plan to obscure the part of the Battle of Killiecrankie Battlefield on Policy Map C which lies within the Cairngorms National Park. No modifications are therefore required.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Amend the title of Policy 26 Scheduled Monuments and Non-Designated Archaeology by deleting "Non-Designated".
2. Remove the text from the third paragraph of Policy 26B Archaeology and use it to create a new policy following Policy 30 Protection, Promotion and Interpretation of Historic Battlefields entitled:

"Other Historic Environment Assets."

3. Delete the first sentence of the third paragraph of Policy 27A Listed Buildings and replace with the following:

"Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long-term future. Any development should be the minimum necessary to achieve these aims."

Issue 14	A Low Carbon Place	
Development plan reference:	Low Carbon Place Section, pages 45-48 Policy 31 (Renewable and Low Carbon Energy), pages 49-52 Policy 32 (Sustainable Heating & Cooling), pages 53-55 Policy 33 (Electricity Transmission Infrastructure), page 55	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Tayside & Central Scotland Transport Partnership TACTRAN (0057) David Gordon (0130) Braes of the Carse Conservation Group (0161) Shell UK Limited (0195) Bill & Joyce MacGregor (0262) Stewart Milne Homes (0290/03) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) The Friends of the Ochils (0430) Auchterarder & District Community Council (0431) Scottish Government (0451) Springfield Properties PLC (0455) Woodland Trust Scotland (0462) Barratt North Scotland (0513) The Gleneagles Hotel (0522) The John Dewar Lamberkin Trust (0532) The Royal Society for the Protection of Birds (RSPB) (0546) Homes for Scotland (0562) Cllr Michael Barnacle (0584) Scone Estate (0614) A & J Stephen Limited (0622) Scottish Power Renewables (0625) Bridgend, Gannochy and Kinnoull Community Council (0660) Scottish Environmental Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	A Low Carbon Place Chapter including Low Carbon Place (Vision, Objectives & Spatial Strategy) and Policies 31, 32 and 33	
Planning authority's summary of the representation(s):		
<u>Low Carbon Place</u>		
<u>Vision, Objectives & Spatial Strategy</u>		
TACTRAN (0057/01/012) - Supports the overarching vision and key objectives of the Low Carbon Place section.		
Stewart Milne Homes (0290/03/003) - Question the need for the Plan to address issues		

such as low and zero carbon generating technologies which can be more appropriately dealt with under Building Regulations.

Scottish Government (0451/01/004) - Seek the inclusion of a new policy to fulfil the provisions of Section 3F of the Town and Country Planning (Scotland) Act 1997 (as amended) (CD031). Examples of adopted policies from other Councils are suggested (RD060).

Woodland Trust Scotland (0462/01/022) - Seek a change to Section 3.2 to include reference to native tree planting and native woodland creation to ensure compliance with NPF3 (CD003), support Scottish Government tree planting targets (RD074) and highlight associated carbon and other environmental benefits from tree planting.

Scottish Power Renewables (0625/01/001) - Seek an additional objective to better align LDP2 objectives with SPP (para 154) (CD004) policy principles and reference is made to recent Scottish Government consultations on a New Energy Strategy (CD114) and Onshore Wind Policy Statement (CD111) and plans for a new Climate Change Bill (CD086). New energy targets are referenced and it is considered that these should be referred to through the LDP2 process including the review of Supplementary Guidance to ensure it remains up to date.

SEPA (0742/01/024) - Support the introduction and Vision for the Low Carbon Place chapter.

Strategy Map 3: Low Carbon Place

Auchterarder & District Community Council (0431/01/005) - Refer to the Spatial Framework for Wind, Spatial Strategy Map 3 and Policy Map D and express concern that the Ochil hill range is not shown as an area of significant protection against the creation of wind farms. The Community Council consider this conflicts with Policy 36C regarding Local Landscape Areas (LLAs) and should be addressed by including a reference in section 3.2 to the LLA designations and in particular the Ochil hill range.

SEPA (PP0742/01/024) - Support Strategy Map 3 (Low Carbon Place), based on the following points:

- Support the inclusion of Strategy Map 3: A Low-Carbon Place with the identifications of Broxden Low Carbon Proposal and Strategic District Heating Focus points at Crieff, Blairgowrie/Rattray and Perth.
- Consider that the inclusion of the strategy map is in line with SPP, in particular paragraph 159 of SPP (CD004) which states that Local Development Plans should identify where heat networks, heat storage and energy centres exist or would be appropriate.
- The identification of the strategic district heating opportunities work towards achieving the targets set in Scottish Government's Heat Policy Statement: Towards Decarbonising Heat (June 2015) (CD110). The heat policy statement sets an ambition of 40,000 homes to benefit from affordable low carbon heat from district heating, part of an overall ambition of 1.5TWh of heat to be delivered by district heating by 2020 to both domestic and non-domestic properties. This approach is sought to ensure that renewable heat makes a significant contribution to meeting Scotland's climate change targets and support the delivery of our renewable heat target.

- Therefore the map accords with the high level sustainability principle in SPP (para 29) (CD004) that states policies and decisions should support climate change adaptation, and the local authority duties under the Climate Change (Scotland) Act 2009 (CD025).

Policy 31 – Renewable and Low Carbon Energy

Whole Policy

SEPA (0742/01/005) - Support the fact that the policy supports renewable and low carbon sources of energy subject to relevant factors being taken into account, and welcome the inclusion of air quality, hydrology the water environment and flood risk as well as effects on soils including carbon rich soils within those relevant factors. SEPA also support the note to the policy which, in accordance with Policy 49 identifies that disturbance of carbon rich soils should be avoided and where that is not possible effects minimised through mitigation. It is considered these policy commitments accord with the principles set out in paragraphs 29, 194 and 255 of Scottish Planning Policy (CD004), and the local authority duties under the Climate Change (Scotland) Act 2009 (CD025) and also as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (CD038) to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions.

Policy 31A: New Proposals for Renewable and Low-Carbon Energy

Scottish Power Renewables (0625/01/002) - Seek a review of all criteria listed under Policy 31A against the criteria listed within SPP (para 169) (CD004) as a number of those listed are considered to go beyond what is set out within SPP. As an example, it is not clear what is meant by 'tranquil and wildness qualities' and 'hydrology, water environment and flood risk' appears to be excluded.

TACTRAN (0057/01/013) - Is supportive of the general aims and content of the policy and note transport implications, on both local and trunk road network are considered. TACTRAN also note that any impact on public access to walking and cycling routes is also taken into account as part of any development.

David Gordon (0130/01/002) - Objects to criterion (b) of Policy 31A which requires proposals to consider contribution(s) to renewable energy generation targets and instead is supportive of the current policy (criterion (b) of Policy ER1 of the Adopted LDP) (CD014) which considers carbon reduction only and not renewable energy generation targets.

David Gordon (0130/01/002) - Considers that the current wording of criterion (c) of Policy 31A 'net economic impact' is not sufficient as it only provides examples of potential positive benefits and the criterion should be changed to also consider potential adverse economic impacts such as impact on tourism activity.

Shell UK Limited (0195/01/004) - Requests that Policy 31 is amended to take into account pipeline consultation zones to ensure renewable or low carbon energy developments, and particularly wind turbines and wind farms are assessed against impacts on oil and gas pipelines and other hazardous installations. It is requested that reference is made to UKOPA guidance (RD088) to avoid conflicts between uses.

SNH (0353/01/009) - Seeks to amend Policy 31A (criterion (a)/third bullet point) to include

National Scenic Areas under the landscape considerations.

The Friends of the Ochils (0430/01/001) - Consider that the lack of reference to LLAs in Policy 31 [31A] weakens the case against more windfarm developments in the Ochils including repowering.

The Gleneagles Hotel (0522/01/002) - Welcomes Policy 31 support to renewable energy and inclusion of construction, tracks etc; support is offered to policy criteria a-j, specifically criterion g relating to effects on public access, recreation and tourism, highlighting important role of tourism to Plan area. Support is also given to renewable energy generally but increasing concern regarding cumulative impact of turbines. It is considered important to have balance between energy targets and protecting intrinsic qualities of landscape which fuel tourist economy. Reference made to SPP (CD004).

Scottish Government (0451/01/012) - Recommends that criterion (e) of the Policy should be further expanded to provide further guidance on what is to be considered in relation to proposals for borrow pits. Reference made to SPP (CD004).

The Friends of the Ochils (0430/01/002) - Note that reference to Supplementary Guidance (SG) is speculative as the relevant SG has not been finalised.

RSPB (0546/01/006) - Welcomes reference to supplementary guidance and request opportunity to feedback and discuss revised version of guidance. No specific changes to the plan are sought.

RSPB (0546/01/027) - Seeks confirmation in the Plan that [separate] supplementary guidance will be provided on the use of financial mechanisms for site restoration in relation to renewable energy developments (and other large developments). Reference made to East Ayrshire restoration example (RD090).

Policy 31B: Repowering and Extending Existing Facilities

RSPB (0546/01/030) - Seeks to change Policy 31B to include additional text for repowering proposals relating to maximising grid assets, exploring energy storage options and coordinated habitat restoration. This is to ensure adherence to Scottish Government's Onshore Wind Policy Statement (2017) (CD111) which sets out an overarching goal to 'minimise impacts on the environment and residents, while obtaining the greatest amount of renewable generation'.

Scottish Power Renewables (0625/01/003) - Seek two changes to Policy 31B for the following reasons:

- To better align the policy with SPP wording (CD004).
- Should be a clear focus on screening/scoping out areas of detailed environmental assessment where it can be supported that no significant effects are likely to arise, especially true of a scenario whereby an application is made to extend the term of an existing planning permission only. For example many effects particularly any associated with construction activity can be scoped out of detailed assessment, therefore not all of the criteria/topics may require further assessment. Each case therefore needs to be considered on its own individual merits.
- Reference is made to SPP (para 174) (CD004) and Onshore Wind Policy Statement (paras 32, 34, 35, 41, 45, 46) (CD111) in support of repowering proposals and the range of issues to be considered when dealing with such proposals.

Policy 31C: Decommissioning and Restoration of Existing Facilities

Bridgend, Gannochy and Kinnoull Community Council (0660/01/003) - Object to Policy 31C and consider that restoration should be based on returning sites to pristine condition and maintenance tracks removed, rather than the current wording to ensure restoration is undertaken to a standard agreed with the Council.

Policy 31D: Spatial Framework for Wind

Braes of the Carse Conservation Group (0161/01/008) - Support the designation of Braes of the Carse within Spatial Framework for Wind Group 2 (Areas of Significant Protection) along with the Local Landscape Area designation of the Sidlaw hills which should help to protect the landscape character and visual amenity of the area. It is also considered that the scale of the strategy map makes it difficult for areas to be easily identifiable.

The Friends of the Ochils (0430/01/001); Auchterarder & District Community Council (0431/01/005) - Note concern that there is no recognition in the policy of the designation of the Ochil hills as a Local Landscape Area and also express concern that the Ochil hills is identified within the Group 3 'Area with Potential for Windfarm Development' category of the Spatial Framework. The lack of reference to LLAs in Policy 31 weakens the case against more windfarm developments in the Ochils including repowering.

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 31D should reflect the outcome the Habitats Regulations Appraisal Table 8.1, pages 132-133) (CD056).

SNH (0353/01/009) - Seek to amend Policy 31D to include a table setting out the different considerations included in the SPP Table 1 Spatial Framework (CD004), including natural heritage interests, to ensure transparency of process.

Cllr Michael Barnacle (0584/01/013) - Seeks to change Policy 31D to refer to Local Landscape Area designations and their need for protection from inappropriate development (RD058).

Scottish Power Renewables (0625/01/004) - Seeks additional text to be added to accompany Policy 31D Map to highlight that the Spatial Framework should be used as a guide to support a renewable energy schemes and help inform site choice and location, and that it is the site specific assessments that should be used to determine the acceptability of a scheme. The example of SPR operational windfarm at Greenknowes is highlighted as an example which falls within Group 2 area due to SNH 2016 Carbon and Peatland Map (CD117) and that this is best assessed at the site assessment level in line with SNH Guidance on Spatial Planning (RD086).

Policy 32 – Sustainable Heating & Cooling

Whole Policy

Bill & Joyce MacGregor (0262/01/002) - Raises concerns about the use of heat networks, in particular the use of biomass to provide energy and issues of efficiency with heat networks, and instead suggests the use of solar PV and hybrid gas boilers as an

alternative energy source for new developments.

Stewart Milne Homes (0290/03/013) - Support the need for continued reduction in carbon emissions and highlight the associated efforts from construction industry, however they object to Policy 32 on the following grounds:

- Implementation of district heating networks is not viable for mainstream development. Systems are costly to implement and more expensive than standard heating systems and can have long pay-back periods for householders.
- District heating suppliers do not have to be licensed to operate resulting in no guarantee in standards and consumer protection.
- Danger of creating energy monopolies which can increase prices for householders.
- Emphasis should be on energy reduction and building fabric solutions to reduce carbon emissions compared to ad hoc use of low and zero carbon generating technologies.
- Policy should be removed from Plan so that reliance is not placed on heating networks.

Alistair Godfrey (0410/01/009) - Considers the success of the policy to be limited referring to recent study in to viability of district heating for developments in Luncarty & Scone (RD059).

Springfield Properties PLC (0455/01/005) - Raise concerns with Policy 32 and advocate that the policy should prioritise a 'fabric first' approach taking due cognisance that new homes have become more energy efficient in response to building standards requirements. Springfield Properties support Homes for Scotland's (0562/01/007) response to Policy 32, highlighting that efforts to reduce carbon emissions is supported however planning process appears to duplicate existing requirements of Building Standards. Concern is also raised that district heating will not likely be financially viable for new developments, even close to existing heat sources, and that a detailed feasibility/viability statement should not be requested where an Energy Statement has demonstrated that a scheme is not viable.

Barratt North Scotland (0513/01/003) - Seeks the deletion of Policy 32 on the following points:

- New homes are significantly more energy efficient and efforts should be made on a fabric first basis rather than relying on district heating or other technologies such as solar.
- Requirement to provide district heating infrastructure is expensive and would impact on development viability, as shown in recent studies for three large developments.
- Lack of specialists within Council or statutory consultees means providing feasibility study is a tick-box exercise.
- If the policy is to remain, wording of the policy needs to be reordered in order that a feasibility study is first requirement and thereafter requirements of the developer should be unambiguous and do not have negative impact on development viability.

The John Dewar Lamberkin Trust (0532/02/002) - Support Policy 32 and the Council's vision for a low carbon economy, however the following comments are made:

- In terms of Policy 32, sequence for introducing renewable/low carbon network should be driven through an independent feasibility study forming part of a planning application, as experienced through feasibility study undertaken with Zero Waste Scotland and Perth & Kinross Council considering the feasibility of heat and power network at Perth West (MU70) site. This is in order to determine ability and viability of introducing heat/power network within strategic development projects, rather than

through the starting point of all developments either connecting into network, providing independent source or installing future provision as currently envisaged through Policy criteria (a) – (c).

- Submission encourages adoption of heat/power network by recognising the infancy of the infrastructure, including energy supply provision for consumers protection that current exist.
- Proposed steps are consistent with approach proposed by Policy 32(b) in relation to co-location of heat and cooling uses which requires applicants to investigate feasibility.

Homes for Scotland (0562/01/007); A & J Stephen Limited (0622/01/023) - Object to Policy 32 on one or more of the following points and seek a number of changes:

- Support overall aim to reduce CO2 emissions in partnership across industries in Scotland, where unintended consequences are avoided and expectations are not overly burdened for a particular sector.
- The statement at the start of Policy 32 is supported as this allows the delivery of effective and efficient homes without an unnecessary distraction to consider district heating systems and other low and zero carbon generating technologies (LZCGT) which can be unviable and unnecessary. Essential to avoid circumstances where aspirations cannot be delivered due to lack of sufficient infrastructure or misplaced expectations.
- Building Standards already driving high standards of energy efficiency for new homes through 'fabric first' approach therefore LZCGTs and district heating have potential to cause unnecessary issues such as maintenance and operation.
- Concern regarding the statutory duty of Section 3F of the Town and Country Planning (Scotland) Act, as amended, (CD031) and the requirement for quantification of reduction in greenhouse gas emissions at the planning application stage is not supported. An Energy Use/Sustainability Assessment that sets out the site and building design approaches taken to reduce greenhouse gas emissions considered to be more than sufficient, with detailed assessment of actual levels undertaken at Building Warrant stage.
- Caution needed in respect of how district heating networks are sought. An Energy Use/Sustainability Assessment should be sufficient enough to confirm if a heat network is possible, further time/money spent on a detailed feasibility study will delay much needed housing delivery. Assumption that housing developer can deliver this form of infrastructure and absorb associated risks is misplaced and inappropriate.
- There should be recognition that heat networks on majority of sites within PKC will not be viable due to sales volumes and build densities associated with those sites. Policy as worded implies that heat networks will be the norm, which is simply not the case.

Scone Estate (0614/01/018) - Support the general aspirations of Policy 32 however raise the following concerns in relation to Policies 32A, 32B and 32D:

- Policy 32A: Caution that heat network zones must be identified with sufficient detail to offer developers confidence that they can either connect to a heat network or can install an independent heat network. Should also be option to explore the most appropriate method of providing low carbon heat, as opposed to being tied to providing a heat network.
- Policy 32A: The Council should consult with the development industry during the preparation of the draft SG on Policy 32 to explore what detail is required to provide certainty.

- Policy 32A: Potential for significant savings in the installation of heat networks if an independent District Network Operator (IDNO) is able to supply cheaper renewable electricity to drive the heat pump, which in turn serves the network. If Council could offer policy support for IDNOs, where feasible, to develop renewable energy sources to support heat networks and to then be able to retain control over electricity supply, heat networks will become cheaper and more attractive proposition. By retaining control of electricity supply an IDNO avoids having to pay a higher rate from third party supplier.
- Policy 32B and 32D: Caution that care must be taken in respect of investigation of connecting to existing heat network as the regulatory position is currently unclear and there is a risk that high charges could be passed from heat network owners to prospective connecting parties. Feasibility review process should take this possibility into consideration, and provide for a policy solution if connection charges are not commercially competitive.

Strategic District Heating Opportunities

SEPA (0742/01/006B) - Support the general thrust of Policy 32 however seek a change to expand policy coverage of Policy 32 to clarify the approach to be taken with regards to proposed development within the strategic district heating opportunities areas (as identified in Strategy Map 3: A Low Carbon Place in the Proposed Plan). SEPA seek the changes in order that developers are aware of the commitment to developing a strategic district heating opportunity at this location, the approach to be taken with regards proposed development within the strategic district heating opportunity area, and highlight the requirements that may be relevant to proposed development. SEPA's response refers to SPP paragraphs 29, 154 and 159 (CD004); Scottish Government's Heat Policy Statement: Towards Decarbonising Heat (CD110); and the local authority duties under the Climate Change (Scotland) Act 2009 (CD025).

SEPA (0742/01/006A) - Recommend that the policy wording is expanded to clarify where the heat network zones are to be identified – it is presumed it is within the forthcoming SG on the topic.

SEPA (0742/01/006A) also express support for the following elements of Policy 32:

- Inclusion of this suite of policies in the Proposed Plan,
- Requirement that all developments in Heat Network Zones, Major Developments and LDP Site allocations comply with Policy 32A.
- Strong policy framework around the commitment towards sustainable heating and cooling and heat networks.
- Intention to identify Heat Network Zones, and proposed strategic heat network routes, and the expectation for developments within or in close proximity to these routes to safeguard soft routes within their sites for potential future connection; this future proofing of development will allow for the expansion of heat networks and enable more connections to be made in the future which can help with viability of heat network design and development. Consideration can also be given to ensuring new development, particularly infrastructure, does not sterilise or restrict heat networks from expanding in the future.
- Support policy 32B and consider that it is in accordance with paragraph 158 of SPP (CD004), and SEPA's Thermal Treatment of Waste Guidelines 2014 (RD079).
- Support Policy 32C and consider it to be in line with the position contained in SPP, particularly paragraphs 159 and 160 (CD004), and with the Scottish Government's

online Planning and Heat advice note (RD075).

- Support Policy 32D and the identification that further information will be made available in Supplementary Guidance. This approach is in line with the Scottish Government's online Planning and Heat advice note (RD075). Using feasibility statements help to assess the technical feasibility and financial viability of heat networks/district heating for sites, identifying any available existing or proposed sources of heat (within or outwith the site) and other factors such as where land can be safeguarded for future heating infrastructure. They help to inform the development, and allow consideration to be made about how the proposal will help to support the delivery of Perth and Kinross and the Scottish Government's Climate Change ambitions.
- In general, the policies are considered to be in line with SPP (CD004), the Scottish Government's online Planning and Heat advice (RD075), TAYplan policy 2 (CD022) and are consistent with SEPA planning advice on this matter (RD091), in particular paragraph 159 of SPP (CD004) which states that Local Development Plans should support the development of heat networks in as many locations as possible, and that LDPs should include heat policies that support the implementation of this approach.
- These policies work towards achieving the targets set in Scottish Government's Heat Policy Statement: Towards Decarbonising Heat (June 2015) (CD110). The heat policy statement sets an ambition of 40,000 homes to benefit from affordable low carbon heat from district heating, part of an overall ambition of 1.5TWh of heat to be delivered by district heating by 2020 to both domestic and non-domestic properties. This approach is sought to ensure that renewable heat makes a significant contribution to meeting Scotland's climate change targets and support the delivery of the renewable heat target.
- Therefore the policies accord with the high level sustainability principle in SPP (para 29) (CD004) that states policies and decisions should support climate change adaptation, and the local authority duties under the Climate Change (Scotland) Act 2009 (CD025).

SEPA (0742/01/027-029) - Also seek additional text is added to the settlement summaries for Perth, Crieff and Blairgowrie to make reference to the strategic district heating opportunities as identified in Strategy Map 3: A Low Carbon Place in the Proposed Plan and in Policy 7 (Energy, Waste and Resources) of TAYplan 2016-2036 (CD022). SEPA also seeks that the site specific requirements for 'relevant sites' in Crieff are updated to also make reference to the strategic district heating opportunities. SEPA seek the changes in order that developers are aware of the commitment to developing a strategic district heating opportunity at this location, the approach to be taken with regards proposed development within the strategic district heating opportunity area, and highlight the requirements that may be relevant to proposed development. SEPA's response refers to SPP paragraphs 29, 154 and 159 (CD004); Scottish Government's Heat Policy Statement Towards Decarbonising Heat (CD110); and the local authority duties under the Climate Change (Scotland) Act 2009 (CD025).

Habitats Regulations Appraisal

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 32A should reflect the outcome of the Habitats Regulations Appraisal (Table 8.1, pages 143-144) (CD056).

Policy 33 – Electricity Transmission Infrastructure

RSPB (0546/01/007) - Current wording suggests applications will always be supported no matter what environmental or other impacts. Seek modification adding “subject to compliance with all other relevant policies of this plan” or “in principle” to end of first sentence to clarify that applications will be assessed against all other relevant policies of the plan.

Modifications sought by those submitting representations:**Low Carbon Place****Vision, Objectives & Spatial Strategy**

Stewart Milne Homes (0290/03/003) - Not specific about change sought but question whether Plan should address low and zero carbon generating technologies.

Scottish Government (0451/01/004) - Seeks the inclusion of a new policy to fulfil the provisions of Section 3F of the Town and Country Planning (Scotland) Act 1997 (as amended) (CD031).

Woodland Trust Scotland (0462/01/022) - Seek a change to Section 3.2 to include reference to native tree planting and native woodland creation.

Scottish Power Renewables (0625/01/001) - Seeks the inclusion of the following additional objective to Section 3.2 (Low Carbon Place: Key Objectives) using the following text: ‘Promote the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity and heat networks, in line with national objectives and targets.’

Strategy Map 3: Low Carbon Place

Auchterarder & District Community Council (0431/01/005) - Request a change to Section 3.2 to include reference to LLA designations in section 3.2, particularly the Ochil hill range.

Policy 31 – Renewable and Low Carbon Energy**Whole Policy**

SEPA (0742/01/005) - No changes sought.

Policy 31A: New Proposals for Renewable and Low-Carbon Energy

Scottish Power Renewables (0625/01/002) - Seek a review of all criteria listed under Policy 31A to ensure compliance with criteria listed under SPP para 169 (CD004).

David Gordon (0130/01/002) - Seeks a change to criterion (b) of Policy 31A to remove reference to renewable energy targets and refer to carbon reduction targets only.

David Gordon (0130/01/002) - Seeks a change to criterion (c) of Policy 31A to require developers to consider potential adverse economic impacts from development proposals such as on tourism activity.

Shell UK Limited (0195/01/004) - Requests that Policy 31A criterion (a) is amended to add an additional bullet-point reading “oil and gas pipelines and other hazardous installations (see also Policy 52 in Issue 23 Schedule 4, and the Guidance prepared by the United Kingdom Onshore Pipeline Operator’s association regarding the siting of wind turbines close to high pressure pipelines (RD088)”.

SNH (0353/01/009) - Seeks to amend Policy 31A (criterion (a)/third bullet point) to include National Scenic Areas under the landscape considerations.

The Friends of the Ochils (0430/01/001) - Are not specific about change sought but state that the lack of reference to LLAs in Policy 31 weakens the case against more windfarm developments in the Ochils including repowering.

Scottish Government (0451/01/012) - Recommends that criterion (e) of the Policy should be further expanded to provide further guidance on what is to be considered in relation to proposals for borrow pits, either through providing further information or referring back to Scottish Planning Policy (CD004).

The Friends of the Ochils (0430/01/002) - Wish to ensure the content of LDP2 reflects the content of the finalised SG and not that contained in any drafts.

RSPB (0546/01/027) - Seeks confirmation in the Plan that [separate] supplementary guidance will be provided on the use of financial mechanisms for site restoration in relation to renewable energy developments (and other large developments)

Policy 31B: Repowering and Extending Existing Facilities

RSPB (0546/01/030) - Seeks to change Policy 31B to include the following additional text: ‘Repowering proposals should pursue strategic opportunities for:

1. More efficient use of existing grid assets;
2. Identification of energy storage options; and
3. Coordinated habitat restoration.’

Scottish Power Renewables (0625/01/003) - Seeks the following changes to Policy 31B:

- Policy should clearly state that “the current use of the site as a windfarm will be a material consideration.”
- Object to the policy wording which suggests that repowering, and life extensions of existing facilities should be subject to the same detailed assessment as a new facility.

Policy 31C: Decommissioning and Restoration of Existing Facilities

Bridgend, Gannochy and Kinnoull Community Council (0660/01/003) - Object to Policy 31C on the basis that restoration should be based on returning sites to pristine condition and maintenance tracks removed, rather than the current wording to ensure restoration is undertaken to a standard agreed with the Council

Policy 31D: Spatial Framework for Wind

SNH (0353/04/001) - Likely significant effects for individual Natura 2000 sites are

unknown; therefore it is not possible to identify specific mitigation measures. However, it is considered prudent that the following text is added to the end of the relevant policy 31D: Spatial Framework for Wind Energy (page 51) to ensure that there are no significant impacts on the qualifying interests of a European site(s):

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

SNH (0353/01/009) - Seeks to amend Policy 31D to include a table setting out the different considerations included in the SPP Table 1 Spatial Framework (CD004), including natural heritage interests.

The Friends of the Ochils (0430/01/001) - Are not specific about change sought but state that in Policy Map D there is no recognition of the designation of the Ochils as a Local Landscape Area.

Cllr Michael Barnacle (0584/01/013) - Seeks to change Policy 31D to refer to Local Landscape Area designations and their need for protection from inappropriate development.

Scottish Power Renewables (0625/01/004) - Seeks the following additional text to be added to accompany Policy 31D Map: ‘It should [be] acknowledged in the supporting text that the spatial approach to onshore wind set out in LDP2 policy should be used as [a] guide in support of considering a Renewable Energy scheme. A development proposal cannot therefore adhere to for example Policy Map D, but it can take it into account and use it to inform site choice and location. It is the site specific assessments that should be used to determine the acceptability of a scheme.’

Policy 32 – Sustainable Heating & Cooling

Whole Policy

Bill & Joyce MacGregor (0262/01/002) - Does not seek a specific change but it is assumed that a change to Policy 32 is being sought to focus energy efficiency measures for new developments on solar PV and hybrid gas boiler technologies, as opposed to heat networks served by biomass technologies.

Stewart Milne Homes (0290/03/012) - Seek the deletion of Policy 32 from the Plan.

Alistair Godfrey (0410/01/009) - Concerns are raised about the success of the policy. No specific modifications are sought.

Springfield Properties PLC (0455/01/005) - Do not seek a specific change but raise concerns with Policy 32 and advocate that the policy should prioritise a ‘fabric first’ approach taking due cognisance that new homes have become more energy efficient in response to building standards requirements. Support is given to Homes for Scotland’s (0562/01/007) response to Policy 32, highlighting that efforts to reduce carbon emissions is supported however planning process appears to duplicate existing requirements of Building Standards. Concern is also raised that district heating will not likely be financially viable for new developments, even close to existing heat sources, and that a detailed feasibility/viability statement should not be requested where an Energy Statement has demonstrated that a scheme is not viable.

Barratt North Scotland (0513/01/003) - Seeks the deletion of Policy 32, but if the policy is to remain, the wording of the policy is requested to be reordered in order that a feasibility study is first requirement and thereafter requirements of the developer should be unambiguous and not have a negative impact on development viability.

The John Dewar Lamberkin Trust (0532/02/002) - Seek a change to Policy 32 to enforce that the sequence for introducing renewable/low carbon network should be driven through an independent feasibility study forming part of a planning application, rather than through the starting point of all developments either connecting into network, providing independent source or installing future provision as currently envisaged through Policy criteria (a) – (c).

Homes for Scotland (0562/01/007); A & J Stephen Limited (0622/01/023) - Object to Policy 32 and seek the following changes to be made:

- ‘Fabric first’ approach with the use of low and zero-carbon generating technologies should be prioritised then only a secondary requirement where further effort is necessary to meet current targets set out in Building Standards.
- In relation to connecting to a waste heat source, it must be made clear what the responsibilities are for the housing developer and district heat developer(s).
- Policy 32 should be re-ordered such that the need for feasibility study (where the exceptions set out at start of Policy are not met) is the first requirement.
- Policy 32A should also clarify by what is intended by ‘soft routes’ given potential for these areas to become long-term sterilised areas of land with associated liabilities.

Scone Estate (0614/01/018) - Do not seek any specific changes but raise the following concerns in relation to Policies 32A, 32B and 32D:

- Policy 32A: Caution that heat network zones must be identified with sufficient detail to offer developers confidence that they can either connect to a heat network or can install an independent heat network. Should also be option to explore the most appropriate method of providing low carbon heat, as opposed to being tied to providing a heat network.
- Policy 32A: The Council should consult with the development industry during the preparation of the draft SG on Policy 32 to explore what detail is provided to provide certainty.
- Policy 32A: Potential for significant savings in the installation of heat networks if an independent District Network Operator (IDNO) is able to supply cheaper renewable electricity to drive the heat pump, which in turn serves the network. If Council could offer policy support for IDNOs, where feasible, to develop renewable energy sources to support heat networks and to then be able to retain control over electricity supply, heat networks will become cheaper and more attractive proposition. By retaining control of electricity supply an IDNO avoids having to pay a higher rate from third party supplier.
- Policy 32B and 32D: Caution that care must be taken in respect of investigation of connecting to existing heat network as the regulatory position is currently unclear and there is a risk that high charges could be passed from heat network owners to prospective connecting parties. Feasibility review process should take this possibility into consideration, and provide for a policy solution if connection charges are not commercially competitive.

SEPA (0742/01/006A) - Recommend that the policy wording is expanded to clarify where the heat network zones are to be identified.

Strategic District Heating Opportunities

SEPA (0742/01/006B) - Seek a change to expand policy coverage of Policy 32 to clarify the approach to be taken with regards to proposed developments within the strategic district heating opportunities areas in Perth, Crieff and Blairgowrie.

SEPA (0742/01/027-029) - Also seek additional text is added to the settlement summaries for Perth, Crieff and Blairgowrie to make reference to the strategic district heating opportunities as identified in Strategy Map 3: A Low Carbon Place in the Proposed Plan and in Policy 7 (Energy, Waste and Resources) of TAYplan 2016-2036 (CD022).

SEPA (0742/01/028) - Also seek that the site specific requirements for 'relevant sites' in Crieff are updated to also make reference to the strategic district heating opportunities.

Habitats Regulations Appraisal

SNH (0353/04/001) - In order to appropriately address the potential for likely significant effects arising from the implementation of Policy 32A, it is recommended that the following criteria is added to the end of the list on page 53:

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

Policy 33 – Electricity Transmission Infrastructure

RSPB (0546/01/007) - Add "subject to compliance with all other relevant policies of this plan" or "in principle" at end of first sentence.

Summary of responses (including reasons) by planning authority:

Low Carbon Place

Vision, Objectives & Spatial Strategy

Stewart Milne Homes (0290/03/003) - Section 3F of the Town and Country Planning (Scotland) Act, as amended, (CD031) requires planning authorities to include policy coverage which requires all developments to be designed so as to ensure all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero-carbon generating technologies. In addition, SPP (pages 36-40) (CD004) requires development plans to include support for electricity and heat generation from low and zero-carbon technologies taking in to account a range of various considerations. As such, the Council is required to ensure that the development of low and zero-carbon technologies is supported through the LDP policy framework.

No modification is proposed to the Plan.

Scottish Government (0451/01/004) - Existing Policy EP1 (Climate Change, Carbon Reduction and Sustainable Construction) in the current adopted LDP (CD014) - which directly addresses Section 3F of the Town and Country Planning (Scotland) Act 1997, as amended, (CD031) - has been found to be ineffective by Development Management colleagues and largely duplicated the requirements of Building Regulations. The Scottish

Government has noted that, based on an independent study undertaken, the requirements of Section 3F add little value to the decision-making process; this is detailed on pages 38-39 of the Scottish Government's 'Places, people and planning: consultation on the future of the Scottish planning system' (CD017). Overall, the Council proposes to adopt a wide range of comprehensive planning policies within the LDP policy framework that will contribute to the low carbon agenda and to mitigate against, and adapt to, the effects of climate change.

As such the Council proposes to remove the existing policy and instead include reference to sustainable design and construction as part of the Placemaking Policy (Policy 1 of the Proposed Plan). Current (LDP1) Supplementary Guidance on Climate Change, Carbon Reduction and Sustainable Construction provides further detailed guidance in respect of Policy EP1 (CD106) and it is intended to incorporate the relevant sustainable design standards in to the new Supplementary Guidance for the Placemaking Policy.

No modification is proposed to the Plan. However, if the Reporter considers that a new standalone policy is required to meet the requirements of Section 3F, the Council would suggest the insertion of a new policy under Section 3.2 using the following text: 'Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan. This requirement will not apply to: 1) alterations and extensions to buildings, 2) change of use or conversion of buildings, 3) ancillary buildings that stand alone and cover an area less than 50 square metres, 4) buildings which will not be heated or cooled, other than by heating provided solely for frost protection, 5) buildings which have an intended life of less than two years.' This wording has been adopted from the Scottish Government's Ministerial Direction to West Lothian Council for their Proposed Local Development Plan (CD098).

Woodland Trust Scotland (0462/01/022) - Paragraphs 1-3 of Section 3.3 (A Natural, Resilient Place) of the Plan already consider the important role that the natural environment (including trees) plays in helping to mitigate against, and adapt to, the effects of climate change. Policy 38 (Forestry, Woodland and Trees) specifically covers the importance of trees in land use planning terms and sets out the relevant criteria when dealing with proposals that involve trees, woodland and forestry. In addition, Policy 31A of the Plan (under bullet 2 of paragraph (a)) also requires developers to consider woodland and forestry in line with the requirements of Policy 38 for proposals for renewable and low carbon energy developments.

No modification is proposed to the Plan. However, if the Reporter considered it necessary to include additional text to emphasize the importance of trees to the low carbon agenda, the Council would be comfortable with an additional sentence in the introduction section of Section 3.2 using the following text: 'Planting of new trees and woodlands (including native species), and management of existing woodland and forestry assets, will play an important role in supporting to mitigate against, and adapt to, the effects of climate change.'

Scottish Power Renewables (0625/01/001) - Section 3.2 of the Plan includes narrative that supports the development of a wide range of renewable and low carbon technologies and adopting the core principle of sustainable development to support a transition to a low carbon economy.

It is accepted that an additional objective promoting the development of a range of renewable and low carbon energy sources would be in accordance with the Council's vision and strategy in relation to the low carbon agenda. The existing policy framework of Section 3.2 of the Plan aligns with the proposed additional objective to promote renewable and low carbon technologies and it is considered that there are sufficient safeguards already contained within the Plan to ensure that this objective is implemented sustainably, taking in to account all necessary environmental protections.

No modification is proposed to the Plan. However should the Reporter be minded to accept the modification, the Council would suggest the addition of a new objective in to the 'Key Objectives' list on page 46 of the Plan using the following text: 'Promote the sustainable development of electricity generation from a diverse range of renewable and low carbon energy technologies, including the expansion/repowering of renewable and low carbon energy generation capacity and heat networks, in line with national objectives and targets.'

Strategy Map 3: Low Carbon Place

Auchterarder & District Community Council (0431/01/005) - One of the key objectives of Section 3.2 is to "Protect and enhance the character, diversity and special qualities of the area's landscapes" and Policy 31A also refers to Local Landscape Areas specifically. It is important to note that the Spatial Framework included in Strategy Map 3 (p.48) and Policy Map D (p.52) reflect SPP requirements and specifically Table 1 of SPP (CD004). Local landscape designations are not included in either Group 1 or Group 2 of the Spatial Framework and are therefore assigned to Group 3. Paragraph 163 of SPP (CD004) also notes that additional constraints should not be applied over and above the provisions of the Spatial Framework. Local landscape considerations are taken in to account as part of the assessment of a proposal at the development management stage and developers are expected to take such designations in to account in preparing their proposal, in line with Policies 31A and 36C. As such it is considered that no changes are necessary.

No modification is proposed to the Plan.

Policy 31 – Renewable and Low Carbon Energy

Policy 31A: New Proposals for Renewable and Low-Carbon Energy

Scottish Power Renewables (0625/01/002) -Paragraph 161 of SPP (CD004) requires planning authorities to identify the relevant criteria under which proposals for onshore wind will be considered, taking in to account the considerations set out in paragraph 169 of SPP. The factors listed in Policy 31A generally reflect paragraph 169 of Scottish Planning Policy (CD004), as noted in the table below. Where this is not the case, justification for inclusion has been noted.

Policy 31A Requirement	Justification for Policy inclusion
Paragraph (a)	
Criterion 1 - biodiversity and natural heritage	SPP Paragraph 169 - Bullet point 7
Criterion 2 - woodland and forestry	This has been included as a consideration to ensure adherence to Policy 38, particularly relating to protecting trees and woodlands of value (as listed in CWRP (CD007)) and

	ensuring proposals for tree felling including for service/construction tracks are assessed under the relevant policy and guidance. It is considered there is a particular pressure due to potential large land take associated with various renewable projects such as wind farms, solar farms, and also impacts from biomass installations.
Criterion 3 - landscape character, Local Landscape Areas and Wild Land Areas	SPP Paragraph 169 - Bullet point 6 including specific inclusion of particular landscape considerations i.e. LLAs developers are required to take in to account.
Criterion 4 - visual amenity	SPP Paragraph 169 - Bullet point 6
Criterion 5 - the historic environment and cultural heritage	SPP Paragraph 169 - Bullet point 10
Criterion 6 - tranquil and wildness qualities	This is not included within paragraph 169 of SPP and it is accepted that this issue could be incorporated under landscape character.
Criterion 7 - hydrology, the water environment and flood risk	SPP Paragraph 169 - Bullet point 16
Criterion 8 - air quality	Paragraph (b) of Policy 31A considers carbon reduction targets and this criterion is included to ensure suitable coverage of any remaining greenhouse gas considerations, as noted in paragraph 169 (bullet point 3) in respect of greenhouse gases. This has also been included as a consideration to ensure that any air quality impacts associated with a development including construction works are considered as part of any proposal as well as to consider particular air quality impacts from biomass and anaerobic digestion proposals.
Criterion 9 - aviation, defence and seismological recording	SPP Paragraph 169 - Bullet point 12
Criterion 10 - telecommunications and broadcasting infrastructure	SPP Paragraph 169 - Bullet point 13
Criterion 11 - residential amenity of the surrounding area (including noise and shadow flicker).	SPP Paragraph 169 - Bullet point 5
Paragraph (b) – The contribution of the proposed development towards meeting carbon reduction and renewable energy generation targets.	SPP Paragraph 169 - Bullet points 2 & 8
Paragraph (c) - The net economic impact of the proposal, including local and community socio-economic benefits such as employment and supply chain opportunities.	SPP Paragraph 169 - Bullet point 1

Paragraph (d) - The transport implications, and in particular the scale and nature of traffic likely to be generated, and its implications for site access, road capacity, road safety, and the environment generally. (Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement with Transport Scotland).	SPP Paragraph 169 – Bullet points 14 & 15. Additional consideration to the trunk road network has also been provided in line with Transport Scotland comments received during the preparation of the Proposed Plan.
Paragraph (e) - Construction and service tracks and borrow pits associated with any development.	This has been included as a consideration to address specific impacts highlighted in SNH Guidance (2017) on ‘Siting and Designing Wind Farms in the Landscape’ (CD119) in respect of construction and service tracks and borrow pits, which can result in individual and/or cumulative visual and landscape impacts. Development pressures for ancillary works such as construction and service tracks and borrow pits are particularly associated with renewable installations such as wind and hydro in the Perth & Kinross landscape.
Paragraph (f) - Effects on soils including: <ul style="list-style-type: none"> • carbon rich soils, deep peat and priority peatland habitats; or • prime agricultural land; 	<ul style="list-style-type: none"> • SPP Paragraph 169 – Bullet point 8. • This has been included as a consideration to ensure adherence with Policy 48 (Prime Agricultural Land) of the Plan, relating specifically to ongoing pressures for the development of renewable and low carbon energy technologies in areas where there is prime agricultural land.
Paragraph (g) - The effects on public access, recreation and tourism interests including core paths, scenic corridors (the A9 trunk road as identified in NPF3) and other established routes for public walking, riding or cycling.	SPP Paragraph 169 – Bullet points 9 & 10
Paragraph (h) - Decommissioning including any conditions/bonds considered necessary for site restoration.	SPP Paragraph 169 – Bullet points 17 & 19
Paragraph (i) - Opportunities for energy storage.	SPP Paragraph 169 – Bullet point 18
Paragraph (j) - Cross-boundary impacts including any impacts on the qualities of the Cairngorms and Loch Lomond & The Trossachs National Parks.	SPP Paragraph 169 – Bullet point 4. Also included to address comments made by adjoining planning authorities during the Main Issues Report stage.

Referring to the table above, it is considered that the relevant requirements of paragraph 169 of SPP (CD004) have been included within Policy 31A and where additional

considerations have been included, there is reasonable justification, as detailed above, to include these criteria. Responding specifically to Scottish Power Renewables (0625/01/002) the Council accepts that 'tranquil and wildness qualities' is not necessarily a standalone issue and would be better addressed, where relevant, through the landscape character criterion (bullet point 6, paragraph (a), Policy 31A).

No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification to delete bullet point 6 of paragraph (a) of Policy 31A the Council would be comfortable with this change as it would not have any implications for any other parts of the Plan.

In response to Scottish Power Renewables (0625/01/002) regarding the exclusion of 'water environment, hydrology and flood risk' as an issue, this is incorrect. This consideration is included under bullet point 7 of Policy 31A paragraph (a) and therefore no modifications are required on this specific point.

No modification is proposed to the Plan.

David Gordon (0130/01/002) - The policy requirement to consider the contribution of proposals towards renewable energy generation targets is a requirement of SPP (paragraph 169) (CD004) therefore this suggested modification is not accepted. In addition, in response to the suggested modification of paragraph (c) of Policy 31A to include negative economic impacts, this is already considered through the assessment of net economic impact which will assess both positive and negative economic impacts. Moreover, paragraph (e) of Policy 31A requires proposals to consider any impacts specifically on tourism interests.

No modification is proposed to the Plan.

Shell UK Limited (0195/01/004) - Policy 52 (Health and Safety Consultation Zones) of the Plan covers these interests and the respondent has indicated consent with this policy (0195/01). As pointed out by the respondent Fife Council and Angus Council have recently adopted policies reflecting the request.

It is considered that the proposed modification is not necessary as Policy 52 (Health and Safety Consultation Zones) already ensures suitable coverage for health and safety consultation zones and the specific requirements within pipeline consultation zones. The criteria contained in Policy 31A relate to specific impacts that may arise from renewable and low carbon energy proposals however, the suggested modification applies to all developments and does not necessarily relate to any specific impacts, rather a requirement to consult with the necessary authority. Therefore, it is proportionate and in keeping with the rest of Policy 31A to keep this policy consideration as a requirement of Policy 52 only and not to modify Policy 31A.

No modification is proposed to the Plan. However, if the Reporter is minded to accept the suggested modification the Proposed Plan could be amended by adding an additional bullet point to paragraph (a) of Policy 31A to read "hazardous installations (including pipelines)". The requested reference to guidance could then be included in Supplementary Guidance once the Proposed Plan is adopted.

SNH (0353/01/009) - If the Reporter is minded to accept SNH's suggested modification to include reference to National Scenic Areas under bullet point 3 of paragraph (a) of Policy

31A, the Council would be agreeable to the suggested change as it would ensure clarity in terms of the policy's requirements in respect of landscape.

The Friends of the Ochils (0430/1/001) - Regarding the lack of reference to Local Landscape Areas, Policy 31A (under paragraph (a) bullet point 3) does refer to Local Landscape Areas which also applies to repowering applications under Policy 31B.

No modification is proposed to the Plan.

Scottish Government (0451/01/012) - In relation to the Scottish Government's suggested modification regarding additional wording on borrow pits, construction and service tracks and borrow pits are listed as a factor to be addressed to ensure that these elements are addressed in renewable energy applications. The Council will further explain the impacts of borrow pits in relation to renewable energy proposals within Supplementary Guidance alongside the policy.

No modification is proposed to the Plan. However, should the Reporter be minded to accept the Scottish Government's suggested modification, the Council would be agreeable to include the following additional text at the end of paragraph (e) of Policy 31A stating: 'particularly in relation to paragraph 243 of SPP (2014)' (CD004). This is considered to ensure the policy tests of paragraph 243 of SPP (CD004) are given due cognisance when considering proposals for borrow pits.

The Friends of the Ochils (0430/1/002); RSPB (0546/01/027) - Regarding concerns that LDP2 reflects the content of the finalised Supplementary Guidance (SG), the Council accepts that the SG and LDP2 must be compatible. Following adoption of LDP2 SG will be prepared to ensure compatibility with any changes made to the policy during this Examination process, including compliance with national policy and guidance.

No modification is proposed to the Plan.

Policy 31B: Repowering and Extending Existing Facilities

RSPB (0546/01/030) - SPP (paragraph 165) (CD004) considers that grid capacity should not be used as a reason to constrain decisions on individual applications for wind farms and therefore point 1 as suggested is not considered to be in accordance with SPP. In relation to points 2 and 3 of RSPB's response, these issues are already considered under paragraph (i) of Policy 31A and Policy 31C and therefore do not require further policy coverage.

No modification is proposed to the Plan.

Scottish Power Renewables (0626/01/003) - Policy 31B already states that 'The current use of the site will be a material consideration in any such proposals' thereby ensuring that the existing operational site(s) which are subject to repowering would be considered for any new submitted proposal as part of the decision-making process. In addition, it is not accepted that repowering proposals should not be considered against the same range of factors for new proposals. Whilst it is accepted that the environmental parameters for a site may already be well-known, proposals for repowering may include significantly different proposals in terms of turbine size and location, infrastructure, etc within the same site, and therefore the Council considers that such proposals should be required to be assessed against the requirements of Policy 31A. This would ensure that any potentially

significantly affects would be assessed through the application process and is considered to be in accordance with paragraph 37 of the Scottish Government's Onshore Wind Policy Statement (2017) (CD111).

No modification is proposed to the Plan.

Policy 31C: Decommissioning and Restoration of Existing Facilities

Bridgend, Gannochy and Kinnoull Community Council (0660/01/003) - The current wording of Policy 31C ensures that the Council have to be in agreement with the proposed restoration proposals, including financial mechanisms in place, prior to any restoration proposals being undertaken. The suggested wording of restoring the environment to 'pristine condition' is not considered to be an enforceable term that could be used to test and monitor restoration schemes. The proposal to remove maintenance tracks as part of any restoration would be dealt with on a case by case basis depending on the characteristics of the site and the wider area. It is important to note that the removal of concrete bases and other ground-based structures can in some instances have a more significant environmental impact than leaving them in-situ. In addition, Supplementary Guidance will provide further detailed guidance on the key considerations for restoration proposals and what developers will be expected to implement.

No modification is proposed to the Plan.

Policy 31D: Spatial Framework for Wind

SNH (0353/04/001) - It is considered that amending Policy 31D to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056), and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply for proposals arising under this policy. It would also set out what will be expected of them in making a planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy 31D as detailed in the 'Modifications Sought' section.

SNH (0353/01/009) - Policy 31D provides suitable references to the information contained in SPP (para 161 and Table 1) (CD004) relating to the Spatial Framework for Wind. The Council propose not to include the table within the policy itself to ensure that the Plan is concise and does not include replicated information which is already available elsewhere in another document that has been appropriately referenced.

No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification the Council would be comfortable including Table 1 (Spatial Frameworks) from SPP alongside Policy Map D.

The Friends of the Ochils (0430/01/001); Councillor Michael Barnacle (0584/01/013) - Regarding the inclusion of Local Landscape Areas in the Spatial Framework for Wind (Policy Map D) the Council is bound by SPP (CD004) with regards to the content of this map and therefore no additional factors can be incorporated in to the Spatial Framework. Further spatial considerations will be set out in Supplementary Guidance for Renewable and Low Carbon Energy including landscape considerations such as local landscape

designations.

No modification is proposed to the Plan.

Scottish Power Renewables (0625/01/004) - It is considered that the requirements of SPP (paragraph 161) (CD004) are fulfilled by Policy 31D and that no additional text, as suggested by Scottish Power Renewables, is specifically required to accompany Policy Map 5.

No modification is proposed to the Plan. However, the thrust of Scottish Power Renewables representation is accepted in that additional text may be useful in setting out the context under which the SPP Table 1 Spatial Framework (CD004) is to be used for wind development proposals. If the Reporter is minded to accept the modification, the Council would be comfortable modifying paragraph 4 of Policy 31D and inserting additional text to read: 'Proposals are required to take in to account the Spatial Framework and all other relevant LDP policies and material considerations. The Spatial Framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out in Table 1 of SPP'. This would be in keeping with SPP (paragraph 161) (CD004) in relation to the role of the Spatial Framework and relevant Development Management considerations.

Policy 32 – Sustainable Heating & Cooling

Whole Policy

Bill & Joyce MacGregor (0262/01/002); Stewart Milne Homes (0290/03/012); Alistair Godfrey (0410/01/009); Springfield Properties PLC (0455/01/005); Barratt North Scotland (0513/01/003); The John Dewar Lamberkin Trust (0532/02/002); Homes for Scotland (0562/01/007); Scone Estate (0614/01/018); A & J Stephen Limited (0622/01/023) - The Scottish Government has set ambitious targets for reducing greenhouse gas emissions through improving energy efficiency and the deployment of low carbon forms of electrical and heat supply (as well as other key policy actions). The Scottish Government's current position in relation to energy efficiency and low carbon energy is set out in the following key legislation and policy: Climate Change (Scotland) Act 2009 (CD025), Climate Change Plan (2018) (CD087), Scottish Energy Strategy (2017) (CD114), Electricity Generation Policy Statement (2013) (CD108), and Heat Policy Statement (2015) (CD110). This legislation and policy provides the overall framework for planning authorities to consider improving energy efficiency of buildings and increasing the level of low carbon electrical and heat generation and usage, including the deployment of heat networks.

There are proposals to increase the greenhouse gas reduction targets through the Climate Change (Emissions Reduction Targets)(Scotland) Bill (CD086), as supported by the Climate Change Plan (2018) (CD087), as well as other proposals for regulation and policy including: current consultations associated with the Scottish Government's new Energy Efficient Scotland programme (CD109), District Heating Regulation and Local Heat and Energy Efficiency Strategies (LHEES) (CD112). Please note that this is not an exhaustive list, this merely reflects the key current and proposed Scottish Government legislation, policy and guidance in this area.

In terms of National Planning Policy, NPF3 (2014) (CD003) and SPP (2014) (CD004) specifically identify where planning authorities are expected to develop planning policy to support the delivery of heat networks. NPF3 (2014, paragraph 3.17) (CD003) identifies a

spatial priority for change for Scottish cities to ensure new developments are 'future-proofed to ensure connections to existing or planned heat networks are taken forward as soon as they are viable.' SPP (2014, paragraph 154) (CD004) identifies that in order to deliver on Scottish Government ambitions and current nationally-set Climate Change targets, the planning system should support the development of heat networks. Taking the lead from NPF3 and SPP (CD003-004), TAYplan SDP Policies 2 (Shaping Better Quality Places, p.12) and 7 (Energy, Waste and Resource, p.38-39, 41-42) (CD022) also include a requirement for TAYplan authorities to consider opportunities for the deployment of heat networks. It is therefore not accepted that the Policy should be deleted as there is clear direction from National Planning Policy and the SDP to include planning policy in the LDP in relation to heat networks.

SPP (2014, paragraphs 158-159) (CD004) specifically encourages planning authorities to develop planning policy taking in to account available heat mapping and opportunities for co-location of high heat demand developments with sources of heat supply. SPP (paragraph 159) (CD004) also identifies the following factors that planning authorities should incorporate within their LDPs:

- Support the development of heat networks in as many locations as possible
- Identify where heat networks, heat storage and energy centres would exist or would be appropriate and include policies to support their implementation
- Safeguarding of pipework within developments for later connection and pipework to the curtilage of development
- Provision of energy centres within new development
- Where heat network exists or is planned, or in areas identified as appropriate for district heating, potential requirement for new development to include infrastructure for connection, providing option to use heat from the network.

Policy 32 has been drafted to ensure that relevant SPP considerations – as highlighted above - have been given due cognisance. In particular, Policy 32 includes provision for the consideration of locations suitable for heat networks (Policy 32A), co-location of heat demand and supply (Policy 32B) and consideration of energy sources as well as potential energy storage solutions (Policy 32C).

In addition to the requirements of SPP, the Council has been part of the Scottish Cities Alliance Planning and Heat Working Group tasked with developing standardised planning policy in relation to heat networks. In collaboration with other planning authorities, with input from Zero Waste Scotland and the Scottish Government, a template policy (CD095) has been developed taking in to account the requirements of National Planning Policy as well as the experiences of delivering heat networks in authorities across Scotland. Policy 32 of the Proposed Plan takes in to account the key thrust of the standardised policy, with the key aim being that planning authorities adopt a generalised policy which provides certainty to developers in relation to the requirements for heat networks across Scotland.

In terms of a fabric first solution to energy efficiency, the Council currently has a Policy (EP1 – Sustainable Construction) within the adopted LDP (CD014) which meets the Council's obligations in relation to Section 3F of the Town and Country Planning (Scotland) Act 1997 as amended (CD031). There is some uncertainty as to the effectiveness of this policy as part of the development management process; see above under 'Low Carbon Place' for further consideration of the Section 3F obligation in relation to the Proposed Plan policy framework. Whilst the Scottish Government requires the deployment of low carbon technologies through Section 3F, as noted above there is an

additional motivation to deliver improved energy efficiency through heat networks. It is recognised that building standards requirements in terms of energy efficiency is continuously improving and this will be taken in to account when considering the overall heat requirements/demand for any development proposal. In terms of the application of Policy 32, proposals will be dealt with on a case by case basis and issues such as the heat requirements of new housing will be taken in to account as well as proposals to install low and zero carbon generating technologies as part of a development scheme.

It is acknowledged that heat networks provide a new, challenging way of delivering energy efficiency improvements for new and existing buildings. It is also acknowledged that heat networks will not be feasible and/or economically viable for every development and therefore Policy 32 is focussed on those sites and settlement-based locations where the greatest potential exists. As directed by SPP (CD004), this includes large scale development sites (potential new high heat demands/energy centres), opportunities for co-location of high heat demand and energy supply, areas of high heat demand including the location of 'anchor loads', as well as opportunities for utilising excess heat and energy storage facilities. When a development proposal triggers the requirement for an energy statement as detailed in Policies 32A, 32B and 32C it will be the role of the energy statement – through Policy 32D (Energy Statement/Feasibility Study) – to consider the feasibility and economic viability of developing a heat network associated with the development proposal. If a submitted energy statement has appropriately justified that a heat network is not viable then there would be no further requirement to consider the potential for a network. Requirements associated with undertaking an energy statement is detailed in Policy 32D and further guidance will be available in Supplementary Guidance. A draft template energy statement (CD090) has been developed as part of the Scottish Cities Alliance Planning and Heat Working Group project in collaboration with Atkins, which the Council is intending to use to form the basis of a template energy statement for applicants.

Policy 32D also notes the intention to prepare Supplementary Guidance to provide further detailed guidance on a range of considerations contained within the Policy. The Supplementary Guidance will be publicly consulted upon, providing interested parties the opportunity to comment on the Council's proposed guidance. In particular, the Supplementary Guidance commits to using heat mapping to identify heat network zones where applicants will be expected to consider the feasibility of heat networks through an energy statement, based on proximity to high heat demands, anchor loads, co-location of heat demand and heat supply as well as a range of other land use considerations. It is intended that the Policy and associated Supplementary Guidance will meet the requirements of SPP (CD004) in relation to the delivery of heat networks whilst at the same recognising the issue of economic viability through detailed assessment of a development proposal and the site and its environs.

In response to the specific point about soft routes, SPP (2014) (CD004) recommends LDPs to support safeguarding of piperuns within developments for later connection and pipework to the curtilage of development i.e. soft routes. It is intended to provide further guidance on this in Supplementary Guidance to the Policy and not within the Policy itself. Therefore it is considered no additional wording is required within the Policy.

In terms of the delivery and operation/maintenance of heat network schemes there are a range of arrangements that could be explored including public, private, public/private partnership-based and community-owned delivery mechanisms. The role of district network operators delivering heat networks is one option that could be explored by

applicants and/or the Council. However as there are various options available it is not considered necessary or justifiable to include a clause on delivery mechanisms within Policy 32 itself as this may unnecessarily constrain the delivery of schemes if certain delivery mechanisms were not permitted under certain circumstances.

There are concerns raised in respect of the overall viability of heat networks as a cost-effective means for heat supply. This is an issue that will be considered on a case-by-case basis for each development proposal against Policy 32 and as a more general issue expressed nationally the Scottish Government will continue to monitor how the policy is operating and ensure that any policy does not place an unnecessary burden on developers. The issue of viability is also an issue that will be influenced by future energy prices and the UK/Scottish Governments' consideration of the future of the gas network and potential re-purposing of the network. The issue of charges and potential overcharging is not related specifically to land use planning but rather a general viability issue as part of the wider energy pricing agenda which is legislated by the UK Government. There are also other concerns relating to customer protection and licensing which are not relevant planning matters, but issues the Scottish Government is considering through consultations on District Heating Regulations (CD112), although there is recognition by the Scottish Government that this is a reserved matter and controlled by the UK Government

The Council has the necessary resources to implement the policy effectively and can seek consultancy support where required if necessary.

No modification is proposed to the Plan.

SEPA (0742/01/006) - In response to SEPA's recommendation that the policy wording should be expanded to clarify where heat network zones are to be identified, it is already noted in Policy 32D that Supplementary Guidance will be prepared providing further detail (including locations) on the requirements of Heat Network Zones. Therefore no additional wording is required.

No modification is proposed to the Plan.

Strategic District Heating Opportunities

SEPA (0742/01/006) - Policy 32 provides a comprehensive policy framework in relation to heat networks, including details when the Council would require developers to compile an energy statement looking at the feasibility of a potential heat network. This includes identifying requirements within Heat Network Zones (to be detailed in Supplementary Guidance), major developments and LDP site allocations.

No modification is proposed to the Plan. However, should the Reporter be minded to accept the modification the Council would be comfortable adding a new sub-policy after Policy 32A using the following wording: 'Strategic District Heating Focus Areas: As identified under Policy Map 7a (p.39) of TAYplan Strategic Development Plan (2016-2036) Perth, Blairgowrie and Crieff are identified as settlements with potential for heat networks. In line with Policy 7 of TAYplan SDP (CD022), the Plan has identified these settlements as Strategic District Heating Focus areas where it is expected there are opportunities for the delivery of heat networks, taking in to account potential retrofit schemes as well as new development sites. Policy 32A provides in detail where the Council will require developers to consider heat networks as part of the development further.'

SEPA (0742/01/027-029) - With regard to expanding the settlement summaries for Perth, Crieff and Blairgowrie to refer to the strategic district heating opportunities identified on Policy Map 3, the relevant allocations already refer to the need to prepare an Energy statement:

- Perth (MU73 Almond Valley, MU70 Perth West, H71 Newton Farm, H319 Ruthvenfield, MU168 North of Bertha Park, MU331 Perth Railway Station and PH20, E38 Ruthvenfield Road, OP2 Thimblelaw, and OP9 Bus Station, Leonard Street).
- Blairgowrie (E31 Welton Road, MU330 Blairgowrie Eastern Expansion, MU5 Western Blairgowrie)

However there is some potential benefit in a general statement within the settlement summaries which could also be applied to any windfall proposals that come forward.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan. To address SEPA's objection the settlement summaries for Perth, Crieff and Blairgowrie could add the following bullet to the infrastructure requirements stating: 'This settlement is identified as having a Strategic District Heating Focus so an Energy Statement may be required investigating the potential for the provision of, and/or extension to, a heat network to serve the development.'

SEPA (0742/01/028) - Policy 32 of the Proposed Plan provides a comprehensive policy framework to assist with the delivery of heat networks across Perth & Kinross. The policy already identifies the scenarios where developers will be expected to investigate the potential for district heating as part of their development proposals, including identifying specific sites where this will be a specific site requirement.

No modification is proposed to the Plan. However, considering the allocated sites in Crieff there are two allocations (MU7 and MU334) where there is the potential for district heating (subject to detailed investigation) taking in to account the development type, site size, and proximity to connectible buildings/anchor loads i.e. Crieff Primary School and Strathearn Community Campus. Notwithstanding any studies looking in to the potential for district heating, the remaining sites in Crieff – E26 and H57 – are not considered strategic opportunities for district heating given their location on the edge of the settlement and lack of additional heat demand(s) in close proximity. If the Reporter is minded to accept the modifications the Council would be comfortable with the addition of site specific requirements for sites MU7 and MU334 using the following wording already used for other allocated sites in the Plan: 'Energy Statement is required investigating the potential for the provision of, and/or extension to, a heat network to serve the development.' Whilst there are planning permissions already in place for sites MU7 and MU334, the Council considers that if these permissions lapse, there would still potentially be an opportunity to consider possible heat network feasibility as part of any future application(s).

Habitats Regulations Appraisal

SNH (0353/04/001) - It is considered that amending Policy 32A to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056), and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply for proposals arising under this policy. It would also set out what will be expected of them in making a planning

application.

If the Reporter is minded to accept the modification, the Council would suggest that the additional text by the respondent be added to Policy 34A as detailed in the 'Modifications Sought' section.

Policy 33 – Electricity Transmission Infrastructure

RSPB (0546/01/007) - It is recognised that other similar policies supporting new infrastructure (e.g. 31 Renewable and Low Carbon Energy, 32 Sustainable Heating and Cooling, 34 Waste Management Infrastructure) are limited by reference to further criteria. However all development proposals are subject to an assessment against the relevant policies in the Proposed Plan (page 12) and additional reference is unnecessary.

No modification is proposed.

Reporter's conclusions:

Low Carbon Place

Vision, objectives and spatial strategy

1. Section 3F of the Town and Country Planning (Scotland) Act (1997) places a requirement on local development plans to include policies to ensure new development is designed so that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero carbon generating technologies. This is also reflected in Scottish Planning Policy. Whilst I note the representation and fully acknowledge the importance of the building regulations in this matter, it is clear from the legislation and Scottish Planning Policy that the planning system also has an important role. Given the requirement of section 3F of the Act, I consider it is both necessary and appropriate for the proposed plan to include policies which seek to address issues of low and zero carbon generating technologies.

2. As a result of the requirements of Section 3F of the Town and Country Planning (Scotland) Act (1997), summarised in paragraph 1 above, I accept that in order to accord with the requirements, the proposed plan should include a standalone policy to seek to ensure that low and zero carbon generating technology is embedded in new development. I note the view of the council regarding the effectiveness of the policy approach to the decision-making process and its intention to adopt a wide range of policies regarding low carbon technologies and climate change. However, as a result of the statutory requirement, I find a modification is required.

3. Within their representation, the Scottish Government suggest policy wording to fulfil the requirement of the Act. In response, the council has proposed wording which has been informed by the Scottish Government's Ministerial Direction to West Lothian Council for its proposed local development plan. I consider that the proposed wording reflects that suggested by the Scottish Government and accords with the requirements of the regulations and Scottish Planning Policy. I do not consider there is a need to make amendments to the supporting text as section 3.2 (page 46) of the proposed plan, specifically the second key objective, refers to ensuring development makes a positive contribution to helping to minimise the causes of climate change.

4. I agree that section 3.2 of the proposed plan should refer to the importance that native tree planting and native woodland creation have to the creation of a low-carbon place. Paragraph 4.23 of the National Planning Framework states that the Scottish Government aims to increase the rate of woodland creation to ensure that emission reduction targets and wider land use objectives are met. Section 3.2 (pages 46-47) of the proposed plan does not refer to the importance of trees to the creation of a low carbon place. In order to better accord with the National Planning Framework, I find that a modification is required. In response to the representation, the council has suggested additional text to be included within section 3.2 and I consider this wording, with minor amendments, reflects the aim of the National Planning Framework. The issue regarding a commitment to increase the area of native broadleaves is considered in Issue 16 A Natural and Resilient Place.

5. Paragraph 154 of Scottish Planning Policy confirms that the planning system should support the development of a diverse range of electricity generation from renewable energy technologies. Whilst section 3.2 of the proposed plan sets out the importance of increasing the amount of energy from renewable and low-carbon technologies, this is not reflected within the key objectives. I accept that there is a need for the objectives to better align with paragraph 154 of Scottish Planning Policy; a modification is therefore required. The council has suggested new text to be added to section 3.2 which I consider reflects the requirements of Scottish Planning Policy and addresses the issues raised in the representation.

6. The modification to section 3.2 refers to national targets and one of the policy criteria set out within Policy 31A New Proposals for Renewable and Low-Carbon Energy, is the contribution a development makes to renewable energy targets. I have no remit to comment on supplementary guidance proposed to be prepared by the council. As a result, no further modifications are necessary in response to this representation.

Strategy Map 3 Low-Carbon Place

7. Table 1 of Scottish Planning Policy sets out the approach for planning authorities to follow when identifying areas that are likely to be most appropriate for onshore wind farms. In accordance with Table 1, local landscape, such as the Ochil hill range, fall within areas with potential for wind farm development. Paragraph 163 of Scottish Planning Policy is clear that the approach identified within Table 1 should be followed in order to deliver consistency nationally and additional constraints should not be added.

8. Identifying local landscape areas, such as the Ochil hill range, as an area where there should be significant protection against the creation of wind farms would conflict with Scottish Planning Policy and would therefore not be appropriate. The impact of an individual development or the cumulative effects of developments on local landscape areas are specifically referred to within Policy 31A New Proposals for Renewable and Low-Carbon Energy. I find this approach to be appropriate. It would ensure that any impact of development on the character of such landscapes would be appropriately considered as part of the assessment of a planning application. I therefore find no modifications are required.

Policy 31 Renewable and Low Carbon Energy

Policy 31A New Proposals for Renewable and Low-Carbon Energy

9. The council detail within their response how each of the criteria proposed to be

included within Policy 31A accord with paragraph 169 of Scottish Planning Policy. The response highlights four areas which do not directly correlate: woodland and forestry; tranquil and wildness; air quality; and construction, service tracks and borrow pits. I find the other elements of the policy accord with the requirements of paragraph 169 and I summarise my conclusions regarding those elements in the table below:

Section	Criterion	Compliance with paragraph 169
(a) bullet 1	Biodiversity and natural heritage	Bullet point 7 refers to effects on the natural heritage, including birds.
(a) bullet 3	Landscape character, local landscape areas and wild land areas	Bullet point 6 refers to landscape and visual impacts, including effects on wild land.
(a) bullet 4	Visual amenity	Bullet point 6 refers to landscape and visual impacts.
(a) bullet 5	Historic environment and cultural heritage	Bullet point 10 refers to impacts on the historic environment, including scheduled monuments, listed buildings and their settings.
(a) bullet 7	Hydrology, the water environment and flood risk	Bullet point 16 refers to effects on hydrology, the water environment and flood risk.
(a) bullet 8	Aviation, defence and seismological recording	Bullet point 12 refers to impacts on aviation and defence interests and seismological recording.
(a) bullet 9	Telecommunications and broadcasting infrastructure	Bullet point 13 refers to impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
(a) bullet 10	Residential amenity of the surrounding area, including noise and shadow flicker	Bullet point 5 refers to impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
(b)	Contribution towards meeting carbon reduction and renewable energy generation targets	Bullet point 2 refers to the scale of contribution to renewable energy generation targets.
(c)	Net economic impact of the proposal	Bullet point 1 refers to net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
(d)	Transport implications	Bullet point 14 refers to impacts on road traffic and bullet point 15 refers to impacts on adjacent trunk roads.
(f)	Effects on soils	Bullet point 8 refers to impacts on carbon rich soils, using the carbon calculator.
(g)	Effects on public access,	Bullet point 9 refers to public access,

	recreation and tourism	including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework. Bullet point 11 also refers to impacts on tourism and recreation.
(h)	Decommissioning	Bullet point 17 refers to the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration. Bullet point 19 refers to the need for a robust planning obligation to ensure that operators achieve site restoration.
(i)	Opportunities for energy storage	Bullet point 18 refers to opportunities for energy storage.
(j)	Cross-boundary impacts including any impacts on the qualities of the Cairngorms and Loch Lomond and The Trossachs National Parks	Bullet point 4 refers to planning authorities being clear about likely cumulative impacts arising from all of the considerations, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development.

10. I acknowledge that woodland and forestry are important local considerations in the determination of applications and that Policy 38: Forestry, Woodland and Trees identifies criteria for the assessment of applications which impact on woodland and forestry. However, given the local importance of woodland and forestry and as paragraph 169 of Scottish Planning policy does not seek to provide an exhaustive list of considerations, I consider the inclusion of a reference to woodland and forestry within Policy 31A to be appropriate and relevant.

11. I accept that tranquillity and wildness are matters that would be considered as part of an assessment of the impact of a proposal on landscape character; an amendment is therefore required to remove duplication.

12. Whilst I consider any effects of proposals on greenhouse gas emissions and impacts from construction to be relevant issues for the assessment of applications, the proposed plan only makes reference to air quality. The purpose of the reference to air quality is not clear, an amendment is therefore required to ensure clarity of implementation.

13. In the context of the guidance produced by Scottish Natural Heritage on Siting and Designing Wind Farms in the Landscape (2017), I consider the specific reference to construction, service tracks and borrow pits is appropriate given their potential landscape impacts. I note that reference is made to hydrology, the water environment and flood risk within Policy 31A, contrary to the concern set out in the representation.

14. Criteria (b) and (c) refer to the contribution of proposed developments to meeting carbon reduction and renewable energy targets, net economic benefits and the impact of development on tourism. The contribution towards targets is identified as a consideration

within paragraph 169 of Scottish Planning Policy, therefore criterion (b) is appropriate. Net economic benefits are also referred to within paragraph 169 and I consider criterion (c) reflects this. In addition, specific reference to the impact of development proposals on tourism is included within criterion (g). I therefore find that no modifications are required in response to this representation.

15. I note that guidance prepared by the United Kingdom Onshore Pipeline Operators' Association identifies that the siting of wind turbines close to high pressure pipelines is a relevant consideration in the assessment of proposals. The council highlight that Policy 52 Health and Safety Consultation Zones identifies the approach to the consideration of applications for development within the pipeline consultation zones. This policy would ensure that the views of the Health and Safety Executive and the operator of the pipeline would be considered as part of the determination of any relevant applications. In addition, I note that paragraph 169 of Scottish Planning Policy does not specifically refer to high pressure pipelines, however, it does not seek to provide an exhaustive list of considerations.

16. I consider that the guidance provides additional information that would assist with the preparation of a development proposal. In addition, the council in its response to the representation identify that if the hazardous installations, including pipelines are referred to within Policy 31A, reference could then be included within supplementary guidance on renewable and low-carbon energy. Whilst I acknowledge that the proposed plan should be read as a whole, I consider the inclusion of a reference to oil and gas pipelines within Policy 31A is appropriate and relevant.

17. Table 1 of Scottish Planning Policy sets out that wind farms will not be acceptable in national parks and national scenic areas and I consider this is clearly illustrated on Strategy Map 3 and Policy Map D. However, I accept that it may not be clear to the reader what is meant by 'group 2' and 'group 3' areas. Modifications, to add explanatory notes to Strategy Map 3 and Policy Map D, would provide a greater understanding of the spatial framework for wind energy. In addition, as Policy 31A does not only relate to wind farm development, I find that the policy should be amended to refer to national scenic areas under criterion (a) to ensure clarity of implementation.

18. I address the concerns regarding wind farm proposals within the Ochils Local Landscape Area in paragraphs 7 and 8 above.

19. Paragraph 243 of Scottish Planning Policy states that borrow pits should only be permitted if there are: significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project; and appropriate reclamation measures are in place. Whilst I acknowledge the concerns expressed regarding the detailed provisions of Scottish Planning Policy, borrow pits are already listed as a factor to be addressed. Additional guidance will be provided in supplementary guidance. I do not consider that any further detail is required in the policy wording.

20. A number of representations refer to the development of supplementary guidance on renewable energy, it is not within my remit to consider the scope of the guidance. However, the council has confirmed that it will be prepared to ensure compliance with the proposed plan, as well as national policy and that parties will have the opportunity to input. No modifications are therefore required.

Policy 31B Repowering and Extending Existing Facilities

21. Paragraph 35 of the Onshore Wind Policy Statement highlights that the Scottish Government's position remains one of clear support in principle for repowering at existing sites. Reference is made to the continued use of established infrastructure including grid connections. A modification to the policy to refer to the efficient use of existing grid assets would ensure the policy better reflects the provisions of paragraph 35 of the Onshore Wind Policy Statement. I do not agree that this would conflict with the requirements of paragraph 165 of Scottish Planning Policy. I find that a modification is therefore required in response to this element of the representation. With regard to the suggestion that the policy should refer to energy storage options and coordinated habitat restoration, as these matters are referred to within criterion (a) of Policy 31A, which will be used to assess all proposals for renewable and low-carbon energy, the requirements do not need to be repeated within Policy 31B.

22. As currently written, the policy does not refer specifically to wind farms, but it does state that the current use of the site will be a material consideration in the determination of an application. As Policy 31B relates to all renewable and low-carbon development, it is not appropriate to specifically refer to use as a wind farm being a material consideration.

23. With regard to the repowering and extension of existing facilities, I agree that whilst the principle of the use of an existing site may be acceptable, the repowering and extension of existing renewable and low-carbon facilities has the potential to be substantially different to the existing scheme, for example the size and position of the development and any infrastructure implications. Therefore, I find it is appropriate for proposals to be considered against the same criteria as new sites; no modifications are therefore required.

Policy 31C Decommissioning and Restoration of Existing Facilities

24. Paragraph 169 of Scottish Planning Policy refers to the need for conditions to be attached to planning approvals relating to the decommissioning of developments, including site restoration. Site restoration is referred to within both Policy 31A and 31C. As each restoration scheme will be specific to the site and the proposals, I do not consider it would be appropriate to make specific reference within the policy for the need for the removal of maintenance tracks. I find the term 'pristine condition' to be unclear and would therefore be difficult to enforce. I note that the council are preparing supplementary guidance and that this will include further advice on the key considerations for site restoration. As the guidance will be subject to public consultation there will be an opportunity for input to the details regarding site restoration. I find this approach in the proposed plan to be proportionate and appropriate, therefore no modifications are required.

Policy 31D Spatial Framework for Wind

25. I accept that in order to respond to the findings of the appropriate assessment of the potential impact of Policy 31D on European designated sites a modification is required. The modification reflects the mitigation measures defined within Table 8.1 of the Appropriate Assessment.

26. A representation submits that further detail is required within the proposed plan to set out the different considerations identified in Table 1 of Scottish Planning Policy.

Modification 7 would provide greater clarity regarding Scottish Planning Policy; therefore, no further modifications are required.

27. As identified in paragraphs 7 and 8 above, Policy 31A requires an assessment of the impact of renewable and low-carbon energy developments, including wind, on local landscape areas. This approach accords with the approach set out within table 1 of Scottish Planning Policy. As Policy 31A will be used to assess all wind energy development, it is not necessary to make further reference to local landscape areas within Policy 31D.

28. I accept that the current wording of Policy 31D may result in confusion over the role of the spatial approach to onshore wind and the role of Policy Map D. Modifications are required to ensure that the relationship with Scottish Planning Policy is clear and that Policy Map D should be used as a guide rather than a requirement for developments to accord with it. The modification reflects the text proposed by the council. I have made some changes to the wording of the modification to aid with clarity of implementation and I consider it would be more appropriate for the modification to be made to the third paragraph of the policy rather than the fourth paragraph as suggested by the council.

Policy 32 Sustainable Heating and Cooling

29. Paragraph 3.17 of the National Planning Framework and paragraph 159 of Scottish Planning Policy support the delivery of heat networks, where they are viable. This approach is reflected within the strategic development plan, in Policy 2 Shaping Better Quality Places. I therefore find that it is appropriate for the proposed plan to include a policy for heat networks.

30. With regard to the ‘fabric first approach’ referred to within a number of representations, both the National Planning Framework and Scottish Planning Policy identify that the reduction of emissions and energy use in new buildings is one element of delivering a low-carbon place. Renewable energy generation is another important element. The strategy within the proposed plan reflects both elements.

31. Policy 32 is clear that heat networks play an important role in helping to reduce greenhouse gas emissions and that the council supports energy use based on reducing the demand for energy and its more efficient use. Paragraph three of Policy 32 identifies that where a development will achieve significant energy savings the requirement to consider the provision of a heat network will not apply.

32. The council acknowledges in its response to the representations that heat networks are a modern technology and their development could be challenging, identifying feasibility and viability considerations and that there is a need for further detail to be set out supplementary guidance. The council also highlights that Policy 32 is focused on those sites and settlement-based locations where the greatest potential exists. However, I find that these challenges and considerations are not clear within Policy 32A Heat Network Zones, Major Developments and LDP Site Allocations and a modification is therefore required.

33. I note that it is the intention of the council to develop supplementary guidance to provide further detail on heat networks to support Policy 32; this commitment is clearly referred to within the policy. Whilst I consider the preparation of this guidance would go some way to address the areas of concern expressed within the representations, I find

modifications are required to the policy to more fully and clearly identify those considerations set out within the response of the council to the representations. Specifically, that: the delivery of heat networks will be challenging; the focus of Policy 32 is on those sites and settlement-based locations where the greatest potential for heat networks exists; and that viability and feasibility considerations are fully acknowledged.

34. The council has confirmed that supplementary guidance will provide clarity on soft routes. I consider this approach to be appropriate particularly as it is proposed that the guidance will identify the heat network zones and routes. I am aware that consultation will take place on the proposed supplementary guidance which would allow the detail of heat network zones to be commented on. It is not open to me to consider the level of detail contained with supplementary guidance.

35. A number of representations have expressed concern regarding the ability of the council to assess feasibility studies. The council has confirmed within its response to the representations that it has the necessary resources to implement the policy effectively and that consultancy support would be engaged if required. I find this approach to be both appropriate and proportionate. In addition, several representations refer to concerns over the regulation of heat networks. Such matters are separate from the planning process and I cannot consider this through the examination of the proposed plan.

Strategic District Heating Opportunities

36. Strategic district heating opportunities are referred to within strategic development plan Policy 2: Shaping Better Quality Places and Policy 7: Energy, Waste and Resources. In addition, Map 7a Strategic Energy Opportunities, identifies Perth, Blairgowrie and Crieff as settlements with potential for heat networks. Section 3.2 of the proposed plan refers to strategic district heating opportunities and in addition, areas are identified on Strategy Map 3 A Low-Carbon Place. However, the settlements are not referred to within relevant policies. I therefore agree with the representation on this matter that in order to ensure clarity of understanding and implementation a modification is required to Policy 32 to specifically refer to the settlements that have been identified with potential for heat networks.

37. In addition, modifications are also required to insert reference to the potential for heat networks within the settlement statements for Perth (Issue 27 Perth City), Crieff (Issue 42 Strathearn Area) and Blairgowrie (Issue 46 Strathmore Area) as well as site specific requirements identified for 'relevant sites' in Crieff (Issue 42), however specific sites are not stated within the representation. The council has provided information to explain that there are two allocations within Crieff (MU7 and MU334) where there is potential for district heating, subject to detailed investigation and explained the assessment process. From the information before me, I consider this approach is appropriate. The modifications reflect the wording proposed by the council.

Habitats Regulations Appraisal

38. I agree that the policy should be modified in accordance with Table 8.1 of the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

Policy 33 Electricity Transmission Infrastructure

39. Page 12 of the proposed plan explains that it is important that individual policies are not taken in isolation and that in most cases it will be necessary for development proposals to comply with all relevant policies. I do not agree with the representation that the wording of Policy 33 suggests that applications will always be supported. Nor do I agree that a modification is required to highlight that other relevant policies within the proposed plan will be considered, as the proposed plan should be read as a whole.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Insert the following text as a new policy prior to Policy 31 Renewable and Low-Carbon Energy:

"Policy XX Embedding Low and Zero Carbon Generating Technology in New Development

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to the following developments:

- Alterations and extensions to buildings.
- Change of use or conversion of buildings.
- Ancillary buildings that stand alone and cover an area less than 50 square metres.
- Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
- Buildings which have an intended life of less than two years."

2. Insert the following text as a new paragraph in section 3.2 (page 46) prior to the vision for a low-carbon place:

"The planting of new trees and woodlands, as well as the management of existing woodland and forestry assets, will play an important role in supporting the mitigation against, and adaptation to, the effects of climate change."

3. Insert the following text as an additional bullet point under 'Key Objectives' in section 3.2 (page 46):

"Promote the sustainable development of electricity generation from a diverse range of renewable and low-carbon energy technologies, including the expansion/ repowering of renewable and low carbon energy generation capacity and heat networks, in accordance with national objectives and targets."

4. Delete the following text from criterion (a) of Policy 31A: New Proposals for Renewable and Low-Carbon Energy:

"tranquil and wildness qualities;"

5. Add the following text to the end of the eighth bullet point within criterion (a) of Policy 31A New Proposals for Renewable and Low-Carbon Energy:

“, including the any effects on greenhouse gas emissions and impacts from construction;”

6. Add an additional bullet point to criterion (a) of Policy 31A New Proposals for Renewable and Low-Carbon Energy to read:

“hazardous installations (including pipelines).”

7. Add a note below both Strategy Map 3 A Low-Carbon Place and Policy Map D Spatial Framework for Wind Energy to read:

“Group 1, 2 and 3 are defined within Table 1 of Scottish Planning Policy. Group 1 are areas where wind farms will not be acceptable, in National Parks and National Scenic Areas. Group 2 are areas of significant protection and include national and international designations, other nationally important mapped environmental interests and community separation for consideration of visual impact. Group 3 areas have potential for wind farm development, subject to detailed consideration against Policy 31 Renewable and Low-Carbon Energy.”

8. Amend the third bullet point of criterion (a) of Policy 31A New Proposals for Renewable and Low-Carbon Energy to read:

“landscape character, Local Landscape Areas, Wild Land Areas and National Scenic Areas;”

9. Add the following text to the beginning of the first paragraph of Policy 31B Repowering and Extending Existing Facilities:

“As a result of the potential to make the best use of existing sites and through the continued use of established infrastructure such as grid connections,”

10. Add the following text as a new paragraph to the end of Policy 31D Spatial Framework for Wind Energy:

“Development proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).”

11. Amend the third paragraph of Policy 31D Spatial Frameworks for Wind Energy to read:

“Proposals are required to take in to account the Spatial Framework and all other relevant LDP policies and material considerations. The Spatial Framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out in Table 1 of SPP.”

12. Amend the final paragraph of Policy 31D Spatial Frameworks for Wind Energy by removing the following text:

“the spatial framework and”

13. Within Policy 32A Heat Network Zones, Major Developments and LDP Site Allocations, move the text from the final paragraph of the policy to become the new first paragraph and add the following text as a new second sentence:

“The settlements of Perth, Blairgowrie and Crieff have been identified within the Strategic Development Plan as having the potential for heat networks.”

14. Add the following text to the end of the first paragraph of Policy 32 Sustainable Heating and Cooling:

“The Council acknowledges that heat networks are a modern technology and their development could be challenging. The feasibility of connecting to existing or planned networks, or establishing new heat networks, will be assessed as part of an energy statement. A template energy statement is available to download from the Council's website. Further information on the use and assessment of energy statements and feasibility studies will be included in Supplementary Guidance.”

15. Delete Policy 32D Energy Statements/Feasibility Study.

16. Add the following text following as a new second paragraph in Policy 32 Sustainable Heating and Cooling:

“TAYplan identifies the settlements of Perth, Blairgowrie and Crieff as having the potential for heat networks. The plan has identified these settlements as strategic district heating focus areas where it is expected that there are opportunities for the delivery of heat networks, taking into account potential retrofit schemes as well as new development sites. Policy 32A provides details on where the council will require developers to consider heat networks as part of the development.”

17. Add the following text to the settlement summary statements for Perth, Crieff and Blairgowrie:

“As this settlement is identified as having a strategic district heating focus, an energy statement may be required to investigate the potential for the provision of and/or extension to a heat network to serve the development.”

18. Add the following text to the site-specific developer requirements section of sites MU7 and MU334:

“Energy statement is required investigating the potential for the provision of, and/ or extension to, a heat network to serve the development.”

19. Add the following text as an additional criterion to Policy 32A Heat Network Zones, Major Developments and LDP Site Allocations:

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

Issue 15	Waste Management & Binn Eco Park	
Development plan reference:	Policy 34: Waste Management Infrastructure, page 56-58 Policy 35: Management of Inert and Construction Waste, page 58 Binn Farm, page 128	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (0353) Scottish Government (0451) Royal Society for the Protection of Birds (RSPB) (0546) Binn Group (0741) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Policies relating to Waste Management Infrastructure, Management of Inert and Construction Waste. Issues relating to the potential for expansion at the Binn Farm waste management site	
Planning authority's summary of the representation(s):		
<p><u>Policy 34: Waste Management Infrastructure</u></p> <p>SEPA (0742/01/007) - Support for Policy 34 Waste Management Infrastructure. We support the clear approach taken in the proposed Waste Management policies including the commitment to the waste hierarchy and reference to circular economy along with commitment to safeguard existing waste management sites for expansion. We support the identification of waste management sites on the settlement maps. We consider that this approach is consistent with Scottish Planning Policy, paragraph 178; TAYplan Policy 7; SEPA guidance regarding sustainable management of waste; and will support the delivery of the Scottish Government's Zero Waste Strategy targets and ambitions (CD113).</p> <p>SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 34 should reflect the outcome of the Habitats Regulations Appraisal (Table 8.1, pages 144-145)</p> <p>Scottish Government (0451/01/013) - Amend the reference to the Environmental Statement at the start of middle paragraph on page 58 to refer to Environmental Impact Assessment (EIA) report to accord with the 2017 EIA Regulations (CD028), which change the terminology from Environmental Statements to Environmental Impact Assessments</p> <p>RSPB (0546/01/008) - Replace 'Environmental Statement' with 'Environmental Impact Assessment (EIA) report' to reflect the terminology used in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, which use the term 'EIA report' instead of the previously used terms of 'Environmental Statement'.</p> <p>RSPB (0546/01/028) - Object that the policy does not set out that supplementary guidance will be provided on the use of financial mechanisms for site restoration in relation to waste</p>		

management sites and other large development sites. Reference is made to the guidance produced by East Ayrshire Council in respect of financial guarantees. The guidance will help to ensure that there are robust procedures for ensuring financial guarantees are appropriately quantified and monitoring to minimise financial and legal risks to the Council as well as risks to the environment and communities. Reference is also made to compliance monitoring of major development and results are reported to the planning committee and published on the Council website.

Policy 35: Management of Inert and Construction Waste

SEPA (0742/01/008) - Support for Policy 35 Management of Inert and Construction Waste. We support the policy commitment with regards recycling and processing of inert and construction waste as we consider that this approach is consistent with Scottish Planning Policy; SEPA guidance regarding sustainable management of waste; and will support the delivery of the Scottish Government's Zero Waste Strategy targets and ambitions.

Binn Eco Park

Binn Group (0741/01/001) - Extend settlement boundary to expand the physical size and range of uses and types of processes undertaken at the Ecopark (sites E295 & E429). These include facilities for research and development into new technologies and the development of processes relating to zero waste and the circular economy. Representation includes a map (Fig 1) that shows the existing boundary and the suggested boundary enlargement.

- Proposed Plan policies are supportive of both employment and economic growth at Binn Ecopark, with the benefits of clustering waste industries and complementary / downstream industries
- The existing designation has potential for expansion both in terms of physical size and range of uses and types of processes undertaken
- Masterplan submitted that shows present and future land uses; infrastructure; access; landscaping and biodiversity. Masterplan provides development framework for business growth and land use aspirations at the site
- Existing uses include former landfill site (landfilling ceased 2014) now under remediation; anaerobic digestion facility; two materials recycling facilities; and a solid recovered fuel facility and waste wood fuel processing and storage
- The suggested extension land is currently farm land on Binn Farm situated within the topographic bowl of the Binn Burn Glen.
- The existing land and suggested extension is an area of approximately 210 ha
- Uses consented but still to be implemented include an energy from waste facility; and a wind farm of four turbines
- Much of the suggested extension land was included in an in principle consent for the development of 114 ha of heated and unheated polytunnels for sustainable food production (13/02084/IPM – now lapsed). This land would be used for sustainable food and second-generation bio-fuel production
- Proposed uses include energy from waste plant; sustainable food production; renewable energy production; education, training and research facility accommodated through conversion or addition to former farm buildings; and biodiversity and habitat creation and enhancement
- The site would increasingly use advanced sustainable drainage systems
- An important element of the masterplan would be a land allocation for Resource Management and associated Circular Economy and clean technology

- developments, including carbon capture and utilisation, which would include complementary Class 4, 5 and 6 business uses
- Representation assesses the environmental impact of the suggested extension

Modifications sought by those submitting representations:

Policy 34: Waste Management Infrastructure

SEPA (0742/01/007) - No specific modification is sought.

SNH (0353/04/001) - In order to ensure no adverse impacts on the integrity of the European sites as a result of development under Policy 34 as a whole, it is recommended that the following text is added to the end of Policies 34A and 34B on page 58 of the Proposed Plan:

‘Development proposals for existing and new waste management infrastructure will only be approved where they will not result in adverse effects, either individually or in combination, on the integrity of the River Tay SAC and Loch Leven SPA.’

Scottish Government (0451/01/013); RSPB (0546/01/008) - Replace ‘Environmental Statement’ with ‘Environmental Impact Assessment (EIA) report’

RSPB (0546/01/028) - Amend policy 34 to incorporate a reference to the provision of separate supplementary guidance on the use of financial mechanisms for site restoration in relation to waste management sites (and other large development sites).

Policy 35: Management of Inert and Construction Waste

SEPA (0742/01/008) - No specific modification is sought.

Binn Eco Park

Binn Group (0741/01/001) - Change settlement boundary to accommodate an extension to Binn Farm that will expand the physical size and range of uses and types of processes undertaken at the Ecopark.

Summary of responses (including reasons) by planning authority:

Policy 34: Waste Management Infrastructure

SEPA (0742/01/007) - Support only, no response is necessary

SNH (0353/04/001) - It is considered that amending Policy 34 to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (refer to AA document), and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan’s Policy 36A: International Nature Conservation Sites (refer to policy 36A) will apply for proposals arising under these policies. It would also set out what will be expected of them in making a planning application.

No modification is proposed to the Plan, however if the Reporter is so minded the suggested additional text by the respondent should be added to Policy 34 as detailed in

the 'Modifications Sought' section.

Scottish Government (0451/01/013); RSPB (0546/01/008) - In terms of the request to replace the phrase 'Environmental Statement' with 'Environmental Impact Assessment (EIA) report', the Council agrees with the respondents' suggestion and suggests to the reporter that this may be a non-notifiable modification to the Plan that the Council could make prior to the Plan's adoption, instead of making this issue part of the LDP examination.

No modification is proposed to the Plan.

RSPB (0546/01/028) - Turning to the use of financial mechanisms for site restoration in relation to waste management sites, Policy 34 specifically requires appropriate restoration, aftercare and after-use proposals to be agreed in advance, and the policy provides for financial mechanisms for site restoration. The Council considers this wording to be sufficient for the determination of planning applications. The matter of restoration can be addressed to the extent RSPB require when assessing the development proposal.

No modification is proposed to the Plan. However should the reporter be considering accepting RSPB's recommendation to amend the policy to incorporate a reference to separate supplementary guidance, the planning authority would be comfortable in accepting this suggestion. Supplementary guidance could be prepared that encompasses a wider range of financial guarantees than bonds alone. In respect of the comments on regular reporting of compliance monitoring and reviews of financial guarantees, these are good suggestions and can be implemented without requiring modifications to the Plan.

Policy 35: Management of Inert and Construction Waste

SEPA (0742/01/008) - Support only, no response is necessary

Binn Eco Park: Development Plan Policy

Binn Group (0741/01/001) - Although not specifically set out as a Proposal in the Plan, the suggested expansion of the Ecopark at Binn Farm has policy support both from TAYplan and the Proposed Plan and the suggested site is located at an existing waste management site identified in the Plan.

TAYplan (CD022) - Policy 7 Energy, Waste and Resources states that LDPs should identify areas that are suitable for different forms of energy, waste and resource management and policy to support this. The policy provides a definition for energy, Waste and resource management infrastructure that encompasses the uses suggested by the respondent. Part D of the policy sets out a range of ten criteria (i – x) against which development proposals are assessed. The explanatory notes that accompany the policy confirm that the provision of low carbon and zero waste infrastructure and the principles of a circular economy are essential and the issue is not about whether infrastructure is needed, but instead about ensuring it is delivered in the most appropriate locations.

In the Proposed LDP, Policy 8 Rural Business and Diversification offers support to the expansion of new businesses outwith settlements where they are related to an existing site-specific resource or opportunity and sets out a range of nine criteria (a – i) against which proposals are assessed. Policy 31 supports proposals for the utilisation, distribution and development of renewable and low-carbon sources of energy, subject to identified

criteria.

Policies 34 and 35 support identified waste management sites and encourages facilities at those locations for research and development of new technologies and processes relating to zero waste and the circular economy. There is a particular emphasis on encouraging clustering of processes that need materials arising from other processes or that require co-location with other facilities to bring synergistic benefits. The policy sets out a range of 12 criteria (a-l) against which infrastructure proposals will be assessed, including the need for Environmental Information sufficient that the environmental impacts of the construction and operation of the process may be assessed and mitigation provided. Supplementary Guidance on Zero Waste has been prepared in support of policy 34.

Binn Eco Park: Existing area, range of uses and types of processes

Binn Ecopark currently operates wholly within the settlement boundary identified on the Proposals Map. This proposed boundary has been drawn to reflect the existing planning consents and is the same as the settlement boundary identified in the Adopted LDP.

The Ecopark started with consent for a landfill site (that is now closed); and planning permission has been granted on a case-by-case basis for a range of complementary processes, some employing novel technologies. These include generating energy from recovered landfill gases; two material reclamation facilities; an anaerobic digestion facility for food waste; in-vessel and green waste composting; a residual waste solid recovered fuel facility and an area for storing and processing waste wood.

For each of these uses and processes, an application for planning permission was accompanied by Environmental Information that was used in the determination of the application. There are also two further planning applications that have been submitted but not yet determined

18/00689/FLL Erection of plastics processing facility and associated works at Waste Recycling Centre, Binn Farm, Glenfarg, Perth, PH2 9PX, for PI Polymer Recycling Ltd

18/00865/FLL Erection of four wind turbines and ancillary infrastructure at Binn Eco Park Wind Farm, Glenfarg

Development of the existing range of uses and types of processes has taken place over approximately 25 years and in addition to its physical development, a body of industry knowledge and expertise in innovation has grown at the site. This has led the respondent to suggest that continued operations and future expansion ought to be best informed by a masterplan, especially in light of the large body of Environmental Information that has already been gathered and assessed in respect of the site. Much of the Environmental Information that would be needed to assess a suggested expansion at the site is already known.

Binn Eco Park: LDP1 Examination

At the LDP1 examination, the reporter considered the issue of whether that Proposed Plan (2012) contained enough information about Binn Farm for the Plan to appropriately and accurately shape future development at the site (see CD015 Issue 18: Environmental Protection and Public Safety). The reporter agreed with the Council's suggestion that a masterplan by way of supplementary guidance could be developed for the site to address

these concerns. It ‘...at a minimum will:

- justify the site boundaries;
- identify the uses to be accommodated on the site and the processes and technologies to be accommodated;
- identify the impacts on the environment and any appropriate mitigation necessary
- hours of working
- address the array of consequential traffic matters and explain how these will be dealt with.’

Binn Eco Park: LDP2 Main Issues Report

The suggestion to expand the area, range of uses and types of processes was discussed in the Main Issues Report (sections 4.2.16-20). The MIR sought views on whether the size and scope of activities at the Ecopark should be expanded. The Council’s preferred option was that it should be expanded, but ‘...to be consistent with the findings of the LDP examination, a masterplan should be drawn up by the landowner and consulted on before the Proposed Plan’ and this has not happened.

Instead the respondent submitted the Masterplan in response to the Proposed Plan without carrying out public consultation.

Binn Eco Park: Suggested area, range of uses and types of processes

Turning to the range of uses and types of processes that the respondent suggests would be undertaken at an expanded Ecopark, an outline masterplan has been prepared by Binn Group that sets out some background and history of the site; provides a map showing the suggested development of the Ecopark; and identifies some likely environmental effects of the suggested expansion including an assessment of the likely scale of the impact and necessary mitigation. Reference is made to existing Environmental Information gathered and assessed in determining previous planning applications at the site. The masterplan also emphasises that in addition to resource management, renewable energy and food production businesses, the Ecopark would function as a research, education and training facility that would develop the circular economy and clean technology industries.

The nature of the masterplan does not allow full consideration of the environmental impact of prospective operation on the site. This is in part understandable as this industry is rapidly evolving and many of the technologies which may be utilised are yet to be developed. As a result it would not be possible to conduct a comprehensive SEA of the masterplan as it stands. The masterplan envisages that planning applications for the various uses and processes not already consented at the site will be accompanied by full Environmental Information at that time to support their determination. It is acknowledged that this may be the only practical way forward.

LDP2 Proposed Plan response

The suggested expansion was discussed in the Main Issues Report because the principle of supporting the provision of low carbon and zero waste infrastructure and the principles of a circular economy have policy support from TAYplan. Binn Ecopark is developing demonstrator projects that support Tay Eco Valley, which is a partnership in the Tay Cities economic region of four local authorities, Scottish Enterprise, universities, colleges, Zero Waste Scotland and industry and features in the Tay Cities Deal. The Council set out its

preferred option at Main Issues Report stage, which was for a masterplan to be prepared to be consistent with the reporter's findings.

It is acknowledged that the Council already has a lot of Environmental Information available about the site that has been submitted in support of various planning applications at the site. Some of this information remains current but some of it (for example habitats surveys) will need work before it may be considered up to date. But the amount and quality of information about the site and the suggested expansion area is known.

As noted above the suggested masterplan does set out the suggested expanded area and it does state a range of uses and types of processes that could take place. But it does not set out in much detail what types of uses or processes would take place in the expansion area, and it does not set out the relationship between the processes (describing locational or synergistic benefits as required by the policy).

The Council would like to support the range of uses and types of processes suggested at an expanded Ecopark. And although not set out explicitly in the representation it is clear that while these processes could in theory be located independently of each other, there is a good co-locational reason why the materials recovery and recycling, heat generation and other processes should take place together at the Ecopark, subject to appropriate controls relating to environmental protection. There are existing sorting and recovery processes that in the future could be married with new technology and processes to use those outputs in a more efficient way to generate energy (or at least extract further value) and prevent those materials ending up as waste.

Synergistic benefits could be realised through the co-location of uses and processes that facilitate the treatment of waste material since in that industry the outputs of one process are frequently valuable as an input to another complementary process and maximum value is realised when these are used at the point at which they are produced.

There is policy support for the suggested amendment to the Plan however the Environmental Information that is required to support a full assessment of an expanded settlement boundary is not in the representation. Instead the respondent plans to submit up to date supporting information with each planning application.

The Council considers that there is value in the respondent's suggested amendment to the Plan however considers the best way to shape future development at the Ecopark would be in the form of a masterplan; and the Plan already contains criteria to be addressed in the masterplan on page 128.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy 34A Existing Waste Management Infrastructure

1. I agree that the policy should be modified in accordance with the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

Policy 34B New Waste Management Infrastructure

2. In order to reflect current practice and for the sake of clarity, I agree that the term “Environmental Statement” should be replaced with “Environmental Impact Assessment (EIA) report” and that this may be treated as a non-notifiable modification.

3. Where appropriate, the policy requires restoration, aftercare and after-use proposals to be agreed and indicates that it may also be necessary to lodge restoration bonds. I am satisfied that these matters could adequately be provided for by condition and/or obligation on a case-by-case basis. The content of any supplementary guidance is not a matter for this examination to address. Nevertheless, the possibility of providing separate supplementary guidance outlining the full range of financial mechanisms that could be used to secure restoration is dealt with in Issue 19 Minerals of this examination. If the council were to provide supplementary guidance about these matters in the future, the note at the end of the policy is sufficient to direct the attention of potential applicants to it.

4. I agree that the policy should be modified in accordance with the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances. In this case, I consider that the most appropriate way to do this would be to add a new criterion (m) to the list. I have altered the wording of the requested modification accordingly.

Binn Eco Park

5. Part A of TAYplan Policy 7 Energy, Waste and Resources requires local development plans to identify areas that are suitable for different forms of energy, waste and resource management infrastructure. On page 42, TAYplan states that many of the region’s existing waste management facilities could be expanded in situ. There is support for the expansion of Binn Farm in the existing local development plan. The summary for Binn Farm on page 129 of the proposed plan continues this support. It also sets out the matters that any masterplan should address.

6. Following the receipt of a late representation on behalf of Binn Farm Limited, I issued an informal further information request (informal FIR04) seeking comments from the council. The late representation casts doubt upon the accuracy of the assessment of the environmental character of the land into which Binn Farm wishes to expand. These expansion sites are described as proposed employment site allocations E295 and E429. E295 is located to the south and east of Binn Farm and was included in the strategic environmental assessment (SEA) environmental report for the proposed plan (Appendix E, pages 221 to 232), published December 2015. The only serious environmental concern raised in relation to E295 is a potential negative impact upon the water environment. Site E429 is located to the north and west of Binn Farm but was not assessed in the SEA environmental report of 2015.

7. The need to draw up and consult upon a masterplan to increase the size and expand the scope of waste management and related activities at Binn Eco Park is highlighted on page 37 of the main issues report for the proposed plan (2015). At this time, the proposed expansion related only to the area now identified as E295. A masterplan was prepared in January 2018 for both sites (E295 and E429) and has been submitted as a part of the Binn Group representations for this examination. All of the processes and

uses described within the masterplan are consistent with those listed in the footnote of TAYplan Policy 7 Energy, Waste and Resources. It states that the use of the land would fall within Use Classes 4, 5 and 6 and that there would be no negative impacts upon the environment (water, biodiversity, air and soil). However, I have seen no detailed environmental information to support these statements. Neither is the precise nature of the industrial processes that would be undertaken on the extended site explained. Nor have I seen any evidence to indicate that meaningful public consultation has been undertaken specifically for the masterplan.

8. From the council's point of view, it is this lack of environmental information about potential new processes and technologies and the absence of evidence of public consultation for its masterplan that has prevented an expanded Binn Farm from being allocated in the proposed plan. It is not, as suggested in the late representation, disagreement about the environmental quality of the land comprising E295 and E429. I agree that, without this detailed information, even if it had been submitted in time to be assessed as part of the SEA, it would not have been possible to include the masterplan within the proposed plan.

9. I note that planning permission in principle reference 13/02084/IPM was granted for the erection of heated and unheated polytunnels and a research facility on the parcels of land that now comprise E295 and E429. The map on pages 6 and 7 of the masterplan indicates that there would be little difference between what it proposes and what was granted permission in 2013. Development would comprise sustainable food production, second-generation biofuels and associated resource management and circular economy development. There is clearly a need for more land to be provided to support the research and development of new processes and technologies relating to zero waste and the circular economy. The expansion of Binn Farm would also provide an opportunity to co-locate waste and downstream industries in a manner that TAYplan Policy 7 supports.

10. The council stresses that there is a substantial amount of common ground between it and Binn Group about the future geographical and operational expansion of Binn Farm. This is demonstrated by the grant of planning permission to extend the site in 2013 and consideration, in the main issues report for the proposed plan in 2015, of the information that would be needed to support this expansion. The council indicates that the only practical way forward may be to deal with any remaining issues as individual planning applications come forward. Although the inability to agree a masterplan has clearly caused some frustration, it is essential for it to be consulted upon publicly in a meaningful way and for all the possible environmental impacts of development to be properly assessed. Consequently, at this time I am unable to recommend that the Binn Farm allocation should be expanded to include proposed site allocations E295 and E429.

11. Given the supportive policy environment for this proposal, I am satisfied that the proposed plan provides a practical framework within which to assess any future masterplan or planning application(s) for the geographical and operational expansion of Binn Farm.

Reporter's recommendations:

I recommend that the following modifications be made:

1. At the end of Policy 34A, add: "Development proposals for existing waste management infrastructure will only be approved where they will not result in adverse

effects, either individually or in combination, on the integrity of the River Tay SAC and Loch Leven SPA.”

2. At the end of criterion (k) of Policy 34B, delete “...and”

3. At the end of criterion (l) of Policy 34B, delete the full stop and, in its place, add: “; and”

4. Add the following new criterion to Policy 34B: “(m) the proposal will not result in adverse effects, either individually or in combination, on the integrity of the River Tay SAC and Loch Leven SPA.”

Issue 16	A Natural Resilient Place	
Development plan reference:	Section 3.3 A Natural Resilient Place, pages 59-62 Policy 36: Environment and Conservation, page 63 Policy 37: Landscape page 64 Policy 38: Forestry, Woodland and Trees, page 65-67 Policy 39: Biodiversity, pages 68-69 Policy 40: Green Infrastructure, page 69	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Brian Rickwood (0035) Stuart Nichol (0041) Braes of the Carse Conservation Group (0161) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) Kristin Barrett (0423) Scottish Government (0451) Woodland Trust Scotland (0462) Kinross-shire Civic Trust (0526)		Scott Paterson (0528) Portmoak Community Council (0541) The Royal Society for the Protection of Birds (RSPB) (0546) Cllr Michael Barnacle (0584) Scottish Power Renewables (0625) Bruce Burns (0663) Scottish Environmental Protection Agency (SEPA) (0742)
Provision of the development plan to which the issue relates:	Policies relating to the protection and enhancement of the natural environment pages 59-69	
Planning authority's summary of the representation(s):		
<u>Section 3.3 A Natural Resilient Place</u> <u>Section 3.3 A Natural, Resilient Place (pg 60)</u> SNH (0353/01/033) - Recommend the Plan states its intent to review and identify local nature conservation sites within the lifespan of the Plan. They consider that Local nature conservation sites are under represented in Perth and Kinross and offer to advise Tayside LBAP and the Council in developing a methodology for the review and identification of sites in accordance with para 197 of Scottish Planning Policy (SPP) (CD004). The respondent acknowledges that the Council does not have the resources to deliver this, and advise that SNH could explore what resource they would be able to contribute. <u>Spatial Strategy for "A Natural, Resilient Place" paragraph on page 61 and Strategy Map "A Natural Resilient Place" and legend on page 62</u> SNH (0353/01/032) - Considers that the paragraph on page 61 and Strategy Map 4 should be amended to accord with Scottish Planning Policy para 196 (CD004). They support the intent of this paragraph and map but do not consider that they adequately or consistently capture the correct natural assets. The map is not of a sufficient spatial scale to enable these to be identified and located in terms of development.		

Policy 36: Environment and Conservation

General

Cllr Michael Barnacle (0584/01/019) - Raises concerns regarding the commissioning of habitat reports by applicants and instead advocates for these to be commissioned by the Council and the applicants' subsequently billed, as this is often an issue where reports are not considered 'independent'.

Policy 36A: International Nature Conservation Sites

Scottish Government (0451/01/015); RSPB (0546/01/009) - Seek an additional policy criterion in relation to compensatory measures to protect the Natura network and ensure compliance with SPP (para 208) (CD004) and the Conservation (Natural Habitats, & c.) Regulations 1994 (CD026). RSPB (0546/01/009) also seek additional text to ensure applications are supported by sufficient information to allow the Council to assess proposals in line with the requirements.

Policy 36C: Local Designations

Portmoak Community Council (0541/01/006) - Seek that the Lomond Hills Regional Park be extended in to Perth & Kinross.

Local Landscape Areas

Scottish Power Renewables (0625/01/005) - Seek a change to Policy 36C to better clarify the Scottish Government position in relation to the SPP Spatial Framework for Wind (CD004) which identifies Group 3 areas (including local designations) as likely to be acceptable for wind farm development subject to detailed consideration against identified policy criteria. Scottish Power Renewables identifies SPP (CD004, paras 169, 196, 203) in support of this position.

SNH (00353/01/010); Cllr Michael Barnacle (0584/01/014A) - Seek a change to Policy 36 to move paragraph on Local Landscape Areas from Policy 36C into Policy 37.

Alistair Godfrey (0410/01/010A) - Seeks an update to the adopted Landscape Supplementary Guidance to reflect SPP (CD004) and amended Policy 29 (Gardens & Designed Landscapes).

Cllr Michael Barnacle (00584/01/014B); Kinross-shire Civic Trust (0526/01/010) - Raise concerns or object to the Cleish Hills and Devon Gorge areas were excluded as a Special Landscape Area/Local Landscape Area and seek a review of this exclusion (RD058). Councillor Barnacle has concerns regarding the consultant's designation exercise. Braes of the Carse Conservation Group (0161/01/006) - Support Policy 36C as it provides further development restriction in the Carse area.

Local Designations

SNH (00353/01/010) - Recommends the wording contained in the existing Local Development Plan (CD014, page 40) in relation to locally designated sites is incorporated in to Policy 36 to ensure consideration of other local interests and designations, and locally important areas are adequately identified in Perth and Kinross. Reference is made

to SPP para 196 (CD004) in this regard.

Policy 37: Landscape

Orchards

Braes of Carse Conservation Group (0161/01/009) - Supports the Landscape policy but wish it to be extended to specifically protect the fruit orchards of the Carse from development.

Local Landscape Areas

SNH (00353/01/010); Cllr Michael Barnacle (0584/01/014A) - Recommend paragraph on Local Landscape Areas is moved from Policy 36C into Policy 37. These submissions are addressed in Policy 36 above.

Hill Tracks

Alistair Godfrey (0410/01/010b) - States that hill tracks will rarely be compatible [with landscapes] and SNH guidance on *constructed tracks in the Scottish Uplands* (2015)(CD118) should be the required standard.

Landscape Design (37(e))

Scott Paterson (0528/01/002) - Suitable landscape enhancement and mitigation should involve sympathetic, sustainable and long-term benefits for both people and biodiversity – creation of wildflower meadows, wildflower verges, nest boxes etc.

Landscape Assessments

SNH (0353/01/011) - Requests an addition to developer requirements in Policy 37 that proposals will need to demonstrate..(h) they are informed by relevant landscape capacity studies where available in order to ensure evidence based decision making in relation to landscape capacity.

Wild Land Areas

Scottish Government (0451/01/016) - Criterion (d) of Policy 37 is broader than the policy set out in SPP. SPP para 200 is clear that safeguarding is for areas on 2014 SNH map of wild land areas (<https://www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-policy-wild-land>) and not beyond those areas. The approach is set out in SPP para 215.

SNH (0353/01/011); Scottish Government (0451/01/016) - Note that proposed test regarding Wild Land Areas is the test for national designations in SPP (CD004) para 212, and not appropriate for Wild Land. If a test is desired the test in SPP para 215 should be used. Per SNH (0353/01/011) the test should read “Development which would affect a Wild Land Area will only be permitted where the Council as Planning Authority is satisfied that: it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.”

SNH (0353/01/011) - Recommends inserting map of Wild Land Areas to ensure WLAs are

spatially identified per SPP (CD004) para 200.

Renewable Energy

Scottish Power Renewables (0625/01/006) - Policy should acknowledge some landscape change will be deemed acceptable in the promotion of low carbon technologies.

Windfarms give rise to landscape change but the test is whether effects are acceptable on balance taking account of wider need for low carbon technologies, socio economic benefits etc. Also SPP (CD004) para 203 re statutory designated sites “designation does not impose automatic prohibition on development”

Policy 38: Forestry, Woodland and Trees

General

Woodland Trust Scotland (0462/01/023) - Seeks a change to Policy 38 to add reference to native woodland creation, due to the multiple benefits that native woodland creation has for the environment and other objectives.

Cllr Michael Barnacle (0584/01/020) - Raises concerns regarding the commissioning of tree reports by applicants and instead advocates for these to be commissioned by the Council and the applicants’ subsequently billed, as this is often an issue where reports are not considered ‘independent’.

Policy 38A

SNH (0353/01/012) - Seek to change Policy 38A to include additional wording to ensure there is policy coverage for new street planting where appropriate to enhance green infrastructure and in accordance with Policy 1 (Placemaking).

Alistair Godfrey (0410/01/011); Bruce Burns (0663/01/005) - Seek the following changes to Policy 38A:

- The definition of a woodland should be set out in policy and ensure support for Scottish Soil Framework (RD076), NPF3 (CD003), EU Habitats Directive (CD092) and UN Convention on Biological Diversity (RD089).

Policy 38B

SNH (0353/01/012) - Recommends the following changes to Policy 38B:

- Amend text in paragraph 1 to ensure most appropriate professional undertakes the survey.
- Delete text relating to woodland removal as it does not accord with the CWRP (CD007), and instead use the statement that development will be expected to fully accord with the requirements of the CWRP.

Alistair Godfrey (0410/01/011) - Seeks changes to Policy 38B taking in to account the following points:

- Tree and woodland survey requirements in relation to EIA regulations (CD028).
- Change in terminology in relation to compensatory planting and specifically the term ‘new native woodland’ which is confusing. Specific reference is made to Forestry Commission guidance (CD094).
- Requirement of Scottish Forestry Strategy (2006) (CD115) to target action to

‘maintain and enhance ancient woodland features in Plantations on Ancient Woodland Sites (PAWS)’.

Alistair Godfrey (0410/01/011) - Supports the section in Policy 38B stating that ‘there is a strong presumption against removing ancient semi-natural woodland’ as this supports SPP (CD004).

Woodland Trust Scotland (0462/01/024) - Seeks a change to the final paragraph of Policy 38b to include reference to Long-Established Woodland of Plantation Origin (LEPO) when referring to ancient woodland, to help protect all forms of ancient woodland (not just semi-natural woodland), which is an important and irreplaceable resource that must be protected from development.

Cllr Michael Barnacle (0584/01/015) - Raises concerns with inappropriate felling by developers suggesting tree protection is not strong enough and that TPOs alone are insufficient to safeguard important groups of trees.

Policy Map E – High Nature Conservation Woodland

SNH (0353/01/012) - Supports the intent of Policy Map E however note that this does not fully reflect the types of woodland listed in page 7 of the CWRP (CD007).

Site Allocations

Woodland Trust Scotland (0462/01/018) - Seeks changes to site allocations where compensatory and screening tree planting is required to ensure that native tree planting is specified to increase the area of native woodland in Scotland. It is suggested that this could also be a policy of the Council to specifically request native tree planting.

Woodland Trust Scotland (0462/01/019) - Considers that site allocation boundary maps could better illustrate where they are adjacent to Ancient Woodland, as any development on this irreplaceable habitat is considered unacceptable and cannot be replaced by any compensatory planting.

Supplementary Guidance

Alistair Godfrey (0410/01/011); Bruce Burns (0663/01/005) - Seek one or more of the following changes to the Forest & Woodland Strategy Supplementary Guidance:

- Guidance has little reference to legislation and requires to be compliant with SPP para 216 (CD004) and Control of Woodland Removal Policy (CWRP) (CD007), particularly the section on woodland removal.
- Ensure local context is taken in to account when considering compensatory planting, based on recent planning decision.

Woodland Trust Scotland (0462/01/018) - Considers that native trees should be specified for required compensatory or screen planting for development proposals, and that this could be included in associated Supplementary Guidance.

Orchards

Braes of the Carse Conservation Group (0161/01/010) - Support Policy 38 however would like to see various changes to the policy to specifically protect fruit orchards in the Carse

from development (RD056).

Policy 39 Biodiversity

Orchards

Braes of Carse Conservation Group (0161/01/011) - Supports the Biodiversity policy but wish it to be extended to specifically protect the fruit orchards of the Carse from development.

EIA Developments

SNH (0353/01/013) - Recommends removing “large” from definition of developments requiring an EIA in paragraph 39(a) as a development does not need to be large to require an EIA.

EEC Directive references

Alistair Godfrey (0410/01/012) - States that Directive 92/43/EEC (CD092) is a legal obligation to maintain habitats and species in Annex I and II at a favourable conservation status by maintenance or improvements and losses are reportable under article 17 and requests provisions included in policy. Annex IV paragraph is better clarified with reference to Articles 12 and 13.

Developer Requirements

Kristin Barrett (0423/01/005) - Noting measures to enhance biodiversity on map notes would like to see more specific requirements for developers to minimise destruction of biodiversity; requesting exactly which bits of dyke, fencing, hedging and associated greenery to be left intact to be specified.

Scott Paterson (0528/01/003):

- Ensure surveys are undertaken by suitable specialist at appropriate time with no leeway for developers.
- Biological site records should be requested and incorporated into applications.
- Mitigation to be strictly adhered to and implemented.
- Opportunities for biodiversity should be considered/implemented at every opportunity.
- Development design should incorporate significant element of areas to benefit biodiversity.

RSPB (0546/01/022) - Swifts are on the amber list of Birds of Conservation Concern and on the Scottish biodiversity List and they believe the loss of nest sites is a key driver in dramatic decline. Including swift bricks in new buildings would help the Council meet its Biodiversity Duty. Request adding requirements for swift mitigation e.g. swift bricks in settlement summaries or developer requirements in Stanley, Luncarty, Inchtute, Balbeggie, Burrelton, Spittalfield, Perth area.

Brian Rickwood (0035/01/002) - Fails to see how housebuilding can enhance biodiversity as quoted in housing proposals. Little evidence that flora and fauna of an area are enhanced by new housing estates.

Policy Wording

RSPB (0546/01/010) - Welcomes the policy but the current wording does not place a firm obligation to demonstrate that all ecological impacts can be satisfactorily mitigated, nor a definite requirement for a development to enhance the biodiversity value of the site per duties in Nature Conservation (Scotland) Act 2004 (CD032) and SPP (CD004) para 194:

- Requests replacing “clear evidence can be provided” in third paragraph with “clear evidence is submitted”.
- In point (b) replace “can enhance the existing biodiversity” with “would enhance the existing biodiversity of the site”

Scottish Power Renewables (0625/01/007) - Objects to policy wording and requests that where terms “detrimental” or “adverse effect” are used should be preceded by “unacceptable”. SPP (CD004, para 202) recognises adverse impacts may arise and remain – decision is whether effects are acceptable in context of overall planning balance taking account of mitigation etc. SPP (CD004, para 204) states precautionary principle should not be used to impede development without justification. Evidence is needed in support of making a statement re significant irreversible damage as well as consideration to be given to scheme design, review of latest research to avoid this.

Supplementary Guidance

RSPB (0546/01/010) - Notes reference to “Planning for Nature” but not aware of such a document. Welcome detailed guidance on ecological survey and mitigation requirements and best practice and consider it should be statutory supplementary guidance to give it sufficient weight.

Supporting Comments

The Woodland Trust (0462/01/025) - Supports the statement that the Council will protect and enhance all wildlife and wildlife habitats whether protected or not and is delighted to see the Council's ambitious stance.

Policy 40: Green Infrastructure

SNH (0353/01/006) - It is unclear how the strategic green network has been identified on Strategy Map 4 (page 62) so it is recommended a caveat is inserted that this will be reassessed as part of the review of the SG.

The Council should produce spatial maps of existing and proposed green networks at local settlement scale. This will enable more meaningful identification of local green network priorities including new links where required, and opportunities for green infrastructure delivery at a site level. The Supplementary Guidance does not provide spatial representation of green networks clearly enough at the settlement scale to enable it to be used to inform specific development opportunities and proposals. Spatial identification of green networks will show developers where these routes are and illustrate opportunities for linking and enhancing these through development.

Stuart Nichol (0041/01/001) - Designate the A93 from Perth to Glenshee as a strategic green network and add it to Strategy Map 4. This would reinforce the ‘Snow Road’ tourism from Blairgowrie to Granton on Spey, promoted by Cairngorm National Park.

Scottish Government (0451/01/008) - To better reflect the SPP, additional wording should be inserted into Policy 40 and/or Policy 14B to encourage opportunities for a range of community growing spaces, not just allotments.

Woodland Trust Scotland (0462/01/026) - Welcomes the policy but would like further clarity whether "all development" refers to any size of development, including even one house or housing extension. Point (ii) in section (d) should include native trees and native woodland. Native trees and woodland are the best adapted to Scotland's environment and the Council should show a firm commitment to increase the area they cover.

SEPA (0742/01/009) - Requires a change to the policy wording to "mitigate any negative environmental impacts of the development and create linkages to wider green and blue networks". The two are not mutually exclusive and development may be able to achieve both.

Modifications sought by those submitting representations:

Section 3.3 A Natural Resilient Place

Section 3.3 A Natural, Resilient Place (pg 60)

SNH (0353/01/033) - Seeks that the Plan states its intent to review and identify local nature conservation sites within the lifespan of the Plan.

Spatial Strategy for "A Natural, Resilient Place" paragraph on page 61 and Strategy Map "A Natural Resilient Place" and legend on page 62

SNH (0353/01/032) - Seek the following wording changes to the paragraph on Page 61: "The spatial strategy aims to protect and enhance these unique attributes, to ensure that we allow future generations to enjoy the same benefits as us. The map on the following page demonstrates the international, national and local natural heritage designations in Perth and Kinross. we intend to protect through national and local policy) This policy grouping aims to build the resilience of our cities and towns...."

SNH (0353/01/032) - Seek the identification of the specific international, national and local designations on Strategy Map 4 (re Policy 36) and in the legend at an appropriate size and scale so these can be identified by developers. They also seek the provision of a separate map showing flood risk areas.

Policy 36: Environment and Conservation

General

Cllr Michael Barnacle (0584/01/019) - Does not seek specific changes but raises concerns regarding the commissioning of habitat reports by applicants and instead advocates for these to be commissioned by the Council and the applicants' subsequently billed.

Policy 36A: International Nature Conservation Sites

Scottish Government (0451/1/015) - Seeks the inclusion of an additional policy test using the following text: '(d) and suitable compensatory measures have been identified and agreed'.

RSPB (0546/01/009) - Seeks to amend criterion (c) of Policy 36A to include an additional policy test in relation to compensatory measures to protect the Natura network. An additional line of text is also sought to ensure applications are supported by sufficient information to allow the Council to assess proposals in line with the requirements.

Policy 36C: Local Designations

Scottish Power Renewables (0625/01/005) - Seeks the following changes to Policy 36C to better align with SPP requirements:

- Clarify position of local designations in relation to Groups 1, 2 and 3 of SPP Table 1 Spatial Framework for Wind (CD004).
- Explicitly state that there will be a presumption in favour of low carbon technologies recognising their contribution to the attainment of a low carbon economy, in addition to the social and economic benefits of a development, in this context.

Portmoak Community Council (0541/01/006) - Seeks that the Lomond Hills Regional Park be extended in to Perth & Kinross.

Local Landscape Areas

SNH (00353/1/010); Cllr Michael Barnacle (0584/0/014A) - Seek a change to Policy 36 to move paragraph on Local Landscape Areas from Policy 36C into Policy 37.

Alistair Godfrey (0410/01/010a) - Seeks an update to the adopted Landscape Supplementary Guidance (CD292) to reflect SPP (CD004) and amended Policy 29.

Cllr Michael Barnacle (00584/01/014B); Kinross-shire Civic Trust (0526/01/010) - Object to or seek an urgent review of the exclusion of the Cleish Hills and Devon Gorge area as a Special Landscape Area/Local Landscape Area.

Local Designations

SNH (00353/01/010) - Recommends the following wording contained in the existing Local Development Plan (CD014) in relation to locally designated site is incorporated in to Policy 36c (local designations): 'Development which would affect an area designated by the Planning Authority as being of local conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that:
(a) the objectives of designation and the overall integrity of the designated area would not be compromised; or
(b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.'

Policy 37: Landscape

Orchards

Braes of Carse Conservation Group (0161/01/009) - Extend Policy 37 to protect fruit orchards

Hill Tracks

Alistair Godfrey (0410/01/010b) - Not specific about change sought but notes that hill

tracks will rarely be compatible [with landscapes]; and requests that SNH guidance on Constructed Tracks in the Scottish Uplands (2015) (CD118) be the required standard.

Landscape Design (37(e))

Scott Paterson (0528/01/002) - Not specific about change sought but comments on para (e) re landscape design that suitable landscape enhancement and mitigation should involve sympathetic, sustainable and long-term benefits for both people and biodiversity – creation of wildflower meadows, wildflower verges, nest boxes etc.

Landscape Assessments

SNH (00353/01/010) - Add paragraph to Policy 37 “h) they are informed by relevant landscape capacity studies where available”

Wild Land Areas

Scottish Government (0451/01/16) - Modify Policy 37(d) to read “they safeguard the character of areas of wild land identified on the 2014 SNH Wild Land Areas map”

SNH (0353/01/011); Scottish Government (0451/01/016) - Replace current paragraph regarding Wild Land with test which accords with SPP (CD004, para 215): Per SNH (0353/01/011): “Development which would affect a Wild Land Area will only be permitted where the Council as Planning Authority is satisfied that: it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation”.

SNH (0353/01/011) - Insert map of Wild Land Areas

Renewable Energy

Scottish Power Renewables (0625/01/006) - Requests that policy should acknowledge some landscape change will be deemed acceptable in the promotion of low carbon technologies.

Policy 38: Forestry, Woodland and Trees

General

Woodland Trust Scotland (0462/01/023) - Seeks a change to Policy 38 to add reference to native woodland creation, due to the multiple benefits that native woodland creation has for the environment and other objectives.

Cllr Michael Barnacle (0584/01/020) - Does not seek a specific change but raises concerns regarding the commissioning of tree reports by applicants and instead advocates for these to be commissioned by the Council and the applicants’ subsequently billed.

Policy 38A

SNH (0353/01/01/012) - Seeks a change to Policy 38A to add the following additional wording [highlighted in italics]: ‘ensure the protection and good management of amenity trees, *plant new street trees where appropriate*, safeguard trees in Conservation Areas...’

Alistair Godfrey (0410/01/011); Bruce Burns (0663/01/005) - Seek the following changes to Policy 38A:

- Woodland to be defined in the Policy as ‘a functioning ecosystem with associated soils, vegetation, invertebrates and vertebrates that are independent, as recognised’, and demonstrate support for Scottish Soil Framework (RD076), NPF3 (CD003), EU Habitats Directive (CD092) and UN Convention on Biological Diversity (RD089)..

Policy 38B

SNH (0353/01/012) - Seeks the following changes to Policy 38B:

- Change text in paragraph 1 to read ‘tree and woodland surveys, undertaken by a suitably qualified professional.’
- Delete the following text from paragraph 3 relating to woodland removal: ‘Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form a part of this balance.’
- Delete the following text from paragraph 4 relating to woodland removal: ‘It should be noted that there is a strong presumption against removing ancient semi-natural woodland, woodland integral to the value of designated or special sites, and woodland where its removal would lead to fragmentation or disconnection of important forest habitat networks.’

Alistair Godfrey (0410/01/011) - Seeks the following changes to Policy 38B:

- Revise section on tree surveys to include reference to requirement for woodland surveys for EIAs and for surveys to be undertaken by competent surveyors at a time of year when Ancient Woodland Indicators can be identified and length of survey time is proportionate to the size and complexity of the woodland. Revise section to also make reference to EIA Regulations 2017 (CD028), particularly Schedule 4.
- Add in reference to Forestry Commission Guidance (CD094) for the sentence on compensatory planting.
- Add in section to refer to support for Scottish Forestry Strategy 2006 (CD115) and required action to ‘maintain and enhance ancient woodland features in Plantations on Ancient Woodland Sites (PAWS)’.

Woodland Trust Scotland (0642/01/024) - Seeks a change to the final paragraph of Policy 38B to include reference to Long-Established Woodland of Plantation Origin (LEPO) when referring to ancient woodland.

Cllr Michael Barnacle (0584/01/015) - Does not seek a specific change but raises concerns with inappropriate felling by developers suggesting tree protection is not strong enough and that TPOs alone are insufficient to safeguard important groups of trees and that protection of trees through TPOs is not mentioned in the Policy.

Policy Map E – High Nature Conservation Woodland

SNH (0353/01/012) - Does not seek a specific change but it is assumed that SNH would like a note added to Policy Map E to reflect that the woodland types on the map do not fully reflect the types of woodland listed in the CWRP (CD007).

Site Allocations

Woodland Trust Scotland (0462/01/018) - Seeks changes to site allocations where compensatory and screening tree planting is required to ensure that native tree planting is specified. It is suggested that this could also be a policy of the Council to specifically request native tree planting.

Woodland Trust Scotland (0462/01/019) - Raises concerns that site allocation boundary maps do not show the location of ancient woodland however no specific changes are sought.

Supplementary Guidance

Alistair Godfrey (0410/01/011); Bruce Burns (0663/01/005) - Seek one or more of the following changes to the Forest & Woodland Strategy Supplementary Guidance:

- Guidance has little reference to legislation and requires to be compliant with SPP (2016) (CD004) and Control of Woodland Removal Policy (CWRP) (CD007), particularly the section on woodland removal.
- Ensure local context is taken in to account when considering compensatory planting, based on recent planning decision.

Woodland Trust Scotland (0462/01/018) - Does not seek a specific change but considers that native trees should be specified for required compensatory or screen planting for development proposals, and that this could be included in associated Supplementary Guidance.

Orchards

Braes of the Carse Conservation Group (0161/01/010) - Seek the following changes to Policy 38:

- Terminology within the Policy should refer to orchards specifically and not rely on other terms such as 'woodland' or 'trees'.
- Policy 38B should be amended to specifically avoid orchards being removed unless it would achieve significant and clearly defined additional public benefits.
- Content from the existing Forest and Woodland Strategy Supplementary Guidance (CD101) should be given more emphasis in the policy statements with clear and enforceable requirements on preservation and restocking of trees.

Policy 39 Biodiversity

Orchards

Braes of Carse Conservation Group (0161/01/011) - Extend Policy 39 to protect fruit orchards

EIA Developments

SNH (0353/01/013) - Change "large developments" to "developments" in para 39(a)

EEC Directive References

Alistair Godfrey (0410/01/012) - Requests references to Directive 92/43/EEC article 17 (re

Annex I and II) and 12 & 13 (re Annex IV) (CD092) be included in policy.

Developer Requirements

Kristin Barrett 0423/01/005) - Requests exactly which bits of dyke, fencing, hedging and associated greenery to be left intact to be specified.

Scott Paterson (0528/01/003) - Not specific about changes sought but states:

- Ensure surveys are undertaken by suitable specialist at appropriate time with no leeway for developers.
- Biological site records should be requested and incorporated into applications.
- Mitigation to be strictly adhered to and implemented.
- Opportunities for biodiversity should be considered/implemented at every opportunity.
- Development design should incorporate significant element of areas to benefit biodiversity.

RSPB (0546/01/022) - Add specific reference to enhancement for swifts (e.g. incorporation of swift bricks into new buildings) in the settlement summary or add to enhancement of biodiversity bullet in the developer requirement lists for sites within: Stanley, Luncarty, Inchtute, Balbeggie, Burrelton, Spittalfield, Perth area.

Brian Rickwood (0035/01/002) - Not specific about change sought but challenges position that housing proposals can enhance biodiversity.

Policy Wording

RSPB (0546/01/010):

- Replace “clear evidence can be provided” in third paragraph with “clear evidence is submitted”.
- In point (b) replace “can enhance the existing biodiversity” with “would enhance the existing biodiversity of the site”

Scottish Power Renewables (0625/01/007) - Objects to policy wording and requests that where terms “detrimental” or “adverse effect” are used should be preceded by “unacceptable”.

Supplementary Guidance

RSPB (0546/01/010) - “Planning for Nature” Supplementary Guidance should be statutory

Policy 40: Green Infrastructure

SNH (0353/01/007) - State that Strategy Map 4 will be reassessed as part of the Supplementary Guidance review. The Guidance should identify existing green networks at settlement scale and illustrate opportunities for enhancement.

Stuart Nichol (0040/01/001) - Designate the A93 from Perth to Glenshee as a strategic green network and add it to Strategy Map 4.

Scottish Government (0451/01/008) - Additional wording could be inserted to encourage opportunities for a range of community growing spaces, not just allotments.

Woodland Trust Scotland (0462/01/026):

- Clarify whether “all development” refers to any size of development, including even one house or housing extension.
- Point (ii) in section (d) should include native trees and native woodland.

SEPA (0742/01/009) - Requires a change to the policy wording to "mitigate any negative environmental impacts of the development and create linkages to wider green and blue networks".

Summary of responses (including reasons) by planning authority:

Section 3.3 A Natural Resilient Place

Section 3.3 A Natural, Resilient Place (pg 60)

SNH (0353/01/033) - As discussed in more detail in Schedule 4 Policy 36, the Council is currently engaging with the Tayside Biodiversity Partnership and SNH to consider a mechanism for site assessment and adoption. However, the Council does not currently have the resources to formally carry out assessment of LBS or further geodiversity sites and assessment is unlikely to occur before the next LDP. It is hoped that the Council will be in a position to include LBS within LDP3, subject to the appropriate level of resources being available to progress this work.

No modification is proposed to the Plan.

Spatial Strategy for “A Natural, Resilient Place” paragraph on page 61 and Strategy Map “A Natural Resilient Place” and legend on page 62

Scottish Natural Heritage (0353/01/032) - The strategic map for A Natural Resilient Place is intended to be an overview of the key natural assets that PKC has within its area. The map was created to provide a simple overview of the strategic areas for consideration in terms of landscape designations and to demonstrate potential connections in terms of the strategic green network. The map is intentionally simplified so that these areas are clear at a strategic scale. It is not intended to be used to determine where development may or may not be located – this is dealt with at a local level through the settlement statements and site allocations. The flooding data is also provided as an overview of the watercourses within the wider area and not intended to be used on a local level. The Council do not consider it is required to create an additional map specifically for the flooding data as it considers Strategy Map 4 to provide a clear overview of the natural assets of PKC, including the rivers and lochs, all of which contribute to the international, national and local designations.

No modification is proposed to the Plan. Nonetheless, in terms of the text in the paragraph and the key on the map, the Council have no objection to making the modification to the paragraph and updating the key to acknowledge the internationally designated areas. Change paragraph wording to: "The spatial strategy aims to protect and enhance these unique attributes, to ensure that we allow future generations to enjoy the same benefits as us. The map on the following page demonstrates the international, national and local natural heritage designations in Perth and Kinross. This policy grouping aims to build the resilience of our cities and towns....". Change legend on map to International/national designations.

Policy 36: Environment & Conservation

General

Cllr Michael Barnacle (0584/01/019) - The adequacy of habitat reports is considered through the planning application process and it is not considered reasonable for the Council to have the added responsibility to commission and procure reports on behalf of applicants.

No modification is proposed to the Plan.

Policy 36A: International Nature Conservation Sites

Scottish Government (0451/01/015); RSPB (0546/01/009) - To ensure compliance with SPP (para 208) (CD004) and the Conservation (Natural Habitats, & c.) Regulations 1994 (CD026), the Council would be comfortable with additional policy wording (as suggested by Scottish Government and RSPB) as an additional criterion of Policy 36A to ensure development proposals provide suitable compensatory measures in relation to impacts on the Natura network. If the Reporter is minded to accept the suggested modifications the Council would be comfortable adding in the following additional criterion in to Policy 36A as it would not have any implications for any other aspect of the Plan: 'compensatory measures are provided to the satisfaction of the Council to ensure that the overall coherence of the Natura network is protected.'

In relation to RSPB's suggested change regarding a requirement that sufficient information is submitted as part of any proposal, this is a standard issue across all policies where information is sought. It is therefore not considered necessary to include specific text seeking this information from applicants through Policy 36A. In addition, the Council are ordinarily required to address any impacts on Natura 2000 sites before a decision can be reached through the Habitats Regulations Assessment process and therefore sufficient information to enable an informed decision will be sought in the first instance anyway.

No modification is proposed to the Plan.

Policy 36C: Local Designations

Scottish Power Renewables (0625/01/005) - The Council is comfortable with the suggested change by SNH (0353/01/009) in relation to Policy 31 (Renewable & Low Carbon Energy) [see Issue 14] to include a table setting out the requirements of the Spatial Framework for Wind which would provide in more detail the relevant considerations under each of the three groups, including Group 3 areas where wind farm development is likely to be acceptable subject to detailed consideration against identified policy criteria. By virtue of having the Spatial Framework identifying a hierarchical approach to wind farm development and incorporating international and national designations within this under the first two groups, it is implicit that local designations fall within the Group 3 areas. It is not considered necessary to include additional text as suggested in relation to paragraphs 196 and 203 of SPP (CD004) as it goes beyond the required text to detail the requirements of the Spatial Framework for Wind. Instead, should the Reporter be minded to accept the modification, the Council would be comfortable with an additional sentence in Policy 31D after the SPP: Spatial Framework for Wind table to state: 'Please note that Group 3 areas include local designations such as Local Landscape Areas and developers will be required to take such designations in to account

in preparing and submitting proposals.'

Portmoak Community Council (0541/01/006) - The Council does not propose to extend the existing Regional Park boundary for the Lomond Hills at this stage in the plan-making process. The Council will from time to time consider the merits for extending the regional park boundary however there are significant resource implications for designating and managing a regional park and therefore the Council does not propose such a designation or review at this time. To formally promote and manage the remaining area of the Lomond Hills as an extended regional park would require significant resources to be allocated from the Council budget.

It is also considered that the area of the Lomond Hills within the PKC administrative boundary is not as easily accessed by all users as other areas of the hill range. For example, the existing Regional Park in Fife is served by a variety of accessible car parks such as at Craigmead and East Lomond and therefore already has optimum opportunities to formally promote recreational use of the hills for all users. Opportunities to further promote recreational use at the Perth & Kinross side of the hill range are therefore limited, without significant investment in parking and path facilities to promote recreational use for all users. The area in question is also currently within the Loch Leven & Lomond Hills Special Landscape Area and therefore would be afforded protection against inappropriate forms of development thereby indirectly protecting recreational interests within the area.

No modification is proposed to the Plan.

Local Landscape Areas

SNH (0353/01/010) - If the Reporter is minded to accept the suggested modifications by SNH to move the sub-policy on Local Landscape Areas from Policy 36C to Policy 37 the Council would be comfortable with making these changes as they would not have any implications for any other aspect of the Plan other than for Policies 36C and 37.

Alistair Godfrey (0410/01/010a); Councillor Michael Barnacle (0584/01/014b) - Supplementary Guidance to the Landscape Policy will be reviewed as part of LDP2 and will be updated to reflect the requirements of SPP (CD004) and other relevant policy and guidance, including an assessment to consider whether a review of the LLAs is necessary. It is not considered necessary for the Reporter to consider the content of the SG as this is a matter for the Council to prepare relevant SG when the new Plan is adopted and will be issued to Scottish Ministers for consideration as a separate exercise.

No modification is proposed to the Plan.

Cllr Michael Barnacle (0584/01/014b); Kinross-shire Civic Trust (0526/01/010) - Specifically responding to Councillor Michael Barnacle's request for an urgent review of, and the Kinross-shire Civic Trust's objection to, the Cleish Hills/Devon Gorge exclusion from landscape designation, this is not an issue for the Reporter to consider further as this is a matter for the Council, as noted above. For the sake of clarity, the decision to exclude Cleish Hills/Devon Gorge as a Special Landscape Area was debated and rejected by the Council in their consideration of the Statutory Supplementary Guidance on Special Landscape Areas (CD292). The Council's Enterprise and Infrastructure Committee on 20 January 2016 considered a report on priorities for the preparation and review of Supplementary Guidance and a motion was considered but rejected to review the designation of the Cleish Hill/Devon Gorge as a Special Landscape Area. As noted in

sections 5.12-5.17 of the Report to the Council's Enterprise and Infrastructure Committee in March 2015 (CD100), the inclusion of Cleish Hills/Devon Gorge area as part of the Loch Leven Basin Local Landscape Area was considered in detail through the LLA review process. It was ultimately excluded from the final LLA boundary due to a detailed range of technical factors – as noted in sections 5.12-5.17 of the Report - based on the scoring methodology and the relationship of the Cleish Hills/Devon Gorge area compared to the rest of the Loch Leven Basin area within the designated LLA.

No modification is proposed to the Plan.

Local Designations

SNH (0353/01/010) - The position of SNH in relation to locally designated sites is acknowledged and the Council is broadly supportive of the work to identify local sites where this adds value to the decision-making process and helps protect sites of a local nature. The Council does note, however, the practicalities and resources required to be able to successfully undertake this exercise in identifying, reviewing and designating local sites. The Council has secured additional temporary staff resources to assist with the identification of potential local nature conservation sites. This potential staff resource is likely to assist with the identification and initial GIS-mapping of sites, thus facilitating the formal designation at a later stage.

A small number of geodiversity sites limited to one geographical area within the Council boundary have been identified and assessed with further proposed candidate sites awaiting assessment. The Council currently has not designated any sites of local nature conservation (Local Biodiversity Sites - 'LBS'). The Council is currently engaging with the Tayside Biodiversity Partnership and SNH to consider a mechanism for site assessment and adoption but the Council does not currently have the resources to formally carry out assessment of LBS or further geodiversity sites and assessment is unlikely to occur before the next LDP. As noted above the Council has secured further temporary staff resource to assist with the early stages of the site identification work. It is hoped that the Council will be in a position to include LBS within LDP3, subject to the appropriate level of resources being available to progress this work.

Considering that the first sentence in Policy 39 is sufficient to protect any proposed LBS that are identified before the next review of the Plan, and the restricted number of identified geodiversity sites the Council is not supportive of the suggested modification.

No modification is proposed to the Plan. However, should the Reporter be minded to accept the modification the Council would suggest that the identification of local sites would be best dealt with through Supplementary Guidance to Policy 36 with the suggested policy wording as noted in SNH's response added as a new sub-policy.

Policy 37: Landscape

Orchards

Braes of Carse Conservation Group (0161/01/009) - Trees not in a Conservation area or where covered by a Tree Protection Order (TPO) are not protected as a matter of course and a felling licence is also not required for fruit trees under s 9(2)(b) of the Forestry Act 1967 (as amended) (CD093). Section 159 of the Town and Country Planning (Scotland) Act 1997 (as amended) (CD031) however does oblige Planning Authorities to ensure

provision for the protection of trees is made in the granting of planning permission for any development. The Landscape policy addresses impacts of developments on the qualities of the landscape in Perth & Kinross rather than specific features. Listing each individual feature which might make up a landscape would result in a policy that is too detailed and provides little guidance. The landscape policy does however protect orchards in consideration of development proposals where orchards have been identified as part of the landscape character. Developments are required to address the impacts on landscape with reference to The Tayside Landscape Character Assessment (LUC, 1999) ("TCLA") (CD120) which recognises the importance of the remaining orchards in the landscape unit of the Carse of Gowrie paras 5.11.4, 5.11.6, 5.11.10, 5.11.14. The landscape policy therefore already seeks to protect the landscape value of the orchards in the area of concern to the respondents and it is not necessary or desirable to specifically refer to orchards.

No modification is proposed.

Hill Tracks

Alistair Godfrey (0410/01/010b) - New hill tracks can be detrimental to the landscape but where careful attention is paid to siting, materials and restoration, they can be compatible with the distinctive characteristics and features of the landscape that the policy is aiming to protect. Hill tracks were introduced into this policy by the Council for the purpose of ensuring their impact was addressed where planning permission was required. The most recent and up to date guidance will be applied at application stage; a reference to that guidance is not considered necessary here.

No modification is proposed.

Landscape Design (37(e))

Scott Paterson (0528/01/002) - The suggested reference to biodiversity enhancement is encompassed by the reference in paragraph (f) to '...protecting and enhancing the ecological...elements of the landscape' and reinforced by Policy 39.

No modification is proposed.

Landscape Assessments

SNH (0353/01/011) - The last sentence of the first paragraph requires that development proposals 'will need to demonstrate...'. This demonstration would necessarily have to be carried out through a professional landscape study. It is not necessary to set out that the assessment needs to be informed by the baseline provided by the landscape capacity studies.

No modification is proposed. If the Reporter is minded to clarify this the additional wording should not be an additional criteria but qualify the demonstration required i.e. 'They will need to demonstrate, with reference to relevant landscape capacity studies,....'

Wild Land Areas

Scottish Government (0451/01/016) - With regards criterion (d) wildness and Wild Land Areas are different. Wildness is a quality, defined by SNH as 'perceived naturalness of the

land cover; ruggedness of terrain; remoteness from public roads, ferries or railway stations; visible lack of buildings, roads, pylons and other modern artefacts (see <https://www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-policy-wild-land>). SNH Wildness in Scotland's Countryside Policy Statement (CD121, para 8) describes wild land as 'extensive areas where wildness (the quality) is best expressed'. Wild Land Areas are described in Assessing Impacts on Wild Land Areas - technical guidance (CD122, para 8) as 'areas where the quality and extent of wildness is considered to be of national importance'. Therefore this leaves wild land and other areas with wildness qualities which are not recognised as being of national importance. The Council agrees with the Scottish Government position that 'SPP (CD004, para 200) is clear that safeguarding is for areas on 2014 SNH map of wild land areas' but disagrees that para 200 does not allow for safeguarding beyond those areas and notes the Scottish Government has not objected to the safeguarding of areas of tranquillity. The Council considers that areas that exhibit wildness are worthy of safeguarding even if not of national importance and is consistent with the promotion of sustainable development. This includes areas identified as of highest sensitivity (criterion L1) in a Landscape Study for Wind Energy (David Tyldesley Associates, 2010) (CD088, para 4.3, table 4, figure 2) which have not been included in a Wild Land Area. These include highland areas west of Amulree, and north west of Glen Artney, and smaller areas within larger landscape character areas.

No modification is proposed.

SNH (0353/01/011); Scottish Government (0451/01/016) - The Council recognises that the current wording regarding Wild Land Areas is not consistent with SPP (CD004) para 215 and instead applies the tests for national designations in SPP para 212. This was intended to meet the requirement to safeguard wild land as required by paragraph 200, whilst setting out the circumstances in which development may be permitted which is undefined in paragraph 215. The wording suggested by SNH applies the qualification in SPP paragraph 215 whilst also recognising the safeguarding requirement of paragraph 200. It therefore sets out the circumstances in which development may be permitted, with which the Council agrees.

If the Reporter is minded the Council does not object to the wording as suggested: 'Development which would affect a Wild Land Area will only be permitted where the Council as Planning Authority is satisfied that: it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation'.

SNH (0353/01/011) - SPP (CD004) para 200 requires Plans to 'identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas'. The wording of this paragraph requires only the character of areas of wild land to be identified, particularly given that it is noted that the areas are already mapped by SNH. The character of these areas has now been identified by SNH through Wild Land Areas descriptions published in 2017 (<https://www.nature.scot/wild-land-area-descriptions>). It is not considered necessary to duplicate the mapping or description of Wild Land Areas in LDP2 as the policy already refers to the SNH mapping.

No modification is proposed. However, if the Reporter considers the Wild Land Area paragraph is not clear, the Council would not object an addition, to the amendment discussed above, of a reference to the 2014 SNH map, so as to read: 'Development which would affect a Wild Land Area, *as identified on the 2014 SNH map of*

Wild Land Areas, will only be permitted where the Council as Planning Authority is satisfied that: it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation'

Renewable Energy

Scottish Power Renewables (0625/01/006) - Policy 37 does not rule out all landscape change but clearly addresses the need to protect the integrity of landscapes. This applies to all development and there does not need to be a specific recognition of renewable energy here. Policy 31 recognises that landscape is just one of many factors to be considered including the contribution to national renewable energy targets. There is nothing in this policy that imposes an automatic prohibition on development in statutorily designated sites.

No modification is proposed.

Policy 38: Forestry, Woodland and Trees

General

Woodland Trust Scotland (0462/01/023) - The benefits of native woodland creation are acknowledged by the Council. SPP (para 217) (CD004) states that 'where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development.' In line with this approach the Council currently seeks the planting of native trees as part of planting and landscaping proposals for new developments. However, there are cases where non-native trees, such as fruit trees, may be appropriate as part of a mix of trees and which would benefit biodiversity and community interests, taking due cognisance of the requirements of the Wildlife and Natural Environment (Scotland) Act 2011 (CD039) and the Great Britain Invasive Non-Native Species Strategy (2015) (CD097) in relation to non-native species. The Council's Forest and Woodland Strategy (CD101) aims to include and increase native planting and this objective will inform proposals for any new planting scheme associated with new developments, however, the Council does not consider it necessary to have a requirement for all new trees to be planted to be of native species and therefore does not support this modification.

No modification is proposed to the Plan.

Cllr Michael Barnacle (0584/1/020) - The adequacy of tree reports is considered through the planning application process and it is not considered reasonable for the Council to have an additional responsibility to commission and procure reports on behalf of applicants.

No modification is proposed to the Plan.

Policy 38A

SNH (0353/01/01/012) - The assessment of proposals for tree planting as part of new development schemes would primarily be considered under Policies 1 (Placemaking) and 38 (Forestry, Woodland and Trees) of the Plan. Opportunities for the planting of new street trees would be considered as part of any relevant proposal and whilst neither policy specifically includes this policy test, it is not considered this would prevent proposals from

coming forward. Current Supplementary Guidance to Policy NE2 (Forestry, Woodland and Trees) (CD101) already includes provision for opportunities to plant new street trees (p.36) and this requirement would likely be carried forward in to SG for the next LDP. The Council therefore consider that this requirement is best addressed in more detail through the Supplementary Guidance.

No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification the Council is comfortable with the suggestion made by SNH to include reference to 'plant new street trees where appropriate' as this would not have any implications for any other part of the Plan.

Alistair Godfrey (0410/01/011); Bruce Burns (0663/01/005) - Whilst it is considered that no specific definition for woodlands is required to be included within the Policy for purposes of succinctness, it is noted that there is terminology included for woodlands and forests within Forestry Commission Scotland's 'Right Tree in the Right Place' Guidance (p.5) (CD094). In terms of demonstrating support for the range of documents listed, the Forest and Woodland Strategy SG could provide a section on the background and context to managing woodland and forests including how the guidance would adhere to the key requirements of these documents.

No modification is proposed to the Plan. However if the Reporter considered it would make the policy clearer the Council would be comfortable with adding a definition for woodlands within Supplementary Guidance to Policy 38 taking due cognisance of the terminology included in FCS Guidance.

Policy 38B

SNH (0353/01/012) - The proposed terminology 'suitably qualified arboricultural consultant' in Policy 38B of the Proposed Plan has been used to specify the type of consultant expected to undertake the tree surveying exercise. It is acknowledged that certain types of tree surveys required may necessitate a different type of consultant e.g. ecological survey, and therefore the more broader 'suitably qualified professional' terminology suggested by SNH is likely to be more suitable.

If the Reporter considered it would make the requirements of the policy clearer by accepting the suggested modification, the Council would be comfortable with this as it would have no implications for any other aspect of the Plan.

The Council is comfortable with the suggestion made by SNH to delete paragraphs 3 and 4 of Policy 38B to avoid any inconsistencies with the requirements of the Scottish Government's Policy on Control of Woodland Removal (CD007). This is accepted as the national policy reference on this issue and is already included as a policy test under Policy 38B.

If the Reporter is in agreement with the suggested modification, the Council would be comfortable with this as it would have no implications for any other aspect of the Plan.

Woodland Trust Scotland (0642/01/024) - It has been accepted under the response to SNH (0353/01/012) above that paragraphs 3 and 4 of Policy 38B should be deleted and that focus on controls of woodland removal should be directed to paragraph 2 only. This paragraph specifically refers to the Scottish Government's Policy on Woodland Removal (CD007) which is the national policy on this issue and is considered to provide suitable

policy coverage.

Therefore there is no modification proposed to the Plan in relation to Woodland Trust Scotland's representation on this. However, should the Reporter seek to retain paragraph 4 of Policy 38B, the Council would be comfortable to incorporate the list detailed in the Scottish Government's Policy on Woodland Removal (p.7) (CD007) specifically stating: 'There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodland integral to the value of designated or special sites (Special Areas of Conservation {SACs}; Special Protection Areas {SPAs}; Sites of Special Scientific Interest {SSSIs}; Ramsar sites; National Nature Reserves {NNRs}; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; Scheduled Monuments; National Scenic Areas; and woodlands listed within the Inventory of Gardens and Designed Landscapes); woodlands critical to water catchment management or erosion control; or woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.'

Alistair Godfrey (0410/01/011) - It is considered that the Policy as currently drafted adequately considers the requirements of tree surveys. In particular, the scope and nature of surveys are required to be agreed in advance with the Council, where on a case by case basis the relevant issues, including survey timescales, will be considered by the Council in conjunction with applicants. In addition, the requirements of undertaking tree surveys as part of a wider EIA will be given due consideration as part of the screening/scoping process where issues will be identified early on for applicants to address. It is considered no additional policy requirements are required in this regard. No modification is proposed to the Plan.

Alistair Godfrey (0410/01/011) - The term 'new native woodland' is not recognised within the Plan or indeed within SPP (CD004) or the Scottish Government's Policy on Control of Woodland Removal (CD007). There is reference to examples of 'new native woodland' within a case study identified in the Right Tree in the Right Place Guidance (p. 42) (CD094) as well as in the Scottish Forestry Strategy (2006: p.48) (CD115), however this is not a term specifically identified within the Plan. Therefore it is considered there are no consequential modifications required to the Plan.

No modification is proposed to the Plan.

Alistair Godfrey (0410/01/011) - As a requirement of the Scottish Forestry Strategy (2006) (CD115) it is accepted that Policy 38 should require action to 'maintain and enhance ancient woodland features in Plantations on Ancient Woodland Sites (PAWS)'.

If the Reporter is minded to accept the modification, the Council would be comfortable with an additional bullet point in the Policy 38 Note using the following text: 'maintain and enhance ancient woodland features in Plantations on Ancient Woodland Sites (PAWS) in line with the Scottish Forestry Strategy (2006).'

Cllr Michael Barnacle (0584/01/015) - Notwithstanding planning decisions being taken on a case by case basis, it is considered that the existing policy framework covering tree protection contained within the Plan is adequate and takes due cognisance of existing national legislation, policy and guidance. Existing policies such as Policy 1 (Placemaking), Policy 38 (Forestry, Woodland & Trees), Policy 39 (Biodiversity) and Policy 40 (Green Infrastructure) all provide policy coverage to protect trees and associated benefits within

the wider environment. It is not considered necessary to specifically include text within the Policy on TPOs as this will form part of the decision-making process when tree removal is proposal. Each site and its environs will be considered at the planning application stage taking in to account both the CWRP (CD007) and any relevant TPO for the site.

No modification is proposed to the Plan.

Policy Map E – High Nature Conservation Woodland

SNH (0353/01/012) - Policy Map E (High Nature Conservation Woodland) has been included in the Plan to aid interpretation of woodland of high nature conservation value (the Native Woodland Survey of Scotland native and nearly native woodland and planted ancient woodland). The Policy Map does not include some of the other woodlands listed in the Control of Woodland Removal Policy (CWRP) (CD007) in relation to woodland removal as these are more likely to be identified at the planning application stage through detailed assessment of the site and development proposal.

No modification is proposed to the Plan. However, it is accepted that it may be useful to include additional text explaining the context of the CWRP and the contents of the Map in relation to this. If the Reporter is minded to accept the modification the Council would be comfortable removing the last line of Policy 38B and instead inserting additional text within Policy Map E using the following text: 'To aid interpretation of this Policy the mapping below shows woodland of high nature conservation value (the Native Woodland Survey of Scotland native and nearly native woodland and planted ancient woodland). Please note that the map does not contain all of the types of woodland listed in the Control of Woodland Removal Policy where there will be a strong presumption against removal.'

Site Allocations

Woodland Trust Scotland (0462/01/018) - SPP (para 217) (CD004) states that 'where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development.' In line with this approach the Council currently seeks the planting of native trees as part of planting and landscaping proposals for new developments. However, there are cases where non-native trees, such as fruit trees, may be appropriate as part of a mix of trees and benefit biodiversity and community interests, taking due cognisance of the requirements of the Wildlife and Natural Environment (Scotland) Act 2011 (CD039) and the Great Britain Invasive Non-Native Species Strategy (2015) (CD097) in relation to non-native species. The Council's Forest and Woodland Strategy (CD101) aims to include and increase native planting and this objective will inform proposals for any new planting scheme associated with new developments, however, the Council does not consider it necessary to have a requirement for all new trees to be planted to be of native species and therefore does not support this change.

No modification is proposed to the Plan.

Woodland Trust Scotland (0462/01/019) - It is considered that if site allocation boundary maps were to include all constraints, which includes a wide range of issues, on a single map the clarity of the issues would be lost and not assist in the decision making process. Whilst it is accepted that it would be ideal to be able to map all constraints on a single map, this is simply not practical from a visual perspective. The application of policies and

identification of specific constraints are reflected in the developer requirements, where it is considered further assessment/survey work is required.

No modification is proposed to the Plan.

Supplementary Guidance

Alistair Godfrey (0410/01/011); Bruce Burns (0663/01/005) - It is not considered necessary for the Reporter to consider the content of the SG as this is a matter for the Council to prepare relevant SG when the new Plan is adopted and will be issued to Scottish Ministers for consideration separately. For the sake of clarity, the Forestry & Woodland Strategy Supplementary Guidance will be reviewed as part of LDP2 and will take due cognisance of relevant national legislation, policy and guidance. In addition local circumstances, where applicable, will be taken in to account to inform the preparation and implementation of the Supplementary Guidance and consultation will be held to ensure communities and relevant organisations have the opportunity to shape the content of the Guidance.

No modification is proposed to the Plan.

Woodland Trust Scotland (0462/01/018) - In line with the Council's response to Woodland Trust Scotland (0462/01/018) in relation to site allocations, the Council does not consider it necessary to have a requirement for all new trees to be planted to be of native species and therefore does not support this change.

No modification is proposed to the Plan.

Orchards

Braes of the Carse Conservation Group (0161/01/010) - As noted in the response to Braes of the Carse Conservation Group (0161/01/012) as part of the Issue 20 Schedule 4, should the Reporter be minded to accept the modification, the council would be comfortable - for the sake of clarity - with the addition of the following text '*including orchards*' after 'trees/woodlands' in Policy 38A criterion (b). This would have no implications for other aspects of the Plan other than for Policy 38A.

Braes of the Carse Conservation Group (0161/01/010) - Policy 38B incorporates the provisions of SPP (CD004) and the CWPR (CD007) to define those woodlands which are required to be protected. Whilst it has been accepted that Policy 38A could be modified to include orchards as a specific type of woodland to be considered through the policy, in terms of woodland protection this has been directed by current national policy and guidance therefore it is not proposed to include orchards within this as a specified woodland type.

No modification is proposed to the Plan.

Braes of the Carse Conservation Group (0161/01/010) - It is considered that the requirements for the preservation and restocking of trees in the Council area are suitably covered under the criteria of Policy 38A, with further coverage of these issues contained in the Supplementary Guidance, which will be reviewed in due course. It is not considered necessary to provide more emphasis on these issues as part of the Policy.

No modification is proposed to the Plan.

Policy 39 BiodiversityOrchards

Braes of Carse Conservation Group (0161/01/011) - The biodiversity policy addresses impacts of developments on biodiversity generally rather than specific habitat types. Identifying every potential feature would lead to a policy too detailed to be useful as features that require protection depend upon a more detailed site assessment. The policy states that the Council will take account of the Tayside Local Biodiversity Action Plan (LBAP)(<http://www.taysidebiodiversity.co.uk/action-plan/action-plan-new-lbap-2015/>). Traditional orchards are recognised for their biodiversity value and historic orchards are identified in the Woodland chapter of the LBAP (CD123, page 92) as a priority habitat.

No modification is proposed.

EIA Developments

SNH (0353/01/013) - It is noted that not all EIA developments are large. However removing the word “large” would encompass most developments regardless of the applicability of Schedule 1 and 2 of the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (CD028) (EIA Regulations). The Council would not object to the Reporter amending this sentence. The Council’s preferred wording is:

In accordance with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 development proposals that could have a significant impact on the environment may require an Environmental Impact Assessment.

EEC Directive References

Alistair Godfrey (0410/01/012) - The obligations in the Habitats Directive (CD092) are obligations on member states which have been implemented in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD026). The reference to Annexes I and II in the Directive and in particular Article 3, are for the purposes of establishing Special Areas of Conservation, and as such are covered by Policy 36.

Articles 12 and 13 of the Directive are again obligations on member states with regards to European Protected Species as defined by Annex IV. The test set out in policy reflects the test set in Regulation 44 in The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD026)

No modification is proposed.

Developer Requirements

Kristin Barrett (0423/01/005) - The requested identification of important features to be protected in developer requirements is too detailed for the local development plan. The existing structures and natural features to be left intact or enhanced depends on detailed site specific surveys and assessments carried out at application stage. This ensures that a more up to date and site specific record can be obtained. Detailing requirements at local plan stage runs the risk of records being out of date, and the level of detail requested

promotes the risk of the list being taken as comprehensive, which, may result in the impacts on important features not being addressed.

No modification is proposed.

Scott Paterson (0528/01/003) - Similarly specific site requirements will depend on initial assessment and surveys at a site level to ensure surveys and mitigation are assessed with the appropriate detail, are relevant to the actual proposal and closer to the time of application. In particular:

- Development management and developers will be guided by Planning for Nature guidance which will contain a survey and mitigation calendar.
- Site records form part of assessments where surveys are requested. Records are the property of the recorder but with the data provider's permission will be uploaded to NBNatlas (<https://nbnatlas.org>).
- Adherence to mitigation is a general concern of all development and is unnecessary to include a specific reference here.
- Opportunities for biodiversity and areas to benefit biodiversity is addressed in the first sentence of the policy with further guidance provided in guidance produced by the Tayside Biodiversity Partnership (www.taysidebiodiversity.co.uk).

No modification is proposed.

RSPB (0546/01/022) - The importance of providing for swifts in new development is recognised in draft guidance Planning for Nature and continues to be required of developments in Perth & Kinross. As set out in Policy 39 the Council recognises its duty to further the conservation of all biodiversity. However site specific requirements for biodiversity enhancement are assessed at planning application stage to ensure requirements are they are relevant to the proposal and the environment in which they are proposed.

No modification is proposed.

Brian Rickwood (0035/01/002) - Requirements for biodiversity enhancement of housing (and other) proposals reflects the recognition of the duty in the first sentence of Policy 39. Urban developments on brownfield or agricultural land provide opportunities for biodiversity enhancement by increasing the quality and variety of biodiversity if not the total area of land and habitat available. Adherence to the mitigation hierarchy will form part of the requirements of Planning for Nature guidance referred to in Policy 39 which aims to ensure impacts on biodiversity is avoided, mitigated or compensated for; this is supported by policy 39 and policy 38 supporting avoidance and retention of valuable habitats where present on site allowing for enhancement to take place after any required mitigation.

No modification is proposed.

Policy Wording

RSPB (0546/01/010) - The Council disagrees that there is an obligation to demonstrate that all ecological impacts can be satisfactorily mitigated. The policy states that the Council will seek to protect and enhance all wildlife and wildlife habitats. The policy sets out the approach of the Council to achieve that goal including not supporting proposals which detrimentally affect the ability to meet local, national and international obligations; and sets out the requirements that may be imposed upon developers according to the

needs of the site to meet that goal. The final sentence of paragraph 3 should be read in the context of the first paragraph.

No modification is proposed.

Similarly there is no obligation to enhance biodiversity on every development site. The introductory sentence of this Policy reflects the requirements of SPP paragraph 194 ‘the planning system should...seek benefits for biodiversity from new development where possible’. Likewise Nature Conservation (Scotland) Act 2004 s 1 (CD032) reads as relevant ‘It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity...’. Again there is no obligation to require enhancement in every development.

No modification is proposed.

Scottish Power Renewables (0625/01/007) - The difference between “clear evidence can be provided” and “clear evidence is submitted” is not material when read in context.

No modification is proposed.

It is unclear how replacing “can enhance the existing biodiversity..” with “would enhance the existing biodiversity...” provides any more certainty. Again in context, the intention is clear and it is unnecessary to amend.

No modification is proposed.

The phrase ‘detrimental impact’ in this policy is already qualified by the rest of the phrase i.e. ‘detrimental impact on the ability to achieve the guidelines and actions identified in [local, national and international] documents. This may include allowing some detrimental impacts on site specific biodiversity for overriding public interest factors but not to override the public interest of meeting the Council’s duties under section 1 of the Nature Conservation (Scotland) Act 2004 CD032. Similarly as discussed above from a different viewpoint the requirement in (b) that developers *may* be required to demonstrate all adverse effects on species and habitats have been avoided is in the context of the hierarchy, namely paragraph (c) regarding mitigation measures where not all adverse effects are avoidable. Adding the word “unacceptable” would not be compatible with the policy position stated in the first paragraph.

Supplementary Guidance

RSPB (0546/01/010) - Planning for Nature is draft document which will be been consulted on in 2018. It summarises the requirements of existing legislation, policy and good practice guidance rather than further detail on existing policy. The document therefore falls into the category of guidance that “includes information and evidence which merely supports the plan” in line with the Chief Planner’s letter of 2015 (CD005) as an example of guidance that should not be statutory guidance. Much of the document with regards protected sites, habitats and species has the protection of legislation and regulation and does not require the status of statutory supplementary guidance.

The status of the guidance “Planning for Nature” does not materially affect the Proposed Plan itself. An opportunity for comment will be available when that document is publically consulted on.

No modification is proposed.

Policy 40: Green Infrastructure

SNH (0353/01/006) - The Strategic Green Network as shown on Policy Map 4 is derived from the Green Infrastructure Supplementary Guidance (CD102). It represents potential green infrastructure linkages at a landscape level to deliver green infrastructure multiple benefits and connect strategic opportunity areas. The guidance identified 'hotspots' with the highest degree of opportunity to deliver a range of benefits through the enhancement of green infrastructure. The guidance shows these hotspots in relation to urban growth areas where the most opportunity exists to deliver green infrastructure through development. Details on the methodology are explained in the Technical Appendix of the Green Infrastructure Supplementary Guidance (CD103).

As a comment on Proposed LDP1, SNH noted that no overall spatial direction has been given to the Green Infrastructure Policy and suggested developing a green network at a plan wide level. In line with this, the supplementary guidance was produced with the intention to identify strategic linkages rather than showing settlement level information. This approach as well as the methodology is considered to be robust and in line with national level guidance. Where there are opportunities for the delivery of green infrastructure through new development, site drawings and developer requirements highlight these in the Plan.

The upcoming review of the Supplementary Guidance will provide opportunity to review the methodology and further improve the guidance, potentially with greater emphasis on settlement level information. However it is not considered appropriate to pre-empt any potential changes in the Policy text.

No modification is proposed to the Plan.

Stuart Nichol (0041/01/001) - The 'Snow Road' is a scenic route leading into Cairngorms National Park however it does not meet the criteria for a 'strategic green network' as identified by the Supplementary Guidance. There are no strategic development opportunities along this route and there are a limited number of 'hotspots' identified by the data analysis.

No modification is proposed to the Plan.

Scottish Government (0451/01/008) - Policy 14 and associated Supplementary Guidance is considered to be more suitable for promoting community growing spaces as they deal with different types of open spaces in new developments and the protection of existing facilities. The issue raised in the representation is discussed in Issue 8 on Policy 14.

No modification is proposed to the Plan.

Woodland Trust Scotland (0462/01/026) - The Policy applies to all proposals irrespective of their scale. Single houses or extension also provide opportunity to contribute to green infrastructure (e.g. through garden grounds, green roofs or SUDS) and they also have the potential to lead to the fragmentation of existing networks which the Policy seeks to protect. Requirements to provide new green infrastructure / open spaces will be proportionate to the scale of the development.

In terms the requested modification to point (ii), the Council does not consider it necessary

to have a requirement for all new trees to be planted to be of native species and therefore does not support this change. The issue is discussed in detail under the 'Site Allocations' section of Issue 16.

No modification is proposed to the Plan.

SEPA (0742/01/009) - The policy states that development should create new multifunctional green infrastructure. This is particularly beneficial where there is a possibility to mitigate negative environmental impacts or create further linkages to wider green and blue networks. It depends on the context of the site and the nature of the proposal whether only one or both are relevant and achievable. The suggested change in wording would limit the interpretation of the policy.

No modification is proposed to the Plan.

Reporter's conclusions:

Section 3.3 A Natural Resilient Place

1. Whilst the proposed plan does not identify local nature conservation sites, Policy 39: Biodiversity seeks to protect and enhance all wildlife and wildlife habitats, whether formally designated or not. I note that the council has limited resources and despite this are working with the Tayside Biodiversity Partnership and Scottish Natural Heritage on a mechanism for site assessment and adoption of local sites. In addition, that it is hoped that the council will be in a position to include local biodiversity sites within the next local development plan. Paragraph 197 of Scottish Planning Policy is clear that planning authorities are encouraged to limit non-statutory local designations where specific factors are met, it is therefore important that the work to designate local sites follows a robust process. As a result, I am satisfied that there is no requirement to modify the proposed plan.

Spatial Strategy for "A Natural, Resilient Place" paragraph on page 61 and Strategy Map "A Natural Resilient Place" and legend on page 62

2. Paragraph 196 of Scottish Planning Policy requires development plans to identify and afford the appropriate level of protection to international, national and local designated areas and sites. Modifications are therefore required to the text on page 61 of the proposed plan and to Strategy Map 4 A Natural, Resilient Place. I consider that the wording proposed by the council is appropriate, it responds to the issues raised within the representation and reflects the requirements of Scottish Planning Policy. I note that within the council's proposed wording, the first and third sentence is the same as that already within the proposed plan, therefore I have only recommended a modification to the second sentence. Strategy Map 4 requires modification to include international, national and local natural heritage designations. With regard to the scale of Strategy Map 4, the council has explained that the purpose of the map, is to provide an overview of the key natural assets within the area. I find this approach to be appropriate.

3. Strategy Map 4 identifies flood risk areas, however the council has explained that this is provided as an overview of the watercourses. As a result of the detailed local flood risk information that is available online, I do not consider it is necessary for the proposed plan to include a separate map illustrating flood risk areas. No modification.

Policy 36 Environment and Conservation

General

4. I acknowledge the concern expressed within a representation regarding the impartiality of surveys and reports commissioned by applicants. However, if there were any concern over the accuracy of supporting documents, this would be identified as part of the consideration of a planning application. I am satisfied that this is an appropriate and proportionate approach. No modifications are therefore required.

Policy 36A International Nature Conservation Sites

5. Paragraph 208 of Scottish Planning Policy identifies three criteria which are to be met to allow authorities to approve plans or projects which could adversely affect the integrity of a Natura site. Policy 36A International Nature Conservation Sites reflects two of the three criteria; however, no reference is made to the provision of compensatory measures. In addition to Scottish Planning Policy, section 53 of The Conservation (Natural Habitats, &C.) Regulations 1994, refers to compensatory measures to ensure that the overall coherence of Natural 2000 is protected. As a result of these requirements, a modification is needed. Wording for an additional criteria to be included within Policy 36A has been suggested within the representation. I consider that this wording, subject to a minor change, reflects both Scottish Planning Policy and the regulations.

6. I note the concerns expressed within a representation regarding the need for applications to be supported by sufficient information to allow the council to fully assess proposals and the potential impact on international nature conservation sites. The council has a duty to fully assess the impact of development on Natura 2000 sites before a decision can be made. This requires the provision of sufficient information to make a decision. Policy 36A therefore requires the submission of an appropriate assessment. I therefore do not consider it is necessary for the proposed plan to include explicit reference within the policy for the need for sufficient information. This matter will be addressed through the consideration of a planning application. No modifications are therefore necessary.

Policy 36C Local Designations

7. The area of the Lomond Hills Regional Park which is suggested for extension into the proposed plan lies within the Loch Leven and Lomond Hills Special Landscape Area. As a result, Policy 36C Local Designations establishes that development would only be permitted in this area where it will not have a significant adverse impact on its special character or qualities or where the impact is clearly outweighed by social and economic benefits of more than local significance. The special character or qualities could include the recreational interests of the area. I find that no modifications are required.

Local Landscape Areas

8. Issue 14 A Low Carbon Place deals with matters regarding wind farm development. A number of modifications are included within my recommendations on this issue which will ensure that it is clear within the proposed plan that group 3 areas may have potential for wind farm development. This will be subject to detailed consideration against identified policy criteria. As the proposed plan must be read as a whole, it is not necessary for Policy 36C to specifically refer to low carbon technologies, no modifications are therefore

required.

9. As Policy 36C refers only to local landscape designations, I consider that in the interests of clarity, it would be appropriate to modify the proposed plan to move the text of this policy to form part of Policy 37 Landscapes.

10. It is not open to me to identify when the council should update the adopted supplementary guidance on landscape, nor to comment on its scope. I note that the council has identified that the supplementary guidance will be reviewed and updated to reflect the requirements of Scottish Planning Policy and other relevant policy guidance. No modifications are therefore required.

11. The council has explained that the consideration of the identification of the Cleish Hills and Devon Gorge as a special landscape area or local landscape area will be considered through the supplementary guidance preparation process. As the preparation of supplementary guidance is beyond the scope of this examination I am therefore unable to comment on this matter. I note however that the council has confirmed that the supplementary guidance will be reviewed, therefore there will be the opportunity for those making the representation to input further. No modifications.

Local Designations

12. Paragraph 196 of Scottish Planning Policy states that international, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. The council has highlighted that there are a small number of geodiversity sites and that further proposed candidate sites are awaiting assessment. I note that there are no local biodiversity sites yet designated, however the council has confirmed that some limited work is on-going.

13. Whilst I acknowledge that the number of geodiversity sites is limited, in order to reflect the requirements of Scottish Planning Policy there is a need for these to be identified and afforded the appropriate level of protection in the proposed plan. Although Policy 39 Biodiversity, seeks to protect and enhance all wildlife and wildlife habitats, whether formally designated or not, there is no policy protection for sites designated for their geodiversity. Therefore a modification is required. The council has submitted that the identification of local sites would be best dealt with through supplementary guidance and I consider this approach is appropriate. The wording of the modification reflects that suggested within the representation and the council's comments.

Policy 37 Landscape

Orchards

14. Orchards can be important features of the landscape of an area. Policy 37 Landscape requires development and land use change to be compatible with the distinctive characteristics and features of the landscapes of Perth and Kinross. The policy makes specific reference to the Tayside Landscape Character Assessment. As the character assessment recognises the importance of the orchards within the Carse of Gowrie, the impact of any development on the orchards will be a consideration in the assessment of relevant planning applications. Given the many different important aspects of the landscape across the area covered by the proposed plan I do not feel it would be appropriate to list them all within a policy. I consider the approach taken in the proposed

plan, to refer to the landscape character assessment, to be proportionate and appropriate. No modifications are therefore required.

Hill Tracks

15. Policy 37 provides a number of criteria against which proposals, including the creation of new hill tracks, will be assessed. I note concerns submitted within a representation which states that hill tracks will rarely be compatible with landscapes. However, I consider the criteria proposed within the policy, when applied to an application for a hill track to be appropriate. I note that Scottish Natural Heritage have not requested that reference be included within the policy to their guidance on hill tracks and given the scope of the policy criteria, I do not consider it is necessary. No modifications.

Landscape Design (37(e))

16. I note a representation seeks more clarification to be included within Policy 37 on what is meant by suitable landscape enhancement and mitigation. Whilst the creation of wildflower meadows, wildflower verges and nest boxes may be appropriate examples, I do not consider it is necessary to provide this level of detail within the policy. The type of enhancement and mitigation required is likely to vary depending on the nature of development proposals, the character of the area and the potential impacts. No modification.

Landscape Assessments

17. I do not consider it is necessary to include an additional criterion to Policy 37 regarding landscape capacity studies. In order to demonstrate compliance with the criteria set out within the policy some form of assessment of the landscape would need to take place, however this is not specifically referred to within the policy. The type and scale of the study would vary depending on the nature of the development. In order to ensure clarity and consistency of implementation I consider a modification is therefore required to refer to landscape capacity studies.

Wild Land Areas

18. Paragraph 200 of Scottish Planning Policy explains that wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas and requires plans to identify and safeguard the character of areas of wild land as identified on the 2014 Scottish National Heritage Map of wild land areas. Paragraph 4.4 of the National Planning Framework explains that wild land is a nationally important asset. The council has referred to a number of documents which explain that wildness is a landscape quality.

19. Policy 37 of the proposed plan clearly refers to the nationally significant areas of wild land, which is appropriate. As a result of the guidance referred to by the council, I consider that wildness and wild land are different. I note that the council's Landscape Study for Wind Energy (2010) identified areas which were not included as part of the wild land area, however it is clear that wildness is an important quality of the areas in question. As a result, I find it is appropriate for the proposed plan to highlight wildness as a landscape quality for consideration in the determination of a planning application; no modifications are therefore required.

20. Paragraph 215 of Scottish Planning Policy states that development may be appropriate in areas of wild land in some circumstances. It highlights that further consideration will be required to demonstrate that any significant effects on the qualities of the area can be substantially overcome by siting, design or other mitigation. The reference within Policy 37 reflects paragraph 212 of Scottish Planning Policy. However, paragraph 212 is only relevant to development proposals affecting a national park, national scenic area, site of special scientific interest or national nature reserve, not wild land. A modification is therefore required to ensure the proposed plan accords with the relevant provisions of Scottish Planning Policy. The modification reflects that submitted within the representation, which I consider to be appropriate.

21. I do not agree that paragraph 200 of Scottish Planning Policy requires wild land areas to be identified spatially within the proposed plan. Criterion (d) of Policy 37 clearly refers to the 2014 Scottish National Heritage map. However, a slight amendment as part of modification 7 is identified to include reference to this to aid clarity of implementation.

Renewable Energy

22. I do not accept that Policy 37 would not allow any landscape change. It provides a framework against which applications should be assessed. It is not necessary to make specific reference to the low carbon technologies and the impact of wind farms on landscape change, these matters are addressed within Policy 31: Renewable and Low-Carbon Energy. The proposed plan must be read as a whole. No modifications.

Policy 38 Forestry, Woodland and Trees

General

23. Paragraph 217 of Scottish Planning Policy highlights that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. I note that the council does not consider it is appropriate to require all new trees planted to be of native species. The council has provided examples where it is seeking the planting of native trees as part of new development and also made reference to the forest and woodland strategy. Given the requirement of Scottish Planning Policy, I consider a modification is required, however this modification would not require all new trees to be native as this would go beyond the requirements of Scottish Planning Policy, it would require the planting of native trees where appropriate.

24. Whilst I acknowledge the concern expressed within a representation regarding the impartiality of surveys and reports commissioned by applicants, any concern over the accuracy of supporting documents would be addressed as part of the consideration of an application. I am satisfied that this is an appropriate and proportionate approach. No modifications are therefore required.

Policy 38A

25. Tree planting proposals will be considered as part of the assessment of a planning application, this could include many different locations of trees, for example in streets, gardens or areas of open space. I therefore do not consider it is necessary to specifically refer to street trees within Policy 38A Forest and Woodland Strategy, particularly as they are referred to within supplementary guidance. No modifications.

26. I do not consider it is necessary to include a definition of woodland within the proposed plan. The council has confirmed the supplementary guidance on the forest and woodland strategy will explain the links to the documents referred to within the representations and how the guidance accords with their requirements. No modifications are therefore required.

Policy 38B

27. As there may be instances where survey work may need to be undertaken by another professional, such as an ecologist, I consider that the term 'suitably qualified professional' would be more appropriate in the context of Policy 38B: Trees, Woodland and Development. A modification is therefore required to ensure clarity. The modification reflects the wording suggested within the representation.

28. Scottish Government Policy on Control of Woodland Removal provides the direction for decisions on woodland removal in Scotland and sets out the criteria for determining the acceptability of woodland removal. Policy 38B sets out that the council will follow the principles of the policy therefore I find it is appropriate for the first and second sentences of paragraph three and the first sentence of paragraph four of Policy 38B to be removed. I note that Policy 38B does not use the full title of Scottish Government Policy, a further modification is therefore required to ensure clarity.

29. Policy 38B requires the scope and nature of tree surveys to be agreed with the council in advance of their preparation, therefore I do not consider it is necessary to refer to environmental impact assessment. As the modified policy would require surveys to be undertaken by a suitably qualified professional, such a professional would be fully aware of the appropriate time of year that surveys could take place.

30. Recommendation 10 removes the reference to compensatory planting and native woodland. The modification will ensure that the assessment relies upon Scottish Government Policy on Control of Woodland Removal. No further modifications are therefore required.

31. Recommendation 10 will ensure that the assessment relies upon Scottish Government Policy on Control of Woodland Removal. Whilst I note that government policy does not specifically refer to long-established woodland of plantation origin (LEPO), it does states that there will be a strong presumption against removing ancient semi-natural woodland and woodlands listed as plantations on ancient woodland sites. I consider this approach would ensure any concerns regarding the loss of long-established woodland of plantation origin would be fully assessed. No further modifications.

32. I note the concerns set out within a representation regarding tree loss and the ability of tree preservation orders to protect trees and a suggestion that they should be referred to within the policy. A number of policies within the proposed plan provide a framework to protect trees, including: Policy 1 Placemaking, Policy 38 Forestry, Woodland and Trees, Policy 39 Biodiversity and Policy 40 Green Infrastructure. I consider the proposed plan provides an appropriate framework to ensure trees and groups of trees are appropriately considered through the assessment of planning applications. It is not open to me to consider the effectiveness of tree preservation orders, however they do provide statutory protection of trees. No modifications.

Policy Map E High Nature Conservation Woodland

33. I note that Policy Map E High Nature Conservation Woodland does not reflect the types of woodland listed in Scottish Government Policy on Control of Woodland Removal and that it has been prepared to illustrate woodland of high nature conservation value. Despite the title of Policy Map E, I find this could result in confusion. As a result, a modification is required to clearly explain the relationship between the contents of the map and Scottish Government Policy on Control of Woodland Removal. I accept that the text suggested by the council explains this relationship and should form the basis for the modification, however I consider it is most appropriate for this explanatory text to be added to the note section rather than the Policy Map E wording as suggested by the council.

Site Allocations

34. Paragraph 217 of Scottish Planning Policy highlights that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. I note that the council does not consider it is appropriate to require all new trees planted to be of native species. The council has provided examples where it is seeking the planting of native trees as part of new development and also made reference to the forest and woodland strategy. Recommendation 8 will address the issue identified and reflect the requirements of Scottish Planning Policy.

35. Given the size and scale at which the site allocation boundary maps are prepared and the current level of detail contained on the maps it may be difficult to clearly illustrate proximity of sites to ancient woodland. Only two of the sites highlight the need to protect ancient woodland and this is clearly set out within the site specific developer requirements (MU5 Western Blairgowrie and MU70 Perth West). I find that this approach will ensure this matter is fully considered through both the design of development proposals and assessment of any subsequent planning applications. Accordingly, where during the course of this examination it has been identified that other site allocations have the potential to impact on ancient woodland, modifications have been recommended to ensure this matter is identified in the relevant site specific developer requirements rather than the site allocation boundary maps in the relevant issue. No further modifications.

Supplementary Guidance

36. A number of representations refer to the Forest and Woodland Strategy Supplementary Guidance. It is not within my remit to consider the scope or content of supplementary guidance. I note however that the guidance will be reviewed and the council has confirmed that this will take account of relevant national legislation, policy and guidance and there will be an opportunity to comment on the content of the guidance. No modifications.

Orchards

37. Orchards are identified within the Tayside Landscape Character Assessment as an important part of the character of the landscape unit of the Carse of Gowrie and I accept that they are a specific type of woodland. In the interest of clarity, a modification to Policy 38A is required to include reference to orchards. Recommendation 10 results in the deletion of the first and second sentences of paragraph three and the first sentence of

paragraph four of Policy 38B to ensure compliance with the Scottish Government Control of Woodland Removal Policy. I consider it is appropriate for supplementary guidance to provide detailed information regarding the preservation and restocking of trees and that sufficient information is contained within Policy 38A. No further modifications are therefore required.

Policy 39 Biodiversity

Orchards

38. Policy 39 Biodiversity does not list specific habitat types, it identifies that the council will seek to protect and enhance all wildlife and wildlife habitats taking account a number of matters including the Tayside Biodiversity Action Plan. The biodiversity action plan recognises traditional orchards for their biodiversity value and historic orchards are identified as a priority habitat. I therefore find no modifications are required as the biodiversity value of orchards will be considered as part of the planning application process without it needing to be specifically referred to within the policy.

EIA Developments

39. Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 categorise development proposals that may require an environmental impact assessment. These proposals do not have to be large scale to trigger the requirement. A modification is therefore required to ensure clarity of application. I note the representation suggests that the removal of the word large would address the matter, however I consider this could cause confusion. The modification therefore reflects the wording proposed by the council as this better relates to the regulations.

EEC Directive References

40. The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) translate the requirements of Directive 92/43/EEC into Scottish law. Annex I and II relate to special areas of conservation. Policy 36 Environment and Conservation would be used to assess the impact of a development proposal on a special protection area, reflecting the requirement of the regulations. Articles 12 and 13 relate to the protection of European species. Policy 39 has a specific sub section on European protected species, which also reflects the requirement of the regulations. No modifications are therefore required.

Developer Requirements

41. Policy 39 requires the submission of detailed ecology surveys alongside a planning application. These surveys should be iterative and inform the final design and layout of development proposals. It would not be appropriate for the proposed plan to include more detailed developer requirements, particularly as the period of the proposed plan extends to 2028. As a result, specific requirements could become out of date over the plan period. I consider the approach set out within the proposed plan is proportionate and will ensure that biodiversity issues are fully considered through the assessment of any subsequent planning applications.

42. Policy 39 sets out that the council will seek to protect and enhance all wildlife and wildlife habitats. The requirements of the policy will ensure that any surveys are

undertaken by a qualified specialist, such a professional will be aware when ecology surveys can be undertaken and the required scope of the surveys. Criterion (c) of Policy 39 requires mitigation measures and implementation strategies where adverse effects are unavoidable and criterion (d) requires developers to enter into a planning obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site biodiversity action plan, together with long-term monitoring. No modifications are therefore required.

43. I note that swifts are on the amber list of Birds of Conservation Concern and on the Scottish biodiversity list. Policy 39 identifies that the council will apply the principles of the Planning for Nature: Development Management and Wildlife Guidance (2017) when making decisions on planning applications. As the guidance highlights the importance of designing for swifts as part of new development, I do not consider it is necessary for Policy 39 or the relevant settlement statements to refer to swifts. Detailed surveys undertaken as part of the preparation of a planning application should identify the need for specific site requirements. No modifications.

44. The representation which expresses concerns regarding the role new housebuilding plays in enhancing biodiversity does not suggest any specific change to the proposed plan. Paragraph 194 of Scottish Planning Policy identifies that the benefits for biodiversity from new development could include the restoration of degraded habitats and also the avoidance of further fragmentation or isolation of habitats. Policy 39 seeks to protect and enhance all wildlife and wildlife habitats whether formally designated or not. I consider that no modifications are required.

Policy Wording

45. I disagree that there is a requirement for the proposed plan to demonstrate that all ecological impacts can be satisfactorily mitigated or that there is a obligation to enhance biodiversity on every development site. The Nature Conservation (Scotland) Act 2004 sets out that it is a duty of every public body to further the conservation of biodiversity. Paragraph 194 of Scottish Planning Policy identifies that the planning system should seek benefits for biodiversity from new development where possible. This approach is reflected in Policy 39 which identifies that the council will seek to protect and enhance all wildlife and wildlife habitats and sets out the matters developers may be required to address if proposals have a detrimental impact. I consider that the requirement to provide clear evidence has the same meaning as a requirement for clear evidence to be submitted, as does 'can enhance' and 'would enhance'. No modifications are therefore required.

46. Paragraph 202 of Scottish Planning Policy refers to developers seeking to minimise adverse impacts on the natural environment through careful planning and design and paragraph 203 sets out that planning permission should be refused where the nature or scale of the proposed development would have an unacceptable impact on the natural environment. I do not consider it necessary to insert 'unacceptable' before references to 'detrimental' and 'adverse effect' within Policy 39 as these references refer to the ability of a proposal to meet guidelines and deliver actions within specified documents and also whether adverse effects have been avoided. No modifications.

Supplementary Guidance

47. I note the comments regarding the planning for nature document, however it is not

open to me to consider whether documents should be included as supplementary guidance. The council has explained that the document includes information and evidence which supports the plan. No modifications.

Policy 40 Green Infrastructure

48. Paragraph 220 of Scottish Planning Policy highlights that the planning system should protect, enhance and promote green infrastructure. Paragraph 225 requires local development plans to seek to enhance existing and promote the creation of new green infrastructure. It also explains the role of supplementary guidance. There is no specific requirement for local development plans to map the green infrastructure network. The council has explained that the supplementary guidance is under review and that this will consider the methodology and further improve the existing guidance. I consider this approach is appropriate and proportionate. As it is not my role to comment on the scope or content of supplementary guidance, no modifications are required.

49. The council has explained that the A93 from Perth to Glenshee does not meet the criteria for a strategic green network as identified by supplementary guidance. There is no information before me to dispute this assertion, therefore I find that no modifications are required.

50. The matter of community growing spaces is considered in Issue 8: Community Facilities, Sports and Recreation. I recommend a modification to include reference to community growing areas in Policy 14A Existing Areas. I consider this to be the most appropriate policy for the inclusion of the reference as Policy 14A relates to community facilities and open space provision. No further modifications are required.

51. The council has clarified that Policy 40 applies to all new development and I consider this is clearly set out within the policy. With regard to the request to refer to native tree and woodland planting within Policy 40, I consider that Policy 38 Forestry, Woodland and Trees is the most appropriate policy to address this matter. Modification 8, includes additional text to be added to Policy 38 which would require the planting of native trees and woodland to be supported but only where it is appropriate. This accords with the provision of paragraph 217 of Scottish Planning Policy. No further modifications are therefore required.

52. Depending on the nature of a specific site it may be necessary to create green infrastructure both to mitigate negative environmental impacts and/ or to create wider linkages. A modification is therefore required to ensure clarity of implementation.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Delete the current second sentence of the text following "Spatial Strategy for A Natural, Resilient Place" on page 61 and replace with:

"The map on the following page demonstrates the international, national and local natural heritage designations in Perth and Kinross."

2. Amend Strategy Map 4 A Natural, Resilient Place to include international, national and local natural heritage designations and update the key accordingly.

3. Amend Policy 36A International Nature Conservation Sites by adding “and” to the end of criterion (c) and adding a new criterion (d) to read:

“compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.”

4. Move the text from Policy 36C Local Designations, including the note, to form a new final paragraph to Policy 37 Landscape.

5. Add the following text as new wording for Policy 36C Local Designations:

“Development which would affect an area designated by the Council as being of local consideration or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that:

- (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or
- (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

Note: The identification of local sites will be included within Supplementary Guidance.”

6. Amend the final sentence of the first paragraph of Policy 37 Landscape by inserting “, with reference to an appropriate landscape capacity study” in between “They will need to demonstrate” and “that either”.

7. Delete the final paragraph of Policy 37 Landscapes and replace with the following text:

“Development which would affect a wild land area, as defined on the 2014 SNH map of Wild Land Areas, will only be permitted where the Council as Planning Authority is satisfied that: it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.”

8. Add the following text to the end of criterion (f) of Policy 38A Forest and Woodland Strategy:

“The planting of native trees and woodland will be sought where it is appropriate.”

9. Within Policy 38B Trees, Woodland and Development, replace “arboricultural consultant with “suitably qualified professional”.

10. Amend the first sentence of the second paragraph Policy 38B Trees, Woodland and Development by adding the word “control” in between “on” and “Woodland” and delete the first and second sentences of paragraph three and the first sentence of paragraph four.

11. Add the following text as an additional note to Policy 38 Trees, Woodland and Development:

“To aid interpretation of Policy 38B, Policy Map E shows woodland of high nature conservation value (the Native Woodland Survey of Scotland native and nearly native woodland and planted ancient woodland). Please note that the map does not contain all of the types of woodland listed in the Scottish Government Control of Woodland Removal

Policy.”

12. Amend criterion (b) of Policy 38A Forest and Woodland Strategy by adding “including orchards” after “trees/ woodlands”.

13. Delete the final sentence from criterion (a) of Policy 39 Biodiversity and replace with:

“In accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, development proposals that could have a significant impact on the environment may require an Environmental Impact Assessment.”

14. Amend criterion (a) of Policy 40 Green Infrastructure by adding “and/” before “or”.

Issue 17	Policy 41 Green Belt	
Development plan reference:	Policy 41, pp70-71	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<div> <div> Janet and Stephen Carratt (0027) Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) David Dykes (0086) Ian Stephens (0090) David Gordon (0130) The Bield at Blackruthven (0148) Mr & Mrs Fleming (0150) Frances Hobbs (0152) Neil Myles (0153) John Brian Milarvie (0171) E G Lamont (0207) J Lamont (0208) Linda Simpson (0222) Peter & Vanessa Shand (0226) Morag Craig (0233) J D McKerracher (0245) Rachel Moir (0264) Scone Community Council (0265) Stewart Milne Homes (0290/03) John W Rogers (0304) Ramblers Scotland (0322) Alastair Bews (0366) Brenda Elizabeth Bews (0367) Mr & Mrs Short (0382) Mr & Mrs Stewart Reith (0389) Alastair Godfrey (0410) Moira Andrew & William Hadden (0432) Elgin Energy (0459) C M Evans (0474) Jeffrey Rowlingson (0485) David F Lewington (0486) Freda Robb (0520) The John Dewar Lamberkin Trust (0532/02) Gloag Investments (0590) Lisa Cardno (0599) Scone Estate (0614) Louise Moir (0615) Euan Bremner (0616) Fiona Black (0617) Laura Simpson (0631) Mr and Mrs M Lewin (0657) </div> <div> Bruce Burns (0663) James Thow (0668) Jennifer Thow (0669) Martin R W Rhodes (0675) M Moir (0677) Helen Moir (0678) William J M Craig (0682) S Goodacre (0688) H Goodacre (0689) Luncarty, Redgorton and Moneydie Community Council (0703) Hazel MacKinnon (0705) John Armstrong (0710) Catherine Armstrong (0711) Gerald Connolly (0712) Eric Ogilvy (0713) Stewart McCowan (0714) Angela McCowan (0715) Gladys Ogilvy (0716) Graham Ogilvie (0717) Tracy Ogilvie (0718) Shona Cowie (0719) Paul Cowie (0720) S Coyle (0721) Fiona Coyle (0722) Douglas Marshall (0723) Susan Patterson (0724) Alexander Haggart (0725) Lucy Haggart (0726) Richard Hamilton (0727) Michelle Hamilton (0728) Ray Bell (0729) David Roy (0730) Greer Crighton (0731) Brian Hood (0732) Gaynor Hood (0733) Philip Crighton (0734) K A Bisset (0735) M Cross (0736) Gillian Halawi (0737) Lynn & Matt Brand (0738) </div> </div>		

Provision of the development plan to which the issue relates:	Policy 41 Green Belt, and Green Belt boundary issues
Planning authority's summary of the representation(s):	
<p><u>Scope of development allowed in the Green Belt</u></p> <p>Stewart Milne Homes (0290/03/014); The John Dewar Lamberkin Trust (0532/02/001 & 0532/02/003); Scone Estate (0614/01/010) - Object to the scope of development which is allowed within the Green Belt.</p> <p>Stewart Milne Homes (0290/03/014) - The policy should have the flexibility to allow development if there is a shortfall in the housing land supply, in order to release land to meet housing need, without the requirement for a Development Plan Review.</p> <p>The John Dewar Lamberkin Trust (0532/02/001 & 0532/02/003); Scone Estate (0614/01/010) - More of the categories from the Housing in the Countryside Supplementary Guidance (CD167) should be allowed within the green belt for some or all of the following reasons:</p> <ul style="list-style-type: none"> • Category 1 – If a site meets the building group criteria under policy 19 then it would not adversely impact on the function of the Green Belt; rather it would facilitate the wider principles of policy 41. • Category 2 – Infill development is already strictly controlled and so additional restrictions in terms of the Green Belt are unnecessary. Allowing infill in the Green Belt would facilitate the wider principles of policy 41. • Category 3 – New houses in the open countryside already have restrictions which protect the integrity of sites. The wider criteria under 'For all proposals' and the 'siting' criteria should be sufficient to protect the setting of Perth. • Category 3.1 – Walled garden development will be self-contained and have no impact on the wider landscape. • Category 3.2 – Illogical not to allow households to move away from areas of flood risk just because they are in the Green Belt. • Category 3.3 – Contrary to the need for sustainable development to prevent housing associated with businesses in the Perth hinterland. • Category 3.5 – Unfortunate to lose the opportunity for eco-friendly houses from the Green Belt. • Category 6 – Removal of the opportunity to improve the local environment though allowance for small scale housing on rural brownfield land is detrimental to the setting of Perth. <p>Category 6 rural brownfield land is the most important to assist in protecting and enhancing the attractiveness of the Green Belt. The respondent has a number of unattractive brownfield areas which are uneconomic to remediate without the ability to promote a higher value land use.</p> <p><u>Criterion (f) – Essential Infrastructure</u></p> <p>TACTRAN (0057/01/016) - Support Policy 41, particularly criterion (f) as this will provide for all modes of transport, including Park & Ride/Choose and other sustainable and active transport infrastructure requirements.</p>	

Alistair Godfrey (0410/01/013) - Policy (f) is contradictory: 'infrastructure such as roads and other transport infrastructure' will not meet 'overall objectives'; they can only 'detract from the character and landscape setting of the Green Belt', contrary to Scottish Planning Policy (SPP) on infrastructure type (CD004, page 15-16, paragraph 52).

Elgin Energy (0459/01/001); Scone Estate (0614/01/019) - The existing criterion (f) does not adequately encompass ground mounted solar developments or provide sufficient clarity regarding the scope and extent of the required site search area out with the Green Belt.

The respondents consider that as currently worded the same qualifying criteria will be used to assess renewable energy proposals as to consider transport and telecommunications developments. Further, the same criteria will be used for all forms of renewable energy indiscriminately. The Policy should offer clarity on appropriate locational criteria for a range of renewable energy particularly large scale ground mounted solar PV. Ground mounted solar PV is low-lying and so can typically be easily integrated into the landscape. Unlike wind turbines, new roads, telecoms masts and other telecoms equipment, the visual impact of many solar PV sites are therefore not contentious when sensitively located and / or appropriately screened. Solar sites are also easily removed at the end of their life and are therefore only a temporary use. For renewable energy opportunities in the Green Belt such as these an appropriate planning policy assessment criterion would be to require that they demonstrate how they can enhance the character and quality of the Green Belt, rather than insisting that they show there are no alternative sites elsewhere.

SPP defines the purpose of Green Belts (CD004, page 15, paragraph 49). Where a form of development is unlikely to have any adverse impact on any of the key characteristics of the Green Belt, imposing restrictions on the siting of such developments simply to ensure consistency with other development types which have greater impacts is unlikely to achieve good planning decisions. Solar PV has the potential to enhance biodiversity, improve soil quality and allow the continuation of farming activities on urban fringe areas. A different set of criteria should therefore be used that reflects the technology's capacity for positive rural renewal.

Renewable Energy developments are required to meet both Government targets and the Council's own commitments to promote a "Low carbon place". The respondents therefore consider it unreasonable to ask the promoters of renewable energy proposals, such as large scale Solar PV, to demonstrate that their developments are both 'essential' and cannot be located on an alternative site.

The respondents are concerned that the requirement for alternative sites to be identified could lead to a potential developer having to undertake an almost infinite search for sites beyond the boundary of the Green Belt. There are no compulsory purchase powers for a private solar energy developer to secure sites. Developers therefore typically engage a single landowner with larger land-holdings, examine the different potential sites within the land-holding, and identify the optimal site. A practical connection distance to a sub-station with the necessary capacity is a key determinant of a viable site.

The respondents consider that it is unreasonable to assume that sites outside the Green Belt have always been considered as part of this sieving exercise as those landowners with best access to grid connections may not own land outside the Green Belt. Applicants could readily demonstrate why the final sites are chosen in comparison to other sites

within the landowners' landholding. If the 'search area' in criterion (f) meant consideration of all land in a particular part of the Council area this would be unworkable in a practical and commercial sense as there may be areas where land ownership boundaries would make agreement to lease a site impossible, or where the landowner may not be willing to engage with developers.

The Council responded to a query regarding criterion (f) as follows: 'The first point to note is that under criterion (f) of the Green Belt policy the infrastructure must be essential. In the case of renewable energy developments we would therefore usually expect the proposal to be directly connected to a specific development. Alternatively, where a renewable energy scheme is part of a larger package of development and is required to cross-subsidise other proposals within the same land ownership, we would only expect the search area to extend to that landholding and not to the whole of Perth and Kinross. However, we may require evidence that all appropriate sites within the landholding have been considered and reasons provided as to why the Green Belt location is essential'.

This suggests that renewable energy developments can only go ahead in the Green Belt if it is related to a specific development or is almost an "enabling" development cross-subsidising another activity. It does not specify whether the associated development has to be "existing" or if it can be "proposed". This is unduly restrictive particularly in relation to solar schemes which can have obvious benefits.

The Main Issues Report shows the Council's intention that the justification for energy proposals could 'include information on network efficiency, and a cost-benefit analysis taking into account the distance from energy source to customer base' (CD046, page 23, paragraph 3.5.9). The respondents consider that this makes it clear that the Council is primarily considering wind turbines under the renewable energy category rather than other forms of energy generation. Solar farms have a particular role to play in Green Belts and their level of impact is significantly less than that of wind turbines. This is reflected in the very low level of objections typically received for sensitively located Solar PV sites. The exclusion of solar farms from Green Belt locations could be an unintended effect of both the existing Adopted LDP policy and the revised policy.

The John Dewar Lamberkin Trust (0532/02/005): Land within the greenbelt may be required to accommodate uses such as solar farms as a fuel source. Operational requirements are likely to deem this essential but policy provision should be made for renewable energy developments ancillary to delivery of strategic allocations.

Other comments on the Policy

Euan Bremner (0616/01/006) - The Green Belt policy restriction contravenes the principles "sustainable development" and will lead to under-use of services and loss of local tax revenues by preventing building on land south of Scone.

Green Belt Policy Map

David Dykes (0086/01/001&004); Ian Stephens (0090/01/001); David Gordon (0130/01/006); Mr & Mrs Fleming (0150/01/003); Frances Hobbs (0152/01/004); Neil Myles (0153/01/004); John Brian Milarvie (0171/01/004); E G Lamont (0207/01/003); J Lamont (0208/01/003); Linda Simpson (0222/01/004); Peter & Vanessa Shand (0226/01/004); Morag Craig (0233/01/004); J D McKerracher (0245/01/004); Rachel Moir (0264/01/004); Scone Community Council (0265/01/004); John W Rogers (0304/01/005);

Alastair Bews (0366/01/004); Brenda Elizabeth Bews (0367/01/004); Mr & Mrs Short (0382/01/ 002); Mr & Mrs Stewart Reith (0389/01/001); Moira Andrew & William Hadden (0432/01/009); C M Evans (0474/01/001); Jeffrey Rowlingson (0485/01/002); David F Lewington (0486/01/001); Lisa Cardno (0599/01/004); Louise Moir (0615/01/004); Fiona Black (0617/01/004); Laura Simpson (0631/01/004); James Thow (0668/01/004); Jennifer Thow (0669/01/004); Martin R W Rhodes (0675/01/002); M Moir, (0677/01/003); Helen Moir (0678/01/003); William J M Craig (0682/01/004); Hazel MacKinnon (0705/01/001); John Armstrong (0710/01/003); Catherine Armstrong (0711/01/003); Gerald Connolly (0712/01/001); Eric Ogilvy (0713/01/001); Stewart McCowan (0714/01/001); Angela McCowan (0715/01/001); Gladys Ogilvy (0716/01/001); Graham Ogilvie (0717/01/001); Tracy Ogilvie (0718/01/001); Shona Cowie (0719/01/001); Paul Cowie (0720/01/001); S Coyle (0721/01/003); Fiona Coyle (0722/01/003); Douglas Marshall (0723/01/003); Susan Patterson (0724/01/003); Alexander Haggart (0725/01/003); Lucy Haggart (0726/01/003); Richard Hamilton (0727/01/003); Michelle Hamilton (0728/01/003); Ray Bell (0729/01/003); David Roy (0730/01/001); Greer Crighton (0731/01/001); Brian Hood (0732/01/001); Gaynor Hood (0733/01/001); Philip Crighton (0734/01/001) - Object to the change of the Green Belt boundary at Scone North H29 site.

David Dykes (0086/01/002, 003 & 005); Ian Stephens (0090/01/002); Mr & Mrs Fleming (0150/01/002 & 005); Frances Hobbs (0152/01/002, 003 & 005); Neil Myles (0153/01/002, 003 & 005); John Brian Milarvie (0171/01/002, 003 & 005); E G Lamont (0207/01/002); J Lamont (0208/01/002); Linda Simpson (0222/01/002+003); Peter & Vanessa Shand (0226/01/002, 003 & 005); Morag Craig (0233/01/002 & 003); J D McKerracher (0245/01/002, 003 & 005); Rachel Moir (0264/01/002 & 003); Scone Community Council (0265/01/002, 003 & 005); John W Rogers (0304/01/003, 004 & 006); Alastair Bews (0366/01/002 & 003); Brenda Elizabeth Bews (0367/002 & 003); Mr & Mrs Short (0382/01/001); Mr & Mrs Stewart Reith (0389/01/007); Moira Andrew & William Hadden (0432/01/008); Jeffrey Rowlingson (0485/01/009); David F Lewington (0486/01/009); Lisa Cardno (0599/01/002, 003 & 005); Louise Moir (0615/01/002 & 003); Fiona Black (0617/01/002 & 003); Laura Simpson (0631/01/002 & 003); James Thow (0668/01/002, 003 & 005); Jennifer Thow (0669/01/002, 003 & 005); Martin R W Rhodes (0675/01/001 & 003); M Moir (0677/01/002); Helen Moir (0678/01/002); William J M Craig (0682/01/002 & 003); S Goodacre (0688/02/001); H Goodacre (0689/02/001); Hazel MacKinnon (0705/01/002, 003 & 004); John Armstrong (0710/01/002); Catherine Armstrong (0711/01/002); Gerald Connolly (0712/01/002, 003 & 004); Eric Ogilvy (0713/01/002, 003 & 004); Stewart McCowan (0714/01/002, 003 & 004); Angela McCowan (0715/01/002, 003 & 004); Gladys Ogilvy (0716/01/002, 003 & 004); Graham Ogilvie (0717/01/002, 003 & 004); Tracy Ogilvie (0718/01/002, 003 & 004); Shona Cowie (0719/01/002, 003 & 004); Paul Cowie (0720/01/002, 003 & 004); S Coyle (0721/01/002); Fiona Coyle (0722/01/002); Douglas Marshall (0723/01/002); Susan Patterson (0724/01/002); Alexander Haggart (0725/01/002); Lucy Haggart (0726/01/002); Richard Hamilton (0727/01/002); Michelle Hamilton (0728/01/002); Ray Bell (0729/01/002); David Roy (0730/01/002, 003 & 004); Greer Crighton (0731/01/002, 003 & 004); Brian Hood (0732/01/002, 003 & 004); Gaynor Hood (0733/01/002, 003 & 004); Philip Crighton (0734/01/002, 003 & 004); K A Bisset (0735/01/001); M Cross (0736/01/001); Gillian Halawi (0737/01/001); Lynn & Matt Brand (0738/01/001) - Support the Green Belt boundary to the north of Scone, to the southwest of Scone, and to the east of the A94.

Ramblers Scotland (0322/01/003); Alastair Godfrey (0410/01/020); Luncarty, Redgorton and Moneydie Community Council (0703/01/005) - Object to the Green Belt boundary to the north of Perth and consider that it should meet the Luncarty South MU27 boundary.

<p>Euan Bremner (0616/01/003) - Considers the area south of Scone to be appropriate for housing as it is on a bus corridor, walkable to the centre of Perth and has local facilities. The location, westerly aspect and landscape would make it a good location for housing. The respondent suggests flats with large areas of open space around them.</p> <p>Elgin Energy (0459/01/002); Scone Estate (0614/01/020): Object to the northern Green Belt boundary extending beyond the CTLR line and wish to see the boundary proposed in the MIR as the adopted boundary. They consider the Muirward wood area to be vulnerable as it is commercial woodland and therefore not likely to be a permanent boundary. In contrast, they consider the CTLR to be a much more robust boundary.</p> <p>Janet & Stephen Carratt (0027/01/002); Freda Robb (0520/01/001&002); The Bield at Blackruthven (0148/01/001) - Object to moving the green belt boundary at MU70 Perth West.</p> <p>Gloag Investments (0590/01/001) - Object to the green belt boundary at Tarsappie, Perth (Site ref: H320).</p> <p>Mr and Mrs M Lewin (657/02/001&002) - Object to the green belt boundary in the Sparrow Road area of Perth (Site ref: H356).</p> <p>Ramblers Scotland (0322/01/002); Alistair Godfrey (0410/01/019); Bruce Burns (0663/01/002&006); Luncarty, Redgorton and Moneydie Community Council (0703/01/004) - Object to the change of green belt at MU168 at the area north of Berth Park.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>Scope of development allowed in the Green Belt</u></p> <p>Stewart Milne Homes (0290/03/014) - The Policy should be amended to include an option g) there is a shortfall in the housing land supply, in order to release land to meet housing need.</p> <p>Scone Estate (0614/01/010) - The Policy should be amended to allow categories 2,3,3.1,3.2,3.3,3.5 and 6 from the Housing in the Countryside Supplementary Guidance within the green belt.</p> <p>The John Dewar Lamberkin Trust (0532/02/001 & 0532/02/003) - The Policy should be amended to allow categories 1 and 2 from the Housing in the Countryside Supplementary Guidance within the green belt.</p> <p><u>Criterion (f) – Essential Infrastructure</u></p> <p>Alistair Godfrey (0410/01/013) - No specific change sought but it is assumed the respondent wishes criterion (f) to be reworded.</p> <p>Elgin Energy (0459/01/001); Scone Estate (0614/01/019) - Criterion (f) should be amended as follows: (f) It constitutes essential infrastructure such as roads, other transport infrastructure, other communications masts and telecoms equipment. The primary consideration will be whether the infrastructure could instead be located on an alternative site which is out with the Green Belt and a statement may be required identifying the search area and the site options assessed, and the reasons as to why a</p>

Green Belt location is essential.

Elgin Energy (0459/01/001); Scone Estate (0614/01/019) - A new criterion should be added to the policy: (g) It constitutes non-permanent renewable energy development such as ground mounted solar PV schemes, where it can be designed in such a way that biodiversity will be enhanced, and the landscape impact is minimal or can be mitigated. A statement may be required setting out the reasons why a Green Belt location is optimal for the project. Any such proposal will also need to demonstrate that it accords with the overriding objectives of the Green Belt.

The John Dewar Lamberkin Trust (0532/02/005) - Criterion (f) should be expanded to provide for renewable energy developments to include heat and power networks which support allocated strategic developments.

Other comments on the Policy

Euan Bremner (0616/01/006) - No specific change sought.

Green Belt Policy Map

David Dykes (0086/01/001&004); Ian Stephens (0090/01/001); David Gordon (0130/01/006); Mr & Mrs Fleming (0150/01/003); Frances Hobbs (0152/01/004); Neil Myles (0153/01/004); John Brian Milarvie (0171/01/004); E G Lamont (0207/01/002); J Lamont (0208/01/002); Linda Simpson (0222/01/004); Peter & Vanessa Shand (0226/01/002, 003 & 005); Morag Craig (0233/01/004); J D McKerracher (0245/01/004); Rachel Moir (0264/01/004); Scone Community Council (0265/01/004); John W Rogers (0304/01/005); Alastair Bews (0366/01/004); Brenda Elizabeth Bews (0367/01/004); Mr & Mrs Short (0382/01/001 & 002); Mr & Mrs Stewart Reith (0389/01/001); Moira Andrew & William Hadden (0432/01/009); C M Evans (0474/01/001); Jeffrey Rowlingson (0485/01/002); David F Lewington (0486/01/001); Lisa Cardno (0599/01/004); Louise Moir (0615/01/004); Fiona Black (0617/01/004); Laura Simpson (0631/01/004); Martin R W Rhodes (0675/01/002); M Moir, (0677/01/003); Helen Moir (0678/01/003); James Thow (0668/01/004); Jennifer Thow (0669/01/004); William J M Craig (0682/01/004); Hazel MacKinnon (0705/01/001); John Armstrong (0710/01/003); Catherine Armstrong (0711/01/003); Gerald Connolly (0712/01/001); Eric Ogilvy (0713/01/001); Stewart McCowan (0714/01/001); Angela McCowan (0715/01/001); Gladys Ogilvy (0716/01/001); Graham Ogilvie (0717/01/001); Tracy Ogilvie (0718/01/001); Shona Cowie (0719/01/001); Paul Cowie (0720/01/001); S Coyle (0721/01/003); Fiona Coyle (0722/01/003); Douglas Marshall (0723/01/003); Susan Patterson (0724/01/003); Alexander Haggart (0725/01/003); Lucy Haggart (0726/01/003); Richard Hamilton (0727/01/003); Michelle Hamilton (0728/01/003); Ray Bell (0729/01/003); David Roy (0730/01/001); Greer Crighton (0731/01/001); Brian Hood (0732/01/001); Gaynor Hood (0733/01/001); Philip Crighton (0734/01/001) - Wish to see the green belt boundary changed back to the boundary in the adopted LDP at Harper Way in Scone North.

Ramblers Scotland (0322/01/003); Alastair Godfrey (0410/01/020); Luncarty, Redgorton and Moneydie Community Council (0703/01/005) - Would all like to see the green belt boundary changed to meet the MU27 Luncarty South boundary.

Euan Bremner (0616/01/003) - Would like land south of Scone to be removed from the green belt boundary.

<p>Elgin Energy (0459/01/002); Scone Estate (0614/01/020) - Wish to see the green belt boundary proposed in the MIR as the adopted boundary instead of extending beyond the CTLR line.</p> <p>Freda Robb (0520/01/001&002); Janet and Stephen Carratt (0027/01/002); The Bield at Blackruthven (0148/01/001) - Wish to see the green belt boundary changed back to the LDP1 boundary at MU70 Perth West.</p> <p>Gloag Investments (0590/01/001) - Would like the green belt boundary to be changed at Tarsappie, Perth (Site ref: H320).</p> <p>Mr and Mrs M Lewin (657/02/001&002) - Wish to change the green belt boundary in the Sparrow Road area of Perth (Site ref: H356).</p> <p>Ramblers Scotland (0322/01/002); Alistair Godfrey (0410/01/019); Bruce Burns (0663/01/002&006); Luncarty, Redgorton and Moneydie Community Council (0703/01/004) - Would like to see a change to the green belt boundary at MU168 at the area north of Berth Park.</p>
<p>Summary of responses (including reasons) by planning authority:</p> <p><u>Scope of development allowed in the Green Belt</u></p> <p>Stewart Milne Homes (0290/03/014); The John Dewar Lamberkin Trust (0532/02/001 & 0532/02/003); Scone Estate (0614/01/010) - SPP (CD004, pages 15-16, paragraph 52) defines the types of development which are appropriate within a Green Belt. These do not include housing. TAYplan Policy 1D requires the LDP to continue the implementation of the Green Belt boundary at Perth to, amongst other things, preserve the setting of Perth, help safeguard the countryside from encroachment, and define the types and scales of development that are appropriate within the Green belt based on SPP (CD022, page 8). In line with TAYplan, LDP Policy 41: Green Belt is therefore a restrictive policy and sets out the specific and limited circumstances under which development within the Green Belt will be permitted in line with the provisions of the SPP.</p> <p>One of the major development pressures within the Green Belt in Perth & Kinross is for housing. In recognition that the Green Belt is an area in which many people work, and in which some people need to live, Policy 41 allows for development which is essential for agriculture, horticulture or forestry operations (category (b)). This could, in some circumstances, constitute a house for someone working in one of these industries and who require to live on-site. In a change from the adopted LDP (Policy NE5, CD14, page 43), Policy 41 now also allows for the renovation or replacement of existing houses and the conversion or replacement of redundant non-domestic buildings for housing (category (e)) as there can be a benefit in allowing the re-development of buildings which are already there. Any proposals under category (e) would also require to meet the 'For all proposals' section of the policy. Extending this further by allowing nearly all of the Housing in the Countryside categories to apply within the Green Belt (Policy 19) would mean that this area could become almost indistinguishable in housing policy terms from all other rural areas in Perth & Kinross. This would bring into question the value of having a Green Belt at all and as such the LDP could be considered inconsistent with TAYplan (CD022, page 8).</p> <p>The previous Examination Reporter confirmed that it was not appropriate to allow more</p>

opportunities for housing development within the Green Belt concluding that 'Green Belt designation is intended to impose a significant restriction of development. Green Belts do not prevent all types of development and SPP identified certain types and scale of development which may be appropriate in such areas. However, housing development is not identified within that list....Any economic or other benefits that could be expected to be delivered by permitting green belt sites to develop under Policy RD3 [of the adopted LDP] are of insufficient value to justify the undermining effect to the green belt that its application would have' (CD015, pages 85-86, paragraph 8).

Policy 24: Maintaining an Effective Housing Land Supply sets out how any shortfall in housing land supply will be addressed. Loosening Policy 41 to allow more opportunities for housing development would be contrary to SPP (CD004, page 15, paragraph 49) and TAYplan Policy 1D (CD022, page 8), and undermine what the Council is trying to achieve by having a Green Belt. It is not therefore considered necessary or appropriate to allow additional flexibility within Policy 41 to permit additional housing development in the Green Belt if there is a shortfall in housing land supply.

No modification is proposed to the Plan.

Criterion (f) – Essential Infrastructure

Alistair Godfrey (0410/01/013) - The purpose of a Green Belt is not to prevent all development. Rather they are a tool to manage development in a way that it does not harm the special qualities of the area which the designation seeks to protect. Criteria (a) to (f) list the developments which will be permitted within the Green Belt where proposals will either enhance the area, or where the benefits of the proposal will outweigh the dis-benefits as it likely to be the case for essential infrastructure. Whilst it is acknowledged that it certain essential infrastructure proposals, such as roads, may not actively protect or enhance the character, landscape setting and integrity of settlements, removing criterion (f) from this requirement under 'For all proposals' could suggest that such developments could proceed without even having to consider the impact on these aspects of the Green Belt.

The requirement for proposals to not 'detract from the character and landscape setting of the Green Belt' relates to proposals for new buildings or extensions rather than to essential infrastructure.

No modification is proposed to the Plan. However if the Reporter considered it would make the Policy clearer the Council would not object to separating out the first sentence beginning 'For all proposals' from the rest of that paragraph.

Elgin Energy (0459/01/001); Scone Estate (0614/01/019) - The issues raised by the respondents are firstly, that the existing criterion (f) does not adequately encompass ground mounted solar developments, and secondly that insufficient clarity is provided regarding the scope and extent of the required search area outwith the Green Belt.

Looking at the first of these points, TAYplan Policy 1 requires LDPs to define the types and scales of development that are appropriate within the Green Belt based on SPP (CD022, page 8). SPP allows for 'essential infrastructure such as digital communications infrastructure and electricity grid connections' (CD004, pages 15-16, paragraph 52). It does not include renewable energy developments within the list of essential infrastructure which may be acceptable in a Green Belt location. Policy 41 therefore already allows more

flexibility than that suggested in SPP.

The first consideration for proposals under criterion (f) is that the infrastructure is essential. Proposals for renewable energy developments in particular would therefore normally be expected to relate directly to a specific development or package of developments, or to serve an existing community or facility. It is considered likely that this is the only way in which such a proposal in a Green Belt location could be considered essential. It is acknowledged that this is not specifically spelt out in the policy wording.

The respondents seek to separate out renewable energy proposals from other forms of essential infrastructure. It is suggested in the representations that rather than an applicant having to demonstrate why a Green Belt location is essential, as per the current wording of criterion (f), they would simply have to demonstrate why a Green Belt location is 'optimal' for the project.

As noted above, the Green Belt is an area where people do live and work and as such it is neither appropriate nor desirable to prevent all development. Categories (a) to (e) set out which types of development will be allowed, in line with SPP (CD004, pages 15-16, paragraph 52). Category (f) acknowledges that in some cases additional infrastructure will also be required. The intention of Policy 41, however, is to only allow those developments which have to be located in the Green Belt because they directly relate to an existing or proposed resource and so cannot instead be located outwith the Green Belt area. As such Policy 41 requires applicants to demonstrate why a proposal should be permitted within the Green Belt. The criterion (g) suggested by the respondents changes this emphasis to why a proposal should not be allowed.

The potential benefits of solar energy schemes are acknowledged as are the Council's obligations in relation to meeting its own and Government's targets in promoting a low carbon agenda. It is not considered, however, that these issues override the fact that the Green Belt designation exists to restrict development in order to, amongst other things, direct development to the most appropriate locations; and protect the character, landscape setting and identity of settlements (SPP, CD004, page 15, paragraph 49). It is acknowledged that solar energy schemes will often have less adverse impact, and be less controversial, than some other forms of renewable energy such as wind turbines. The fact remains, however, that SPP offers no specific support for any form of renewable energy within the Green Belt (CD004, pages 15-16, paragraph 52).

The Council considers that there is no justification as to why proposals for renewable energy developments should not continue to be treated in the same way as any other essential infrastructure; in all cases applicants must be able to demonstrate that the infrastructure itself is essential, and that a Green Belt location is also essential. The criterion (g) suggested by the respondents has a completely different emphasis and would potentially allow any renewable energy proposals – not just ground mounted solar PV schemes – to find support in the policy regardless of any need for a Green Belt location.

The Green Belt covers a very small part of the Perth & Kinross Council area (10,244 ha which is less than 2% of the total land area). It is acknowledged that there are other strategic constraints in the Council area which would also limit or prevent renewable energy developments, but even taking these into account there are large areas of Perth & Kinross which are not constrained. It is the Council's view that opportunistic developments, not directly relating to an existing resource, should continue to be located in those unconstrained parts of Perth & Kinross which are not covered by the Green Belt

designation.

Turning to the second issue raised in the representations. Policy 41 does not, as the respondents claim, require an applicant to undertake an almost infinite search for sites beyond the boundary of the Green Belt. The policy states that 'a statement may be required identifying the search area and the site options assessed'. The extent of the search area will be a matter for agreement between the applicant and the Council taking a proportionate approach; there is no suggestion that the search area has to be all the land in a particular part of the Council area, or that it cannot be that land which is within a single landowner's landholding.

No modification is proposed to the Plan. However if the Reporter considered it would make the Policy clearer the Council would not object to making the following changes to take account of the issues raised in the representations:

Under criterion (f) amending the last sentence to read: '...a statement may be required identifying the search area and the site options assessed, the details of the existing or proposed activity to which the infrastructure relates, and the reasons as to why a Green Belt location is essential.'

A policy note which states that: 'Where a statement is required under criterion (f), the extent of the search area will be a matter for agreement between the applicant and the Council. Where the search area only includes land under a single ownership then the search area should include all of the land within that ownership. The site options assessed should include evidence that all appropriate sites within that ownership have been considered.'

The John Dewar Lamberkin Trust (0532/02/005) - The respondent acknowledges that, in relation to the strategic allocations, operational requirements may determine that certain infrastructure may have to be located within the Green Belt. Criterion (f) already allows for essential infrastructure within the green belt providing that it can be demonstrated that the infrastructure cannot instead be located outwith the Green Belt.

No modification is proposed to the Plan.

Other comments on the Policy

Euan Bremner (0616/01/006) - SPP allows planning authorities to designate a green belt around a city or town (CD004, page 15, paragraph 49). One of the reasons why an authority may wish to designate a Green Belt is to direct development to the most appropriate locations. In this respect, far from contravening the principles of sustainable development, Policy 41 is considered entirely in line with the concept that achieving economic growth has to be done in such a way that does not harm the environment or squander the natural resources we depend on (LDP definition of Sustainable Development, page 319).

TAYplan Policy 1 requires the LDP to continue the implementation of a green belt boundary at Perth (CD022, page 8). The Green Belt boundary between Perth and Scone was established through the adopted LDP (CD014, pages 43-44). Green Belt boundaries are long term. Some adjustments to the boundary are proposed in the LDP. The removal of the Green Belt in the area between Perth and Scone to allow development to take place would, however, be a very significant shift in terms of what the Green Belt is seeking to

achieve in this area, particularly in preserving the setting, views and special character of Perth, and safeguarding the countryside around the city from encroachment (TAYplan Policy 1D, CD022, page 8).

No modification is proposed to the Plan.

Green Belt Policy Map

David Dykes (0086/01/001&004); Ian Stephens (0090/01/001); David Gordon (0130/01/006); Mr & Mrs Fleming (0150/01/003); Frances Hobbs (0152/01/004); Neil Myles (0153/01/004); John Brian Milarvie (0171/01/004); E G Lamont (0207/01/002); J Lamont (0208/01/002); Linda Simpson (0222/01/004); Peter & Vanessa Shand (0226/01/002, 003 & 005); Morag Craig (0233/01/004); J D McKerracher (0245/01/004); Rachel Moir (0264/01/004); Scone Community Council (0265/01/004); John W Rogers (0304/01/005); Alastair Bews (0366/01/004); Brenda Elizabeth Bews (0367/01/004); Mr & Mrs Short (0382/01/001 & 002); Mr & Mrs Stewart Reith (0389/01/001); Moira Andrew & William Hadden (0432/01/009); C M Evans (0474/01/001); Jeffrey Rowlingson (0485/01/002); David F Lewington (0486/01/001); Lisa Cardno (0599/01/004); Louise Moir (0615/01/004); Fiona Black (0617/01/004); Laura Simpson (0631/01/004); Martin R W Rhodes (0675/01/002); M Moir, (0677/01/003); Helen Moir (0678/01/003); James Thow (0668/01/004); Jennifer Thow (0669/01/004); William J M Craig (0682/01/004); Hazel MacKinnon (0705/01/001); John Armstrong (0710/01/003); Catherine Armstrong (0711/01/003); Gerald Connolly (0712/01/001); Eric Ogilvy (0713/01/001); Stewart McCowan (0714/01/001); Angela McCowan (0715/01/001); Gladys Ogilvy (0716/01/001); Graham Ogilvie (0717/01/001); Tracy Ogilvie (0718/01/001); Shona Cowie (0719/01/001); Paul Cowie (0720/01/001); S Coyle (0721/01/003); Fiona Coyle (0722/01/003); Douglas Marshall (0723/01/003); Susan Patterson (0724/01/003); Alexander Haggart (0725/01/003); Lucy Haggart (0726/01/003); Richard Hamilton (0727/01/003); Michelle Hamilton (0728/01/003); Ray Bell (0729/01/003); David Roy (0730/01/001); Greer Crichton (0731/01/001); Brian Hood (0732/01/001); Gaynor Hood (0733/01/001); Philip Crichton (0734/01/001) - A considerable number of representations have objected to the green belt boundary change at the H29 Scone North site to the west of the site. This change has been made as a direct result of planning approval being granted at committee for the planning application for Scone North H29 site (reference: 16/02127/IPM). The change in the site boundary was approved to allow for better access to the site and provide the residents of Harper Way with greater breathing space from the new development. As a result, the site boundary, settlement boundary and green belt boundary have all required to be adjusted to reflect this committee decision. These changes are therefore reflecting a committee decision that legally cannot be challenged at this point. It would not be logical to have an area of land approved for as part of a large development to remain within the green belt. Further discussion on this change is discussed in Schedule 4: 07A Perth Core Settlements.

No modification is proposed to the Plan.

Ramblers Scotland (0322/01/003); Alastair Godfrey (0410/01/020); Luncarty, Redgorton and Moneydie Community Council (0703/01/005) - The green belt boundary is drawn using robust landscape features such as water courses, roads and tree belts. The Proposed Plan northern boundary for the Green Belt is the same as the boundary in the adopted LDP. The boundary has been drawn close to the Luncarty settlement boundary but excludes an area of land that encompasses a derelict farmstead. Under the current policy, this farmstead would not be permitted to be redeveloped and therefore it was

excluded from the boundary and the tree belt that shelters this site was used as the boundary. However, with the relaxation of the Green Belt policy in the Proposed Plan to allow for the redevelopment of derelict buildings, this would no longer be an issue.

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

Euan Bremner (0616/01/003) - One representation suggests the removal of the green belt to the south of Scone to allow for residential development in this area. This is a significant area, particularly in terms of the visual setting of Scone and in terms of coalescence with Perth. Development in this area was proposed during the MIR consultation but through the site assessment process, the area was considered to have a negative impact on the landscape. The Council are of the view that this area is important to retain within the green belt boundary as it provides a breathing space between Scone and Perth as well as retaining the countryside that establishes Scone's village setting.

No modification is proposed to the Plan.

Elgin Energy (0459/01/002); Scone Estate (0614/01/020) - The boundary proposed in the MIR which followed the CTRL line was not taken forward at full Council, who, following a considerable number of representations, decided to retain the existing boundary in the adopted LDP in this section of the green belt. The Council considered it was important to retain the existing boundary to provide assurance to the public that the green belt is a fixed approach to land management around Perth and that changes to it are only made to reflect long term strategies within the LDP. The Council acknowledges the CTRL, once built, would be a permanent boundary in comparison to commercial woodland. Nonetheless, drawing the boundary back to the CTRL does remove an area that the public perceive to be under threat from piecemeal development.

No modification is proposed to the Plan.

Freda Robb (0520/01/001&002); Janet & Stephen Carratt (0027/01/002); The Bield at Blackruthven (0148/01/001) - The green belt boundary at MU70 Perth West has been modified to reflect the settlement boundary change. Further detail of this decision is detailed in the Schedule 4: 05 Perth Strategic Development Areas.

No modification is proposed to the Plan.

Ramblers Scotland (0322/01/002); Alistair Godfrey (0410/01/019); Bruce Burns (0663/01/002&006); Luncarty, Redgorton and Moneydie Community Council (0703/01/004) - The green belt boundary at MU168 at the area north of Berth Park has been modified to reflect the settlement boundary change. Further detail of this decision is detailed in the Schedule 4: 05 Perth Strategic Development Areas.

No modification is proposed to the Plan.

Gloag Investments (0590/01/001); Mr and Mrs M Lewin (657/02/001&002) - See 28: Perth City New Sites Schedule 4 for responses to these new site proposals.

No modification is proposed to the Plan.

Reporter's conclusions:Scope of development allowed in the Green Belt

1. TAYplan Policy 1D requires that the proposed plan should continue the green belt for Perth to preserve the setting of the city, views and special character and to help safeguard the countryside from encroachment. The proposed plan should also define the types and scale of development that are appropriate within the green belt based upon Scottish Planning Policy.
2. Scottish Planning Policy sets out certain types and scales of development that may be appropriate in the green belt. This is a restrictive policy which limits the types of development which may be considered to be appropriate within the green belt. These categories do not include a specific reference to residential development. Policy 41 of the proposed plan is generally consistent with the criteria listed in Scottish Planning Policy. Criterion (e) of the proposed plan policy indicates that development would be permitted where it complies with criteria (4) or (5) of proposed plan Policy 19 Housing in the Countryside. However, Policy 19 indicates that the application of Policy 19 is limited within the Green Belt to proven economic need, conversions or replacement buildings. To include building groups or infill in criterion (e) of Policy 41, or to amend Policy 19 accordingly would be contrary to the restrictions set by Scottish Planning Policy.
3. Where a proposal has benefits relating to diversification of the rural economy it would have to be assessed against the test of proven economic need in Policy 19. Any development which encourages public access would be judged in accordance with policy 41 criterion (d). To extend more opportunities for housing development in the green belt to include categories from the council's Housing in the Countryside Guide such as on rural brownfield land, in walled gardens or associated with business uses would diminish the differing policy basis for housing in the countryside and the green belt, potentially increasing the possibility of additional residential development within the green belt. That would be contrary to the objective of Scottish Planning Policy of designating a green belt around a city to support the spatial strategy and directing development to the appropriate places. No modification.
4. There is no shortfall in the housing land supply for the Perth Housing Market Area, and I see no compelling reason to include an option in the proposed plan of land release in the green belt should a shortfall arise. Should the council not maintain a five year housing land supply Policy 24 Maintaining an Effective Housing Land Supply would be appropriate as a basis for remediation.

Criterion (f) Essential Infrastructure

5. Policy 41 of the proposed plan, criterion (f) indicates that development of infrastructure in the green belt, such as roads and renewable energy must constitute essential infrastructure. The primary consideration will be whether the infrastructure could instead be located on an alternative site which is outside the green belt. The list of developments which may be appropriate in the green belt in Scottish Planning Policy includes essential infrastructure such as digital communications infrastructure and electricity grid connections as well as development meeting a national requirement or established need, if no other suitable sites are available. It does not specifically include renewable energy projects such as solar farms. The proposed plan does refer to renewable energy as being potentially essential infrastructure with the prime consideration being whether it could

instead be located on an alternative site outwith the green belt.

6. TAYplan Policy 1D Green Belts requires local development plans to define types and scales of development that are appropriate in the green belt based upon Scottish Planning Policy. I note that the green belt forms a relatively low proportion of the total land area at around 2% and therefore cannot constitute a severe restriction on solar developments. In any case, I agree with the council that policy 41 is less restrictive for solar power schemes than Scottish Planning Policy.

7. I consider that Policy 41 of the proposed plan does not rule out renewable energy developments in the green belt, but they must be assessed against other relevant development plan policies and all other material considerations, including Scottish Planning Policy.

8. Turning to the suggested alternative wording for criterion (f) of Policy 41 and a suggested new criterion (g) I consider that the council's proposed amended wording and policy note would help to clarify the intentions of the policy in relation to essential infrastructure and how the area of search would be defined.

9. Proposals for roads and other essential transport infrastructure, that could not be located elsewhere outwith the green belt, would have to be assessed in terms of other relevant policies in the proposed plan, including their effect on the character and quality of the landscape. Where the green belt could not be avoided, the design of road schemes would have to take account of the landscape setting and green belt location. I agree with the council that the two sentences of the last explanatory paragraph of Policy 41 should be separated for reasons of clarity, as only proposals for new buildings or extensions must not detract from the character and landscape setting of the green belt.

Other comments on the policy

10. I consider that the green belt policy restriction would neither contravene the principles of sustainable development nor would it necessarily lead to under-use of services and loss of local tax revenues. Scottish Planning Policy indicates that the green belt can support the spatial strategy of a development plan by directing development to the most appropriate locations and supporting regeneration; protecting the character, landscape setting and identity of a settlement and protecting and providing access to open space. Scottish Planning Policy also sets out certain types and scales of development that may be appropriate in the green belt.

11. Removing the green belt between Perth and Scone would fail to protect or enhance the character, landscape setting and identity of the two settlements, contrary to Scottish Planning Policy. No modification.

Green Belt policy map

Boundary change at Harper Way, Scone

12. This matter is also dealt with at Issue 29 Perth Core Settlements where I have confirmed that the boundary change should be confirmed. The council has explained that the Scone settlement boundary has been amended at Harper Way as a minor alteration to allow for better access into Site H29 Scone North and to reduce the impact on the residents of Harper Way. The change was made in response to comments received from

the public and the revised site boundary received permission in principle in April 2018. The council advises that the change to the green belt boundary at this point is a consequential effect of that permission. I agree that the change to the green belt boundary should be retained in view of the benefit for existing residents. No modification.

Luncarty

13. Site MU27 Luncarty South is also dealt with in Issue 29 Perth Core Settlements. The green belt boundary south of Luncarty is currently drawn alongside the River Tay. It protects the setting of Luncarty, Perth and Scone in this location. The previous reporter in the examination of the current local development plan considered that it was logical for the green belt boundary to follow the river Tay rather than the southern edge of the proposed housing Site MU27 (then identified as H17). The river forms a clearly identifiable and robust green belt boundary.

14. Representations, including from the Luncarty, Redgorton and Moneydie Community Council request that the green belt boundary should be re-drawn further north to coincide with the southern boundary of site MU27 and also to include a boundary change at Denmarkfield so that the green belt would extend to the line of the burn from Redgorton to Denmark Green. The southern boundary of MU27 generally coincides with a line of electricity pylons which cross the agricultural land. However, this would not form a robust boundary to the green belt as required by Scottish Planning Policy. Paragraph 51 of Scottish Planning Policy indicates that consideration must be given to establishing clearly identifiable visual boundary markers based upon landscape features such as rivers, tree belts, railways or main roads and that hedges and field enclosures will rarely provide a sufficiently robust boundary. The change of the green belt boundary as suggested in the representations is a matter which could be reconsidered when site MU27 is developed and when a new robust boundary can be identified. No modification.

South of Scone

15. The green belt south of Scone separates the settlement of Scone from eastern Perth and Kinnoul. I consider that the green belt in this location supports the spatial strategy for the proposed plan by protecting the character, landscape setting and identity of Scone and by directing development to more appropriate locations and supporting regeneration elsewhere including Perth city. It also prevents coalescence of Scone and Perth. No modification.

North of Scone

16. I note that the green belt boundary proposed in the Main Issues Report which followed the Cross Tay Link Road Line was not taken forward. The Council considered it was important to retain the existing boundary to provide assurance to the public that the green belt is a fixed approach to land management around Perth and that changes to it are only made to reflect long term strategies within the LDP. I consider that there should be no change to the green belt boundary in the proposed plan at present, particularly as the Cross Tay Link Road has yet to be completed. No modification.

MU70 Perth West

17. Site MU70 Perth West is also dealt with in Issue 25 Perth Strategic Development Area. Scottish Planning Policy indicates that in developing the spatial strategy planning

authorities should identify the most sustainable locations for longer term development and, where necessary, review the boundaries of the green belt. The green belt boundary has been modified to accommodate site MU70 Perth West and to reflect the new settlement boundary for Perth. The green belt at this locality protects and enhances the character, landscape setting and identity of the western edge of Perth.

18. Representations seek to retain the existing green belt boundary in the adopted local development plan, including near Blackruthen Farm so that parts of the farm are within the area to be developed in the future. The council has explained in response to this request at Issue 25 Perth SDA that the green belt boundary has been changed to be more defensible, in line with Scottish Planning Policy, by following a woodland belt at the edge of site MU70, although there is still a part which follows a field boundary.

19. The council generally resists a modification to the proposed plan but has suggested an alternative western boundary to follow the existing woodland at North Blackruthen, which would exclude an area of land from the green belt to the east of North Blackruthen. This would provide a more defensible boundary. However, I am minded that the extent of the green belt has been reduced in the proposed plan to create the extended MU70 site. Moreover, the proposed green belt boundary which follows a field boundary near Blackruthen Farm in the proposed plan would eventually be made more robust through additional planting as part of allocation MU70. No modification.

Rhynd Road

20. The land at Rhynd Road (H320) is also dealt with at Issue 28 Perth City New Sites. A representation seeks exclusion of land (H320) from the Green Belt between Rhynd Road and the M90 with a view to providing 4-6 dwellings. The site is part of a hillside that slopes down to the M90 and provides views towards Perth and Kinnoul Hill. Any development at the land would be prominent in the landscape and visible from a wide area.

21. The green belt boundary is robust and follows Rhynd Road. I consider that there would be no benefit from providing a different green belt boundary at this location through an incursion of development into the agricultural land. The proposal would conflict with Policy 1D of TAYplan Green Belts and Policy 41 Green Belt of the proposed plan which, amongst other things, seek to preserve the setting of Perth. I consider that the land should remain within the green belt in view of its prominence and the potential visual harm from development. No modification.

West of County Place

22. The site west of County Place (H356) is also dealt with at Issue 28 Perth City New Sites. The representation for H356 seeks around 2 hectares of land to be defined as white land for future residential use rather than green belt in the proposed plan. The land is located at the western edge of Almondbank, with the green belt having a robust boundary, mainly at the rear of existing housing development. At this location the green belt protects and enhances the character, landscape setting and identity of the settlement. The site was not the subject of full public consultation, development would extend the urban area into the open countryside and it would not be appropriate to remove the land from the green belt. No modification.

North of Bertha Park

23. The land north of Bertha Park (MU168) is also dealt with at Issue 25 Perth Strategic Development Area. Scottish Planning Policy indicates that in developing the spatial strategy planning authorities should identify the most sustainable locations for longer term development and, where necessary, review the boundaries of the green belt. The green belt boundary now excludes site MU168, proposed for park and ride and employment uses, and will be reinforced by new tree planting to add to the existing woodland to the north and west. The developer requirements for site MU168 include new native woodland planting toward the open rural landscape to the north, east and west and in views from the A9 and Cross Tay Link Road which would provide containment and further strengthen the new green belt boundary. No modification.

Reporter's recommendations:

I recommend that the following modifications be made:

1. For Policy 41 (f) amend the last sentence to read:

“....a statement may be required identifying the search area and the site options assessed, the details of the existing or proposed activity to which the infrastructure relates, and the reasons as to why a green belt location is essential.”

2. For the explanatory paragraph at the end of the policy start the second sentence separately on a new line.

3. Add a policy note to read:

“Where a statement is required under criterion (f), the extent of search area will be a matter for agreement between the applicant and the Council. Where the search area only includes land under a single ownership then the search area should include all of the land in that ownership. The site options assessed should include evidence that all appropriate sites within that ownership have been considered.”

Issue 18	Water Catchment Areas	
Development plan reference:	Policy 43 Lunan Lochs Catchment Area Policy 44 Loch Leven Catchment Area Policy 45 River Tay Catchment Area Policy Map G; Water Catchment Areas	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (0353) Royal Society for the Protection of Birds (RSPB) (0546) Councillor Michael Barnacle (0584) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Policy 43 Lunan Lochs Catchment Area (page 72) Policy 44 Loch Leven Catchment Area (page 73) Policy 45 River Tay Catchment Area (page 74) Policy Map G; Water Catchment Areas (page 75)	
Planning authority's summary of the representation(s):		
<u>Reference to Supplementary Guidance</u> SNH (0353/1/014) - Supports policy 43 and reference to River Tay SAC Planning Guidance (CD383), recommends including link to guidance. SNH (0353/1/015) - Supports policy 44 and reference to Loch Leven SPA Planning Guidance (CD384) recommends including link to guidance. SNH (0353/1/016) - Supports policy 45 and reference to River Tay SAC Planning Guidance (CD383), recommends including link to guidance. <u>Policy 44 Loch Leven Catchment Area (p 73)</u> <u>Rewording</u> RSPB (0546/1/12) - Supports overall requirements but notes wording is difficult – first sentence of 44C refers to developments likely to breach policies 44A and 44B but policy 44C sets out requirements in relation to mitigation that if met would allow compliance with Policies 44A and 44B. Suggest restructuring so that requirements more concise e.g. combine the 3 sub policies to instead present 3 options for applicants then set out requirements in each case. Policy should also clearly indicate the applications/proposed developments to which it applies i.e. development within LLCA as indicated on policy Map G by adding “within the Loch Leven Catchment Area (as indicated on Policy Map G” in first paragraph. SEPA (0742/1/012) - Supports policy wording as accords with Scottish Planning Policy (SPP) (CD004) para 194-195 and local authority statutory duties. <u>Settlement Summaries</u> RSPB (0546/01/015B) - Requests additional wording for settlement summaries for Crook		

of Devon & Drum, Glenlomond, Kinnesswood, 'This settlement lies within the Loch Leven Catchment Area and so any development should comply with Policy 44: Loch Leven Catchment Area' to ensure consistency in the plan.

Note: RSPB (0546/1/015A) also sought a modification in relation to references to the Loch Leven Catchment in the settlement summaries for Balado, Carnbo, Cleish, Greenacres, and Wester Balgedie. The Council confirms it intends to address this separately through a non-notifiable modification as set out in the non-notifiable modifications list (CD375).

Protocol

Cllr Michael Barnacle (0584/1/016) - Policy fails to mention protocol between SEPA, SNH and PKC which needs to be reviewed due to lack of effectiveness in retrospective applications.

Policy 45 River Tay Catchment Area (page 74)

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 45 should reflect the outcome of the Habitats Regulations Appraisal (CD056, Table 5.22, pages 102-103 and Table 5.23, page 108)

RSPB (0546/01/016) - Consistency is required in the Plan to ensure that the settlement summaries of all settlements which lie within the River Tay Catchment Area include reference to this fact to help ensure that permission is not granted for development which would adversely affect the integrity of the River Tay SAC.

Policy Map G; Water Catchment Areas (page 75)

SNH (0353/1/016) - Supports inclusion of water catchment areas in Policy Map G

RSPB (0546/1/013) - Catchment area maps are unclear and cannot be read. Maps should be replaced by larger and clearer versions (one map per page).

Note: RSPB (0546/1/013) also sought a modification in the plan specifically in relation to the map of the River Tay Catchment. The Council confirms that it intends to address this separately through a non-notifiable modification as set out in Non-notifiable Modifications (CD375).

Modifications sought by those submitting representations:

Reference to Supplementary Guidance

SNH (0353/1/014) - Include link to River Tay Special Area of Conservation Guidance in Policy 43

SNH (0353/1/015) - Include link to Loch Leven SPA Planning Guidance in Policy 44

SNH (0353/1/016) - Include link to River Tay SAC Planning Guidance in Policy 45

Policy 44 Loch Leven Catchment Area (p 73)

Rewording

RSPB (0546/1/12) - Suggest restructuring so that requirements more concise e.g. combine the 3 sub policies to instead present 3 options for applicants then set out requirements in each case. Policy should also clearly indicate the applications / proposed developments to which it applies i.e. development within LLCA as indicated on policy Map G by adding "within the Loch Leven Catchment Area (as indicated on Policy Map G" in first paragraph.

Settlement Summaries

RSPB (0546/01/015) - Requests additional wording for settlement summaries for Crook of Devon & Drum, Glenlomond, Kinnesswood, 'This settlement lies within the Loch Leven Catchment Area and so any development should comply with Policy 44: Loch Leven Catchment Area' to ensure consistency in the plan.

Protocol

Cllr Michael Barnacle (0584/1/016) - Not specific about change sought but notes Policy fails to mention protocol between SEPA, SNH and PKC.

Policy 45 River Tay Catchment Area (p 74)

SNH (0353/04/001) - Reference to Fearnan and Kinloch Rannoch should also be added to the list of settlements included under the first paragraph in Policy 45 of the Proposed Plan.

RSPB (0546/01/016) - Add the following sentence to the settlement summaries for Aberfeldy; Coupar Angus; Cromwell Park and Pitcairngreen; Dunkeld and Birnam; Fearnan; Kenmore; Kinfauns; Kinloch Rannoch; Luncarty; Murthly and Gellyburn; Stanley: "This settlement lies within the River Tay Catchment Area. Policy 45 sets out the relevant criteria for development in this area."

Policy Map G; Water Catchment Areas (p75)

RSPB (0546/1/013) - Replace maps with larger and clearer versions (one map per page).

Summary of responses (including reasons) by planning authority:

Reference to Supplementary Guidance

The Guidance including that for the Lunan Lochs (CD384) is referred to at the bottom of each policy and all guidance is available on the Supplementary Guidance section of the Council website.

No modification is proposed.

Policy 44 Loch Leven Catchment Area (p 73)

Rewording

RSPB (0546/1/12) - It is accepted that the reference to mitigation in policy 44C is unnecessary and confusing as mitigation is already addressed in 44B. However a rewrite of the full policy is not required. The references to mitigation in Policy 44C are more appropriate to be included in Policy 44B and can be moved here. This would leave 44C containing only the phrase "Developments which are likely to breach policies 44A and 44B will not be permitted." In the context of the requirements of 44A and 44B this phrase becomes redundant and policy 44C can therefore be deleted. SNH, SEPA and the RSPB have agreed to this modification.

If the Reporter is minded to agree to the modification the Council would not object to the following modifications:

- i) Adding the words in italics to Policy 44B as follows:

Developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where one of the following criteria can be met:

- (a) where drainage can be diverted outwith the catchment; or
- (b) where the developer is able to implement acceptable mitigation measures consistent with the Council's published Guidance, *that are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.*

Applications for planning consent not connecting to the Kinross or Milnathort waste water treatment works will be required to provide an assessment of phosphorus input for the development. Evidence of phosphorus impact of the development will be required from a suitably qualified person. In cases of great complexity or uncertainty the Precautionary Principle will be adopted.

The requirements of this policy may be secured by means of legal agreements and planning conditions to deliver planning obligations concluded between the applicant and the Council, prior to the issue of planning permission. The delivery of agreed phosphorus mitigation will be required before the occupation of any new dwelling.

Mitigation measures should not include measures which are already committed in a spending programme and likely to be implemented by a statutory body within three years of the determination of the application.

- ii) Deleting Policy 44C

Settlement Summaries

RSPB (0546/01/015B) - While Crook of Devon & Drum, Glenlomond, Kinnesswood are within the Loch Leven Catchment area have waste water treatment centres that either do not discharge into the catchment of Loch Leven or are publically maintained. Development here is required to connect to the public waste water system. Only settlements with potential for significant impacts on the qualifying interests of Loch Leven

SPA have been identified through the HRA as requiring qualification

No modification is proposed.

Protocol

Cllr Michael Barnacle (0584/1/016) - The protocol sits outside the Development Plan and helps inform the shape, implementation and monitoring of the Policy. It is not directly relevant to development proposals and unnecessary to include a reference here.

No modification is proposed.

Policy 45 River Tay Catchment Area (p 74)

SNH (0353/04/001) - It is considered that amending Policy 45 to incorporate the mitigation measures as set out in the Habitats Regulations Appraisal (CD056) of the Proposed Plan, and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply for proposals arising under these policies. It would also set out what will be expected of them in making a planning application.

If the Reporter is so minded the suggested additional text by the respondent should be added to Policy 45 as detailed in the 'Modifications Sought' section.

RSPB (0546/01/016) - A reference to Policy 45 is included within some settlement summaries where this has been identified as a mitigation measure through the HRA (CD056). No such mitigation measure has been identified for the settlements referred to in the representation, with the exception of Fearnan and Kinloch Rannoch, which have been addressed under Issue 37 Highland Area - Settlements without Proposals.

As discussed in Issue 37 (Highland settlements without proposals), the suggested additional text should be added to the settlement summaries of Fearnan and Kinloch Rannoch in order to provide greater clarity and transparency for applicants. There is no modification proposed however to any of the other settlement summaries referred to by the respondent.

Policy Map G: Water Catchment Areas (page 75)

RSPB (0546/1/013) - The maps give an indication of the boundaries of the respective areas, more detailed guidance and maps are provided in the supplementary guidance referred to in the Policy Note of each policy (CD020, CD383, CD384) and available on the Council's website (<http://www.pkc.gov.uk/article/15055/Supplementary-guidance-Loch-Leven-SPA-the-Dunkeld-Blairgowrie-Lochs-SAC-and-the-River-Tay-SAC>).

No modification is proposed.

Reporter's conclusions:

Reference to Supplementary Guidance

1. Policies 43 Lunan Lochs Catchment Area, 44 Loch Leven Catchment Area and 45

River Tay Catchment Area all include reference to the relevant planning guidance. I do not consider it is necessary to provide a link to the specific guidance, as the council has confirmed that all of the documents are available on the supplementary guidance section of their website. No modifications are required.

Policy 44 Loch Leven Catchment Area

2. I agree that the reference to mitigation within Policy 44C is confusing and that mitigation is already addressed within Policy 44B. I find that the modifications suggested by the council would ensure clarity and consistency of implementation. I note that the council have highlighted that there is agreement to the amended wording. I do not consider it necessary to specifically refer to the policy map as it is clear from the wording within the policy that it applies to the Loch Leven catchment area. Modifications are therefore required to Policy 44, the modifications reflect those suggested by the council.

Settlement Summaries

3. I agree that references to the Loch Leven Catchment should be added to the proposed plan in the settlement summaries for Balado, Carnbo, Cleish, Greenacres, and Wester Balgedie. This can be corrected by the council as a technical amendment without formal modification. The appropriate assessment identifies that only settlements with the potential for significant impacts on the qualifying interests of Loch Leven Special Protection Area require qualification. As the settlements of Crook of Devon and Drum, Glenlomond and Kinnesswood are served by waste water treatment works that do not discharge into the catchment of Loch Leven or are publicly maintained, development will be required to connect to the public waste system. From the information available to me I agree with the findings of the appropriate assessment and the councils conclusions that development within these areas does not have the potential for significant impacts. Therefore there is no requirement to include reference to the Loch Leven catchment area within the settlement statements identified.

Protocol

4. It is not open to me to examine the effectiveness of the protocol between the Scottish Environment Protection Agency, Scottish Natural Heritage and the council. No modifications are therefore required.

Policy 45 River Tay Catchment Area

5. I agree that Policy 45 River Tay Catchment Area should be modified in accordance with Tables 5.22 and 5.23 of the appropriate assessment of the proposed plan. Including reference to Fearnan and Kinloch Rannoch in the list of settlements included within the first paragraph of Policy 45 and amending the settlement statements in accordance with the wording suggested within the representation would mitigate potential significant impacts on the qualifying interests of the River Tay Special Area of Conservation. The modifications would also help applicants to understand what information would need to be submitted in these areas and in what circumstances. As this matter is regarding the River Tay catchment area, I consider it is appropriate for it to be addressed in this issue, however there is overlap with Issue 37 Highland settlements without proposals.

6. The appropriate assessment identifies that mitigation measures are necessary in the settlements of Fearnan and Kinloch Rannoch. Mitigation measures are not identified for

the other settlements identified within the representation. There is no information before me to suggest why it would be appropriate to deviate from the findings of the appropriate assessment, I therefore conclude that no further modifications are required.

Policy Map G Water Catchment Areas

7. As more detailed guidance and maps are provided in supplementary guidance and as this is clearly referenced within the relevant policies, I do not consider it is necessary to replace Policy Map G Water Catchment Areas with a larger and clearer version. I also agree that the amendment in relation to the map of the River Tay catchment should be corrected. This can be corrected by the council as a technical amendment without formal modification.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Add the following text to the end of criterion (b) of Policy 44B:

“, that are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment..”

2. Add the following text after the final paragraph of Policy 44B:

“The requirements of this policy may be secured by means of legal agreements and planning conditions to deliver planning obligations concluded between the applicant and the Council, prior to the issue of planning permission. The delivery of agreed phosphorus mitigation will be required before the occupation of any new dwelling.

Mitigation measures should not include measures which are already committed in a spending programme and likely to be implemented by a statutory body within three years of the determination of the application.”

3. Delete Policy 44C and move the explanatory note to follow Policy 44B.

4. Amend Policy 45 River Tay Catchment Area to include Fearnan and Kinloch Rannoch in the list of settlements included within the first paragraph.

5. Amend the settlement summary for Fearnan (page 191) by adding the following text as a new final sentence:

“Fearnan lies within the River Tay Catchment Area; Policy 45 sets out the relevant criteria for development in this area.”

6. Amend the settlement summary for Kinloch Rannoch (page 219) by adding the following text as a new final sentence:

“Kinloch Rannoch lies within the River Tay Catchment Area; Policy 45 sets out the relevant criteria for development in this area.”

Issue 19	Minerals	
Development plan reference:	Policy 46: Minerals and Other Extractive Activities – Safeguarding, page 76 Policy 47: Minerals and Other Extractive Activities – Supply, page 77	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (0353) Scottish Government (0451) The Coal Authority (0539) Royal Society for the Protection of Birds (RSPB) (0546) Craigrossie Sand & Gravel (0560) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Sets out the approach for the consideration of proposals for the safeguarding and supply of minerals and other extractive activities	
Planning authority's summary of the representation(s):		
<u>Policy 46: Minerals and Other Extractive Activities – Safeguarding</u> The Coal Authority (0539/01/001) - Supports policy 46 which aims to ensure that workable mineral deposits are not needlessly sterilised. The Coal Authority (0539/01/004) - Site allocations should be assessed against the Coal Authority's Development Risk and Surface Coal Resource plans, which are updated annually. Scottish Government (0451/01/014) - Policy 46 should be reframed to provide a stronger message about safeguarding mineral deposits, rather than setting out exceptions where development that would sterilise economically important workable mineral deposit would be allowed. The policy runs contrary to the principles of SPP policy in paragraph 237, which outlines that local development plans should safeguard all workable mineral resources that are of economic or conservation value and ensure that these are not sterilised by other development. It does refer to exceptions to this principle. <u>Policy 47: Minerals and Other Extractive Activities – Supply</u> The Coal Authority (0539/01/002) - Supports policy 47 which sets out criteria against which proposals for mineral extraction will be considered. We are also pleased to see that agreement of restoration of mineral sites will need to be agreed in advance of operations. SEPA (0742/01/014) - Supports the inclusion of water environment and flood protection interests within the wording of policy 47A. It accords with SPP paragraphs 194,195 and 255, the local authority duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin		

Planning process in carrying out statutory functions and the duty on local authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management when exercising their flood risk related functions.

Craigrossie Sand & Gravel (0560/1/1) - Supports policy 47 as it relates to a consented sandstone extraction site at Hall of Aberuthven Farm, to the south east of the A9 trunk road between Whitemoss Road and Shinafoot. Extensions of planning consent will be pursued at this location and the policy as proposed presumes support for viable quarry sites.

SNH (0353/01/017) - To ensure that opportunities are realised for geological features, the respondent suggests wording for a modification to policy 47B in respect of restoration that will conserve locally or nationally important geological sections.

RSPB (0546/01/029) - Object that the policy does not set out that supplementary guidance will be provided on the use of financial mechanisms for site restoration in relation to mineral extraction sites and other large development sites. Reference is made to the guidance produced by East Ayrshire Council in respect of financial guarantees. The guidance would help to ensure that there are robust procedures for ensuring financial guarantees are appropriately quantified and monitoring to minimise financial and legal risks to the Council as well as risks to the environment and communities. Reference is also made to compliance monitoring of major development and ensuring that this is reported to the planning committee and published on the Council website.

Modifications sought by those submitting representations:

Policy 46: Minerals and Other Extractive Activities – Safeguarding

The Coal Authority (0539/01/001 & 004) - No specific changes are sought, however the respondent wishes the planning authority assesses sites within areas where identified risks from coal mining legacy or surface coal resource are noted as present.

Scottish Government (0451/01/014) - Amend policy 46 to safeguard all workable mineral resources that are of economic or conservation value and ensure that these are not sterilised by other development.

Policy 47: Minerals and Other Extractive Activities – Supply

The Coal Authority (0539/01/002) - Support for the policy

SEPA (0742/01/014) - No specific changes are sought.

Craigrossie Sand & Gravel (0560/01/001) - No specific changes are sought.

SNH (0353/01/017) - Amend first sentence of policy 47B to read ‘...Restoration, after-use and aftercare proposals will require to be agreed in advance of operations; modifications to conserve locally or nationally important geological sections will be supported and encouraged’

RSPB (0546/01/029) - Amend policy 47 to incorporate a reference to the provision of separate supplementary guidance on the use of financial mechanisms for site restoration in relation to minerals extraction sites (and other large development sites).

Summary of responses (including reasons) by planning authority:
<p><u>Policy 46: Minerals and Other Extractive Activities – Safeguarding</u></p> <p>The Coal Authority (0539/01/004) - The policies and proposals in the Plan are assessed against a wide range of environmental and other data, the outcome of which is reported in the SEA Environmental Report, published and consulted on alongside the Proposed Plan. We confirm that up to date environmental data referred to by the respondent has been used in this assessment and will be kept up to date to inform future plans and assessment of planning applications.</p> <p>No modification is proposed to the Plan.</p> <p>Scottish Government (0451/01/014) - The policy is drafted to prevent important economically workable mineral deposits from being sterilised through the granting of planning permissions and while it advocates advance extraction where this can be accommodated it is agreed that the policy does provide a number of exceptions where proposed development could be prioritised over the minerals resource. The respondent suggests the policy should be more consistent with SPP by prioritising the safeguarding of workable mineral resources over other proposed development that could sterilise the resource.</p> <p>No modification is proposed to the Plan. However there is merit in the suggestion to reframe the policy by incorporating wording from the first sentence of SPP paragraph 237 at the start of policy 46A. Insertion of ‘...The Local Development Plan will safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development.’ would provide the emphasis sought by the respondent and would reframe the policy to be consistent with SPP. Should the reporter be minded to make an amendment in this respect, the planning authority would be comfortable with incorporating this wording.</p> <p><u>Policy 47: Minerals and Other Extractive Activities – Supply</u></p> <p>SNH (0353/01/017) - The Plan’s policies and proposals are drafted to facilitate minerals development where this can be accommodated, and policy 37 in particular includes measures for protecting geological features.</p> <p>No modification is proposed to the Plan. However there is merit in SNH’s suggestion since it would bring significant environmental benefit, particularly where such opportunities for conservation are not initially apparent. Should the reporter be minded to make an amendment in this respect, the planning authority would be comfortable with SNH’s suggested wording.</p> <p>RSPB (0546/01/029) - Policy 47B specifically requires financial mechanisms for site restoration and the Council considers this wording to be sufficient for the determination of planning applications. The matter of restoration can be addressed to the extent RSPB require when assessing the development proposal and the Council does not consider separate guidance to be necessary.</p> <p>In respect of the comments on regular reporting of compliance monitoring and reviews of financial guarantees, these are good suggestions and can be implemented without requiring modifications to the Plan.</p>

No modification is proposed to the Plan. However should the reporter be considering accepting RSPB's recommendation to amend the policy to incorporate a reference to separate guidance the planning authority would be comfortable with this, and guidance could be prepared that encompasses a wider range of financial guarantees than bonds alone.

Reporter's conclusions:

Policy 46A Sterilisation of Mineral Deposits

1. The council has confirmed that it has used the most up-to-date data provided by the Coal Authority in its assessment of the environmental impact of proposed policies and proposals. Furthermore, it has indicated that it will continue to keep this information up to date to inform future plans and to use in the determination of planning applications. No modification is necessary.

2. Paragraph 237 of Scottish Planning Policy states that local development plans should safeguard all "workable" mineral resources which are of economic or conservation value and ensure that these are not sterilised by development. The council accepts the merit of strengthening the policy by adding a sentence which more closely reflects the advice in Scottish Planning Policy paragraph 237. I agree and shall recommend that the policy is modified accordingly.

3. I can see no exceptions to the principle of directing development away from areas with "workable" important mineral deposits in either TAYplan or Scottish Planning Policy. I issued a further information request (FIR12) asking the Scottish Government to clarify how it would wish the policy to be reframed. The Scottish Government chose not to respond to FIR12.

4. My understanding of proposed criteria (a) and (b) is that they relate to mineral deposits that would not be "workable" (that is prior extraction of the mineral cannot be reasonably undertaken or extraction of the mineral is unlikely to be practical or environmentally acceptable). The sterilisation of mineral deposits by development in such circumstances would not, therefore, conflict with the advice in paragraph 237 of Scottish Planning Policy. The existing policy wording is included in the adopted local development plan and I note that The Coal Authority has not objected to the policy in the proposed plan. However, I consider it necessary to modify the first sentence of the policy to make this clear. Subject to the above two modifications, Policy 46A would comply with Scottish Planning Policy.

Policy 47B Restoration

5. Amongst other features, criterion (f) of Policy 37 Landscape of the proposed plan seeks to protect geological elements of the landscape as they contribute generally to landscape value. However, with reference to the restoration of mineral extraction sites specifically, I agree that the potential for significant environmental improvement should be grasped. Adopting the respondent's proposed modification here would ensure that such improvements may be identified and secured at an early stage of development.

6. I accept that financial bonds are not the only means to secure restoration. In this case, the council states that it would not be averse to producing supplementary guidance on the subject. It would assist potential developers if detailed advice about the full range

of financial mechanisms available to secure restoration were to be provided. I shall recommend that a note is added to the end of the policy, directing potential developers to it.

7. I see no need for changes to be made to the policy to require the reporting of compliance monitoring and managing financial risk. These are internal matters for the council.

Reporter's recommendations:

I recommend that the following modifications be made:

1. In the first sentence of Policy 46A, replace "...important economically workable mineral deposits..." with: "...mineral deposits of economic value..."

2. At the start of Policy 46A, add the following new sentence:

"The Local Development Plan will safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development."

3. At the end of the first sentence of Policy 47B, add the following new clause:

"...; modifications to conserve locally or nationally important geological sections will be supported and encouraged..."

4. At the end of Policy 47B, add the following text:

"Note: Detailed advice about the full range of financial guarantees that may be used to secure restoration will be contained within separate supplementary guidance."

Issue 20	Prime Agricultural Land & Soils – Policies 48 & 49	
Development plan reference:	Policy 48, page 78 Policy 49, page 78-9	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Braes of the Carse Conservation Group (0161) Jean Squires (0340) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) The Royal Society for the Protection of Birds (RSPB) (0546) Scottish Environmental Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Policies 48 & 49 relating to Prime Agricultural Land & Soils	
Planning authority's summary of the representation(s):		
<u>Policy 48 - Prime Agricultural Land</u> Braes of the Carse Conservation Group (0161/01/012) - Seek to amend the policy to specifically protect fruit orchards in the Carse from development. SEPA (0742/01/015) - Support Policy 48 based on the following points: <ul style="list-style-type: none">• Support the policy commitment that development on prime agricultural land will not be permitted except if it is necessary to meet a specific established need as this protects soil functionality.• The commitment accords with Local Authority's duties under Section 44 Climate Change Act (CD025), NPF3 para 4.9 (CD003), Land Use Strategy 2016 Principles c, d and f (RD077), TAYPlan 2016-2036 policy 2 C v. (CD022) and SPP para 29, 80 and 194 (CD004).		
<u>Policy 49 - Soils</u> Jean Squires (0340/01/003) - Objects to the use of agricultural land/greenfield sites being developed and instead advocates for the Council to focus development on brownfield sites, as agricultural land is productive and food security is a vitally important issue and the Council should be encouraging local food production and sale to reduce 'food miles' and carbon emissions. Objection is also raised to the Council's proposed mitigation for soil loss by removing good quality soils and re-using them elsewhere in the Council area as this would not implement this policy effectively. SNH (0353/01/018) - Seeks the following changes to Policy 49: <ul style="list-style-type: none">• Reference to Carbon and Peatland Map (2016) (CD126) should be spatially shown in the Plan.• Add additional text to qualify that presence of carbon rich (CR) soils will need to be validated by appropriate field surveys.		

SNH (0353/01/018) - Also seek the following technical amendments to Policy 49:

- Amend criterion (c) of the Policy to change reference from '2010 Natural Scotland Regulatory Guidance' to 'Scottish Soils website' where there is a single portal to access up-to-date soil information to better inform users of the Policy.
- Add reference in the Policy Note to refer to Scotland Soils website (SSW), SEWeb and/or SEweb own land information system as sources of reference.

The Council intends to address these minor amendments separately through a non-notifiable modification as set out in the non-notifiable document (CD375).

Alistair Godfrey (0410/01/014) - Identifies the following concerns in relation to Policy 49:

- criterion (a) and (b) of the Policy are incompatible as development cannot avoid damaging soils
- moving soils off site would have an adverse effect, namely agricultural soils would lose their prime function and transportation off-site generates dust and greenhouse gases.

RSPB (0546/01/014) - Seeks to make the following changes to Policy 49 in order to ensure the policy adequately protects peatland and controls peatland extraction:

- Add following text: 'Commercial extraction of peat will not be permitted.' This change would ensure that SPP (para 241) (CD004) is adhered to, taking the view that damaged peatland would not be able to be restored and therefore all commercial extraction should be restricted.
- Revise last bullet point of Policy 49 to ensure compliance with SPP (para 205) (CD004) as the Policy currently does not require applicants to undertake an assessment of likely effects of development on carbon dioxide (CO₂) emissions.
- Add an additional bullet point to Policy 49 to support peatland enhancement or restoration as well as wider environmental benefits, reflecting the requirements of SPP (para 194) (CD004), Scotland's Biodiversity: a Route Map to 2020 (CD128), and Scotland's National Peatland Plan (2015) (CD126), as well as ensuring compliance with Nature Conservation (Scotland) Act 2004 (CD032).

SEPA (0742/01/016) - Support Policy 49.

Modifications sought by those submitting representations:

Policy 48 - Prime Agricultural Land

Braes of the Carse Conservation Group (0161/01/012) - Seek to amend the policy to specifically protect fruit orchards in the Carse from development.

Policy 49 - Soils

Jean Squires (0340/01/003) - Raises a number of concerns in relation to Policy 49 and its implementation but does not seek specific changes.

SNH (0353/01/018) - Seek the following changes:

- Add in Policy Map spatially showing areas of Class 1, 2 and 5 soils contained in the Carbon and Peatland Map (2016) (CD117).
- Add additional text to qualify that presence of CR soils will need to be validated by appropriate field surveys.

Alistair Godfrey (0410/01/014) - The following concerns are identified but specific changes sought are not identified:

- criterion (a) and (b) of the Policy being incompatible as development cannot avoid damaging soils
- moving soils off site would have an adverse effect, namely agricultural soils would lose their prime function and transportation off-site generates dust and greenhouse gases.

RSPB (0546/01/014) - Seeks to make the following changes to Policy 49:

- Add following text to Policy 49: 'Commercial extraction of peat will not be permitted.'
- Replace last bullet point of Policy 49 ('suitable mitigation measures implemented to abate carbon emissions') with the following text: 'an assessment of the likely effects of the development on carbon dioxide emissions, and suitable mitigation measures implemented to minimise carbon emissions (with details of both submitted as part of the application).'
- Add an additional bullet point to Policy 49: 'how the development could contribute towards local or strategic peatland habitat enhancement or restoration.'

Summary of responses (including reasons) by planning authority:

Policy 48 - Prime Agricultural Land

Braes of the Carse Conservation Group (0161/01/012) - The consideration of orchard trees is considered to be an issue more relevant to Policy 38: Forestry, Woodland Trees and has been considered further in this issue (refer to Schedule 4 Issue 16). It is not considered necessary to include a specific protection for orchard trees within Policy 48 as this policy specifically deals with soil conditions suitable for agricultural purposes rather than protecting trees which is more suitably covered by Policy 38.

No modification is proposed to the Plan.

Policy 49 - Soils

Jean Squires (0340/01/003) - The Council seeks the development of brownfield sites, including vacant and derelict land, as a priority however due to the requirement to identify sufficient land for housing and employment and a lack of availability of suitable brownfield sites the majority of new sites will require the development of greenfield land to meet the housing land requirement. Through the SEA process, the Council uses environmental information including information on soils to identify the most environmentally suitable sites. There will be occasions when sites - which include prime agricultural land - may have to be developed when there are no other suitable sites. As part of the SEA mitigation for developing these sites, when no other suitable sites are available, the site assessment identifies that re-using the soils elsewhere within the Council area at a suitable location would help to mitigate against the effects of development. It is considered that Policy 49 is sufficient in protecting against the loss of prime agricultural land through the various tests that development proposals are considered against.

No modification is proposed to the Plan.

SNH (0353/01/018) - It is not considered necessary to include a Policy Map within the Policy to illustrate the presence of carbon rich soils as this information is available elsewhere and would replicate existing information. Spatially showing carbon rich soils is

more appropriate at a local scale rather than illustrating these at a Council-wide scale.

No modification is proposed to the Plan.

Requiring that the presence of carbon rich soils is validated through an appropriate field survey is considered to be a useful test to ensure that a localised assessment is undertaken to determine the presence of CR soils.

If the Reporter is minded to accept the proposed modification, the Council would be comfortable with adding the following text after paragraph 3 of Policy 49 to read: ‘...the development would outweigh any potential detrimental effect on the environment. The presence of any carbon rich soils, including peatland, will require to be validated through the undertaking of an appropriate field survey.’

Alistair Godfrey (0410/01/014) - It is considered that the criteria identified at the start of Policy 49 provide suitable steps to protect good quality agricultural soils from development but where this is unavoidable various mitigation measures are sought to ensure that any impacts are minimised. The key mitigation measure for impact on good quality agricultural soils is to firstly avoid any impacts, however, where there are circumstances that require development on land which contains such soils, criterion (d) of Policy 49 is a commonly applied measure that would assist in mitigating the effects of development. Proposals to move soils would be strictly controlled through condition to ensure that any associated negative impacts are suitably addressed.

No modification is proposed to the Plan.

RSPB (0546/01/014) - Overall the thrust of RSPB’s suggested modification in relation to commercial peat extraction is accepted however, the request to add text to control commercial extraction of peat is not fully in accordance with SPP (para 241) (CD004). It states that commercial peat extraction will only be permitted ‘in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.’ Therefore the Council would propose using the above stated text from SPP (para 241) (CD004).

If the Reporter is minded to accept the modification in relation to commercial peat extraction the Council would be comfortable with making this change and using the stated text as currently drafted in SPP (para 241) (CD004).

RSPB (0546/01/014) - The current wording of Policy 49 is in accordance with SEPA’s Development Plan Guidance Note 2e on Soils (CD130) in relation to mitigation therefore the Council does not propose to amend the policy in this regard. However the suggested text is potentially useful in identifying to applicants/developers the relevant requirements at the planning application stage and would be in accordance with the requirements of SPP (para 205) (CD004) relating specifically to applicants assessing the likely effects of development on carbon dioxide emissions.

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

RSPB (0546/01/014) - With respect to peatland enhancement or restoration the Council will refer to the listed documents (as noted in the representation) as part of the

assessment of development proposals at the planning application stage to ensure suitable restoration proposals are planned for and implemented. The Plan also already considers issues of restoration which could include peatland restoration - for example Policy 31 of the Plan considers the restoration requirements for renewable and low carbon energy technologies. It is accepted however that a specific policy requirement would potentially make it clearer to applicants what requirements there would be for restoration and/or enhancement.

No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan and would ensure that the Council meets the relevant provisions of SPP (para 194) (CD004), Scotland's Biodiversity: a Route Map to 2020 (CD128), Scotland's National Peatland Plan (2015) (CD126), and Nature Conservation (Scotland) Act 2004 (CD032).

Reporter's conclusions:

Policy 48 Prime Agricultural Land

1. Policy 48 seeks to protect the best quality land for agricultural purposes, I consider the most appropriate policy to refer to the protection of fruit orchards would be Policy 38 Forestry, Woodland and Trees as the categorisation of agricultural land is based on soil and climatic factors. I note that within the representation it is suggested that Policy 38 is potentially the most relevant to address the protection of orchards. I therefore address this matter in Issue 16 A Natural, Resilient Place.

Policy 49 Soils

2. Paragraph 80 of Scottish Planning Policy identifies that development on prime agricultural land, or land of lesser quality that is locally important, should not be permitted except where it is essential. One of the essential elements identified, is that the development is a component of the settlement strategy of the local development plan or necessary to meet an essential need, where no other suitable site is available. With regard to development on greenfield sites, paragraph 40 of Scottish Planning Policy requires development plans to promote a sustainable pattern of development and as part of this to, consider the reuse or redevelopment of brownfield land before new development takes place on greenfield sites

3. Paragraph 3.1 of the proposed plan identifies that its spatial strategy seeks to utilise brownfield land. However, it also acknowledges that brownfield opportunities in Perth and Kinross are extremely limited and that supporting the sustainable growth of the area will rely on greenfield land release. The council's environmental report, which accompanies the proposed plan clearly identifies tensions regarding the impact of the proposed plan on soils, through the loss of prime agricultural land and greenfield land. Although, the environmental report highlights that the impacts could be mitigated through the removal of good quality soils from sites for use in other parts of Perth and Kinross.

4. Whilst I acknowledge the importance of retaining prime agricultural land and encouraging food production and sale to reduce food miles and carbon emissions, I consider the policy approach to soils within the proposed plan accords with the requirements of Scottish Planning Policy. In addition, the council has advised that it would manage the movement of soils through appropriate planning conditions. This

would ensure that any associated negative impacts were suitably addressed. I consider this approach to be appropriate and proportionate. No modifications are therefore necessary.

5. As a result of the size of the area covered by the proposed plan, I consider that the inclusion of a spatial representation of carbon rich soils would be of little value, particularly as this information would be more appropriate at the local scale. I agree that the addition of a reference within the policy to the Scotland soils website can be corrected by the council as a technical amendment without formal modification. I therefore find no further modification is required.

6. I agree with the representation which submits that additional text should be added to Policy 49: Soils to qualify that the presence of carbon rich soils will need to be validated by appropriate field surveys. I find that this will assist with the understanding and implementation of the policy. The modification utilises the wording suggested by the council, which I consider to be appropriate.

7. In accordance with Scottish Planning Policy, Policy 49 seeks to protect soils from damage and sets out the instances where development may be supported. As the policy applies to all development proposals, I consider that there could be instances where development could avoid damaging soils. It is therefore appropriate for the policy to include criteria to seek to minimise impact of development on soil resources and to implement soil management measures.

8. The off-site reuse of soils is identified as an important mitigation within the environmental report which accompanies the proposed plan. Whilst I note the concerns regarding the environmental impact of moving soils, such matters would be considered as part of the planning application process. The council has advised that it would manage the movement of soils through appropriate planning conditions. This would ensure that any associated negative impacts were suitably addressed. I consider this approach to be appropriate and proportionate. No modifications are therefore required.

9. Paragraph 241 of Scottish Planning Policy states that planning policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. I agree with the representation that in order to reflect Scottish Planning Policy an amendment is required. However, the suggested amendment, not to allow any commercial peat extraction, does not accord with Scottish Planning Policy. The modification reflects the requirement of paragraph 241.

10. I note that the wording of Policy 49 reflects Scottish Environment Protection Agency Guidance Note 2e Soils (2015). However, paragraph 205 of Scottish Planning Policy identifies that where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide emissions. The requested modification would therefore accord with Scottish Planning Policy and I agree the modification is appropriate.

11. The council has confirmed that it will refer to peatland enhancement or restoration as part of the assessment of development proposals. I therefore consider an amendment is required to ensure clarity of implementation of the policy. The modification proposed within the representation accords with the requirements of paragraph 194 of Scottish Planning Policy which identifies the importance of wider environmental benefits, including

restoration.
Reporter's recommendations:
<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Amend the final sentence of paragraph 3 of Policy 49 Soils to read: “...the development would outweigh any potential detrimental effect on the environment. The presence of any carbon rich soils, including peatland, will be required to be validated through the undertaking of appropriate field surveys.” 2. Add the following text at the end of paragraph 2 of Policy 49 Soils: “Commercial extraction of peat will only be permitted in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.” 3. Delete the last bullet point of Policy 49 Soils and replace with the following text: “an assessment of the likely effects of the development on carbon dioxide emissions, and suitable mitigation measures implemented to minimise carbon emissions (with details of both submitted as part of the application).” 4. Add an additional bullet point to Policy 49 Soils to read: “details setting out how the development could contribute towards local or strategic peatland habitat enhancement or restoration.”

Issue 21	Policy 50 New Development and Flooding	
Development plan reference:	Policy 50: New Development and Flooding, pages 79-82, Perth Area Strategy p249-281	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Policy 50: New Development and Flooding, and Perth Area Strategy section	
Planning authority's summary of the representation(s):		
<u>Inclusion of a coastal policy</u> SNH (0353/01/019) - Recommend revising this policy or introducing a new coastal policy. TAYplan spatially identifies the coast downstream of Perth and along the Tay estuary as unspoiled coast i.e. generally unsuitable for development (SPP para 89) (CD004, p24). Consider this should be shown in the LDP including areas at risk from sea level rise and areas of potential managed realignment (SPP para 88) (CD004, p23-24). Note Council's reference to Perth and Kinross Structure plan approved June 2003 findings but expect a new policy to contain measures set out in TAYplan policy 9D (CD022, p50). Climate change adaption measures also have potential to deliver ecological benefits for existing and new coastal habitat and refer to Scottish Governments "National Coastal Change Assessment" (NCCA) (CD285) which provides a shared evidence base on coastal erosion. <u>Policy 50: New Development and Flooding</u> Alistair Godfrey (0410/01/015) - Concerned that there is disagreement between the Council and SEPA and seeks resolutions, considers that flood defences can fail, and mentions that policy must respond to climate change. SEPA (0742/02/023, 0742/01/087 + 097 + 107) - Information submitted to SEPA by the Flood Management staff in Perth and Kinross Council confirmed that the current best estimate with regards the standard of protection of the Flood Protection Scheme (FPS) in Perth is 1 in 250 years and the scheme does not currently have any provision for climate change. SEPA review of their closest upstream gauging station records at Ballathie indicated that a 1 in 250 year standard of protection equates to 1 in 200 year level plus only 4% allowance for climate change. The information that the Council provided also clarifies that the Almond FPS does not offer a standard of protection equal or greater than 1 in 200 year plus climate change. This issue comes up in relation this policy and also to H1 Scott Street/Charles Street, H319 Ruthvenfield, and MU73 Almond Valley so a common summary of SEPA's position is given under the sub heading below 'Land allocations defended by appropriate flood		

protection schemes (FPS)'.

Land allocations defended by appropriate flood protection schemes (FPS)

SEPA consider Flood protection schemes (FPS) can reduce flood risk but cannot eliminate it entirely as reflected in the Scottish Government's online planning advice on flood risk (para 21) (CD043, p4). SEPA consider that their primary purpose is to protect existing development from flood risk rather than to facilitate new development. SEPA consider that the policy principle of avoidance should be promoted for and a precautionary approach should be taken to proposed allocations in areas protected by a FPS, even those designed to the appropriate standard.

SEPA consider that breaching or overtopping of flood defences is often unexpected and can lead to swift inundation of the protected area resulting in more damaging floods. Water trapped behind defences following a flood can also lead to greater overall damage. Therefore SEPA consider that ensuring that development protected by a FPS is an appropriate land use for the location and designed to be resilient, contributes to the delivery of sustainable flood risk management by reducing the number of sensitive receptors exposed to residual risk if the defences are breached or overtopped.

In order to provide clarification of SEPA's position on development protected by FPS, SEPA produced: SEPA Planning Information Note 4 SEPA Position on development protected by a Flood Protection Scheme (CD010) and further detail is provided in their SEPA Development Plan Flood Risk guidance (CD011) and SEPA planning background paper (CD013). SEPA Land Use Vulnerability guidance (CD012), aligned with the SPP risk framework provides further clarity on the relative susceptibility and resilience of land uses to flooding. Scottish Government's online planning advice on flood risk (para 17) (CD043, p3) states that the SPP flood risk framework should be read in conjunction with SEPA's Land Use Vulnerability Guidance to aid decision making.

Ensuring that the vulnerability of the land use is appropriate for the location and degree of flood risk is considered an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) (CD004, p9-10) that states policies and decisions should support climate change adaptation, including taking account of flood risk. Local authorities also have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

In summary, SEPA are of the opinion that the Council's approach does not accord with the SPP risk framework in para 263, or the policy principles set out in para 255, (CD004 p58 and p57) which include a precautionary approach. In addition, SEPA believe it does not accord with your authority's duties under The Planning etc. (Scotland) Act 2006 (CD036) to ensure that development plans contribute to sustainable development and the authority's duties under The Flood Risk Management (Scotland) Act 2009 (CD030) to reduce overall flood risk and promote sustainable flood risk management.

With regard to MU73 the SEPA guidance identifies that highly vulnerable uses (which include residential), are only acceptable where the standard of protection is equal or greater than 1 in 200 year (0.5% Annual Estimated Probability (AEP)) plus climate change. The information that the Council provided clarifies that the Almond FPS does not

offer this standard of protection. SEPA therefore seek that highly or most vulnerable uses should be located on land outwith 0.5% AEP flood plain, so it is not situated on land defended by the FPS and that flow paths are established. Furthermore SEPA also require that the developer requirement identifies that areas behind the FPS should incorporate appropriate mitigation measures as this accords with the Risk Framework in paragraph 263 of SPP (CD004, p58).

With regards site H1, SEPA guidance identifies that highly vulnerable uses, which are defined by SEPA vulnerability guidance and include residential use, are only acceptable where the standard of protection is 1 in 200 year (0.5% Annual Estimated Probability) plus climate change. The information provided clarifies that the Perth FPS does not offer this standard of protection, and the developer requirement identifies this area as being protected by the FPS, so SEPA seek removal of H1.

With regards to site H319, SEPA require alteration of developer requirement with regards Drainage Impact Assessment (DIA) and Flood Risk Assessment (FRA), to require that development avoids the functional flood plain of the lade and to remove the text regarding appropriate mitigation measures should be provided in area protected by Flood Protection Scheme (FPS). With regards site H319, the guidance identifies that highly vulnerable uses, which are defined by SEPA vulnerability guidance and include residential use, are only acceptable where the standard of protection is equal or greater to 1 in 200 year (0.5% Annual Estimated Probability) plus climate change. The information that has been provided by Perth and Kinross Council Flood Management staff is considered to clarify that the Almond FPS does not offer this standard of protection.

Policy 50: New Development and Flooding wording amendments

SEPA (0742/02/029) - Disagrees with the scoring set out in Addendum to Environment Report, Appendix F with regards SEA objectives 7 and 11 (safeguarding functional flood plain and avoid flood risk and reducing vulnerability of area to climate change) (CD080, p10). Considers the following changes to the policy are required to provide mitigation of significant environmental effects.

Removal of wording 'within the parameters as defined by this policy'

SEPA (0742/01/017) - Seeks to remove the policy wording "Within the parameters as defined by this policy" and gives the following reasons:

The limitation to the commitment to delivering the actions and objectives of the Flood Risk Management Strategies and Plans would not be in keeping with Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (as amended 2011) Section 10 (1) (d) (CD273, p5), which requires a local authority to have regard to any approved flood risk management plan or finalised local flood risk management plan in preparing a LDP. Furthermore, para 260 of SPP (CD004, p58) states that development plans should "take account of finalised and approved flood risk management strategies and plans", and NPF3 para 4.25 (CD003, p48) states that the Government expects Flood Risk Management Plans to become an integral part of development planning in the context of achieving climate change adaptation.

Flood Risk Management Strategies and Local Flood Risk Management Plans identify actions that seek to avoid an increase in flood risk and reduce overall flood risk across Scotland. Land use planning related actions form a critical element and should help guide

the management of flood risk within the development plan area.

SEPA intend to further develop actions and objectives for the second cycle of Flood Risk Management Strategies and Plans to be published in 2021, and this policy should not preclude these actions.

SEPA require that the words “Within the parameters as defined by this policy” are removed so the plan policy offers clear and unqualified support for the implementation of relevant actions and objectives in both the current and future Flood Risk Management Strategies and Plans. Lastly, SEPA note that committing to supporting the delivery of Flood Risk Management Strategies and Plans in the context of climate change adaptation accords with the Vision for A Low Carbon Place set out in Section 3.2 of the proposed LDP.

Removal of wording ‘There will be a general presumption against’ and addition of ‘should be avoided unless it accords with the risk framework in SPP’

SEPA also seek removal of the words “There will be a general presumption against” from the start of the second paragraph and within the first sentence under category 1:

In the first sentence of the second paragraph add “should be avoided unless it accords with the risk framework in SPP” to the end of the second paragraph and make the same amendment to the first paragraph under category 1 after “flooding elsewhere”.

for the following reasons:

The proposed changes would strengthen a precautionary approach (SPP paragraph 255) (CD004, p57) and explicitly state that proposals for built development on a functional flood plain and in areas at medium to high risk of flooding from any source or where the proposal would increase the probability of flooding elsewhere will be avoided, unless the development accords with the risk framework in SPP.

It is considered that these changes will make the policy accord with SPP. SPP paragraph 255 (CD004, p57) promotes a precautionary approach whilst 256 (CD004, p57) states that development which would have a significant probability of being affected by flooding should not be permitted.

Paragraph 13 of the Scottish Government’s online planning advice on flood risk (CD043, p3) recognises that the avoidance of flood risk, by not locating development in areas at risk of flooding, is a key part of delivering sustainable flood risk management and paragraph 37 advises that flood risk policies are based on the principle of flood avoidance in accordance with SPP.

Furthermore approved TAYPlan 2017 policy 2c requires LDPs to be “Resilient and future-ready by ensuring that adaptability and resilience to a changing climate are built into the natural and built environments through:

i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels;”

The planning authority has a duty under The Planning etc. (Scotland) Act 2006 (CD036) to ensure that the development plan contributes to sustainable development. The Flood Risk Management (Scotland) Act 2009 (CD030) also places a duty on SEPA and local

authorities to reduce overall flood risk and promote sustainable flood risk management when exercising their flood risk related functions.

Expansion of wording to read ‘All development within areas of low to high flood risk must incorporate a suitable climate change allowance, as well as a ‘freeboard’ allowance.’

SEPA seek an expansion to the wording of the fourth paragraph to read “All development within areas of low to high flood risk must incorporate a suitable climate change allowance, as well as a ‘freeboard’ allowance.” For the following reasons:

This change will ensure the policy accords with SPP. Paragraph 29 of SPP (CD004, p9-10) identifies supporting climate change mitigation and adaptation including taking account of flood risk as one of the principles that should guide policies, while para 255 (CD004, p57) states that the planning system should promote a precautionary approach to flood risk from all sources, taking account of predicted effects of climate change.

Furthermore Adopted TAYPlan 2017 policy 2 c requires LDPs to be “Resilient and future-ready by ensuring that adaptability and resilience to a changing climate are built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels;
- ii. assessing the probability of risk from all sources of flooding;
- iii. the implementation of mitigation and management measures, where appropriate, to reduce flood risk; such as those envisaged by Scottish Planning Policy, Flood Risk Management Strategies and Local Flood Risk Management Plans when published;”

Local authorities have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

Amendment to require that a Flood Risk Assessment for any development proposed in medium-high risk category areas should be undertaken in accordance with SEPA’s technical guidance.

SEPA also consider that the policy should require a Flood Risk Assessment (FRA) for any development proposed in medium-high risk category areas, which should be undertaken in accordance with SEPA’s technical guidance for the following reasons:

The wording as proposed does not clarify that an FRA is required to inform any development proposed in medium to high risk areas. The current requirement relates specifically to development proposed in built up areas or any important component of the development plan settlement strategies.

This does not confirm with SPP para 255 (CD004, p57) including the principle of flood avoidance, taking a precautionary approach, and ensuring that planning prevents development which would have a significant probability of being flooded or increasing risk elsewhere.

Paragraph 266 of SPP (CD004, p57) states that FRA should be required for development in the medium to high category of flood risk.

SEPA's Technical Flood Risk Guidance (RD053) outlines appropriate methodologies for modelling fluvial, pluvial and coastal flood risk and lists the information required to be submitted as part of a FRA. It is the most comprehensive guidance available and is continually updated to reflect new data sources and modelling techniques.

Amendments to the policy wording under the heading of category 1 with regard to development behind flood protection schemes (FPS)

SEPA consider that the Council should amend the policy wording under the heading of category 1 with regard to development behind flood protection schemes (FPS), specifically:

- Remove the wording "or any important component of the development plan settlement strategies".
- Amend the wording of point 1 of category 1 to state that flood protection measures are "complete and operational" rather than in place.
- Clarify that in order for highly vulnerable uses (suggest cross reference to our Land Use Vulnerability Guidance (LUVG)) to be acceptable behind a FPS, the scheme would need to be built to an equal or less than a 0.5% AEP standard of protection plus climate change allowance.
- Clarify that most vulnerable uses (suggest cross reference to our LUVG) are not acceptable behind a FPS
- Include wording to identify the limited types of development generally acceptable behind a FPS that provides a standard of protection that is equal or less than a 0.5% AEP standard of protection within a built up area without an allowance for climate change, as set out in our flood risk guidance
- Change the word civil to "essential" in point 7

Include "and most vulnerable uses" to the end of point 1 in the third paragraph, for the following reasons:

Flood protection schemes (FPS) can reduce flood risk but cannot eliminate it entirely). Their primary purpose is to protect existing development from flood risk rather than to facilitate new development. Avoidance should be promoted and a precautionary approach should be taken to proposed allocations in areas protected by a FPS, even those designed to the appropriate standard.

Breaching or overtopping can lead to swift inundation resulting in more damaging floods. Water trapped behind defences can also lead to greater overall damage. Ensuring that development protected by a FPS is an appropriate land use reduces the number of sensitive receptors exposed if defences are breached or overtopped.

SEPA have produced SEPA Planning Information Note 4 SEPA Position on development protected by a FPS (CD010), and further detail is provided SEPA Development Plan Flood Risk guidance (CD011), Scottish Government Development Plan Guidance Topic: Flood Risk (CD043), and SEPA planning background paper (CD025). These documents set out the types of development acceptable behind FPS in built up areas and vary depending on the standard of protection the scheme affords and the vulnerability of the land use.

Most vulnerable uses are not considered acceptable behind a FPS as the level of protection required is unlikely to be achievable. SPP the risk framework identifies that medium to high risk areas are generally not suitable for most vulnerable uses.

SEPA vulnerability guidance, which is considered to be aligned with the SPP risk framework, provides further clarity on the relative susceptibility and resilience of land uses to flooding. Scottish Government's online planning advice on flood risk (para 17) (CD043, p3) states that the SPP flood risk framework should be read in conjunction with SEPA's Land Use Vulnerability Guidance (CD012).

Ensuring that the vulnerability of the land use is appropriate to degree of flood risk is also an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) (CD004, p9-10), and Local authority's duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052).

SEPA consider the policy wording as currently proposed not to accord with: the SPP risk framework in para 263 (CD004, p58-59), or the policy principles set out in para 255 (CD004, p57), which include a precautionary approach. SEPA consider this does not meet:

- the authority's duties under The Planning etc. (Scotland) Act 2006 (CD0036) to ensure that development plans contribute to sustainable development; and
- the authority's duties under The Flood Risk Management (Scotland) Act 2009 (CD030) to reduce overall flood risk and promote sustainable flood risk management.

Modifications sought by those submitting representations:

Inclusion of a coastal policy

SNH (0353/01/019) - Recommends revising this policy or introducing a new coastal policy. Considers unspoiled coast should be shown in the LDP including areas at risk from sea level rise and areas of potential managed realignment (SPP para 88) (CD004, p23).

Policy 50: New Development and Flooding

Alistair Godfrey (0410/01/015) - No specific change sought.

Land allocations defended by appropriate flood protection schemes (FPS)

SEPA (0742/02/023 + 0742/01/107) - Seeks removal of the H1 Scott Street/Charles Street.

SEPA (0742/02/023 + 0742/01/097) - Require alteration of developer requirement H319 Ruthvenfield with regards Drainage Impact Assessment (DIA) and Flood Risk Assessment (FRA), to require that highly and most vulnerable use development avoids the 0.5% Annual Estimated Probability flood, and make reference to need for mitigation for appropriate uses behind FPS and that flow paths are established.

SEPA (0742/02/023 + 0742/01/087) - Require alteration of developer requirement MU73 Almond Valley with regards Flood Risk Assessment (FRA), to require that highly and most vulnerable use development avoids the 0.5% Annual Estimated Probability flood, and make reference to need for mitigation for appropriate uses behind FPS and that flow paths are established.

SEPA (0742/02/029) - Disagree with the scoring of this policy in the SEA and with it being identified as significantly positive with regards to SEA objectives 7+11 (safeguarding the functional floodplain and avoid flood risk and reducing the vulnerability of the area to climate change).

Removal of wording 'within the parameters as defined by this policy'

SEPA (0742/01/017) - Seeks removal of the policy wording "Within the parameters as defined by this policy" in relation to delivery of actions and objectives associated to SEPA Flood Risk Management studies and Local Flood Risk Management Plans.

Removal of wording 'There will be a general presumption against' and addition of 'should be avoided unless it accords with the risk framework in SPP'

And removal of the words "There will be a general presumption against" from the start of the second paragraph and within the first sentence under category 1.

Seeks in the first sentence of the second paragraph addition of "should be avoided unless it accords with the risk framework in SPP" to the end of the second paragraph and suggests making the same amendment to the first paragraph under category 1 after "flooding elsewhere".

Expansion of wording to read 'All development within areas of low to high flood risk must incorporate a suitable climate change allowance, as well as a 'freeboard' allowance.'

Seeks expanded wording of the fourth paragraph to read as follows: "All development within areas of low to high flood risk must incorporate a suitable climate change allowance, as well as a 'freeboard' allowance."

Amendment to require that a Flood Risk Assessment for any development proposed in medium-high risk category areas should be undertaken in accordance with SEPA's technical guidance.

Seeks amendment of '~~Development within the built-up area or any important component of the development plan settlement strategies may be acceptable for residential, institutional, commercial and industrial development~~ (including access roads/paths, parking, and waste storage areas) provided:'

Then also seeks amendment to the second bullet for Category 1 Medium to High Flood Risk to '(2) a Flood Risk Assessment is undertaken in accordance ~~with the Flood Risk and Flood Risk Assessments Supplementary Guidance~~ SEPA's technical guidance (in addition a Drainage Impact Assessment will usually be required)'

Amendments to the policy wording under the heading of category 1 with regard to development behind flood protection schemes (FPS)

Seeks amendment of the policy wording under the heading of category 1 with regard to development behind flood protection schemes (FPS), specifically:

- Remove the wording "or any important component of the development plan settlement strategies".
- Amend the wording of point 1 of category 1 to state that flood protection measures are "complete and operational" rather than in place.

- Clarify that in order for highly vulnerable uses (suggest cross reference to our Land Use Vulnerability Guidance (LUVG) to be acceptable behind a FPS, the scheme would need to be built to an equal or less than a 0.5% AEP standard of protection plus climate change allowance.
- Clarify that most vulnerable uses (suggest cross reference to our LUVG) are not acceptable behind a FPS
- Include wording to identify the limited types of development generally acceptable behind a FPS that provides a standard of protection that is equal or less than a 0.5% AEP standard of protection within a built up area without an allowance for climate change, as set out in our flood risk guidance
- Change the word civil to “essential” in point 7

And seeks inclusion of "and most vulnerable uses" to the end of point 1 in the third paragraph

Summary of responses (including reasons) by planning authority:

Inclusion of a coastal policy

SNH (0353/01/019): It is not clear what issues SNH have with the current policy framework and why this change is being sought. There is no isolated/unspoiled coastline in the Perth and Kinross area as determined when this was assessed during preparation of the Perth and Kinross Structure Plan approved June 2003 (CD008). TAYplan Strategic Development Plan (SDP) 2012-2032 identified this entire coastline as being undeveloped (CD023, p9) TAYplan Strategic Development Plan (SDP) 2012 did not identify this area as isolated coast which is the equivalent to the SPP 2014 unspoiled coast. This undeveloped coast from TAYplan SDP 2012 should have been translated into being the SPP (CD004, p24) “areas subject to significant constraints” rather than unspoiled (as unspoiled coast was previously known as the isolated coast).

TAYplan SDP 2012 did not identify any isolated coast here. TAYplan Strategic Development Plan SDP 2016-2036 (CD022, p11) says “The unspoiled coast is illustrated on Map 1..... Local Development Plans will define the nature and extent of these areas, as appropriate, and the types and scale of appropriate development where necessary”. TAYplan SDP 2016 does suggest there might be some unspoiled coastline within these areas however it is not saying this entire coastline is unspoiled. Although there is a largely undeveloped coastline from Invergowrie to Perth it is not a wild or remote unspoiled coastline, never being far from settlement, the road network and railway line, or other signs of human activity. The previous assessment of the coastline carried out for the Perth and Kinross Structure Plan approved June 2003 confirmed that there are no areas of isolated/unspoiled coastline.

The Proposed LDP2 guides the sustainable development and use of Perth and Kinross’s coastal zone whilst safeguarding its natural and cultural heritage assets. The LDP identifies appropriate opportunities for development within the settlements that lie along this coastline and its policies allow limited development outwith these settlements with greater control applied within the Perth Greenbelt which covers areas from the edge of Perth to Inchyra/Balhepburn to the west, and for designated areas. This respects Scottish Planning Policy (SPP) (CD004, p24) which states that Plans should identify “areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development;” and “areas subject to significant constraints.” The Proposed LDP2 could not identify any unspoiled coastline within Perth and Kinross.

With regard to potential future sea level rises this will be considered through planning application and FRA processes as necessary. Policy 50 New Development and Flooding already states that ‘built development should avoid areas at significant risk from landslip, coastal erosion, wave overtopping and storm surges.’

With regard to coastal change it is noted that SPP does require ‘Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.’ Within the limited Perth and Kinross Council area coastal area there is only one very limited area which the National Coastal Change Assessment (NCCA) suggests is vulnerable from coastal erosion otherwise this coastline is subject to gradual increase (accretion). The area at risk of erosion is a discrete area at Kingoodie at the western edge of the Invergowrie settlement boundary (CD281). By 2051 the NCCA projects that erosion could potentially affect some properties within the settlement boundary as well as an area to the immediate east. The Proposed LDP2 boundary already discourages development outwith the settlement boundary.

Preparing a coastal policy is not appropriate given the limited scope and would be less effective than a direct reference within the settlement summary for Invergowrie. No modification is proposed to the Plan. However if the Reporter considered it would make the erosion risk clear the Council would not object to adding to the settlement summary of Invergowrie the following text, ‘The National Coastal Change Assessment indicates that there is a risk of erosion at the western edge of Invergowrie at Kingoodie. This could affect some existing properties, and would affect the potential for future development further west of the settlement boundary here. New development requiring new defences against coastal erosion would not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk.’

Policy 50 New Development and Flooding

Alistair Godfrey (0410/01/015), SEPA (0742/02/023 +29 + 0742/01/087 + 097 + 107) - SEPA have objected to the Council’s approach to development on sites defended by appropriate FPS. This is both a policy issue and a site specific issue with SEPA objections to remove H1 Scott Street/Charles Street and to amend the site specific developer requirements for H319 Ruthvenfield and MU73 Almond Valley. The common response to the issues SEPA raises to the Council’s site allocation and policy approach in relation to allocations defended by FPS is provided below.

Land allocations defended by appropriate flood protection schemes (FPS)

Undeveloped land on the natural flood plain behind appropriate flood protection schemes may be suitable for most types of development. SPP differentiates differently to SEPA and focusses instead on it generally not being suitable for ‘civil infrastructure, and the most vulnerable uses’ and, ‘development in undeveloped and sparsely developed areas’ and, ‘new caravan and camping sites’ from these areas and does not generally exclude residential uses. The SPP para 263 (CD004, p58-59) refers to land within the built up area behind appropriate flood defences as “may be suitable for residential, institutional, commercial and industrial development” rather than discriminating as SEPA do between these uses and determining that residential and institutional uses are more vulnerable than employment land uses. Rather than removing residential uses from these allocations they can be made suitable subject to appropriate mitigation measures including through minimum floor height of any properties built behind an appropriate flood defence.

SEPA's paragraph 269 definition of 'flood protection measures to the appropriate standard' (CD004, p59) as being 1 in 200 year plus climate change standard is too onerous. This is beyond simply adding detail to SPP as it introduces a standard that is unlikely to be met by many if any FPS in Scotland, addresses climate change in FPS design when this could be more appropriately addressed in other ways such as raised finished floor levels, and as already mentioned introduces a new different discrimination between residential and employment land uses. If this stance is to be pursued by SEPA it is a fundamental change to policy approach and it should be done so through the scrutiny of a SPP review. Addressing climate change is important but not necessarily through the FPS design. The Council's current Developers Guidance Note on Flooding and Drainage Supplementary Guidance (CD055, p9-10) requires the following on greenfield sites "0.5% AP (200-year) plus climate change flood event must be a minimum of 300mm from the lowest garden ground level and 600mm from property finished floor levels (FFL)." Also the standard of protection of the FPS in Perth is 1 in 250 years plus freeboard (300-400mm). Due to this freeboard, SEPA's assertion that the scheme only provides a 4% allowance for climate change is incorrect as it will actually be greater than this allowing for freeboard.

SPP paragraph 255 (CD004, p57) states that there is a need for 'locating development away from functional flood plains and medium to high risk areas'. When SPP defines flood plain and the functional flood plain (CD004, p72) it is noted that the flood plain is about where water would flow 'but for the presence of flood prevention measures' and functional floodplain will 'generally have a greater than 0.5% (1 in 200 year) probability of flooding in any year'. The position on flood risk and development SEPA take is based on medium to high risk in an undefended scenario. This runs contrary to the SPP position which is to consider risk in a defended scenario. SPP is not focussed on the undefended scenario with regard to residential development. Also the reference to the functional flood plain having a greater than 1 in 200 year flood risk probability suggests that a FPS designed to defend against 1 in 200 year flood risk is the SPP definition of 'flood protection measures to the appropriate standard' (CD004, p59).

This SEPA's position could have very serious insurance and development finance implications, hampering continued investment in our existing built up areas. By inference it could affect residential proposals within a large area of Perth city centre and at North Muirton, including possible affordable housing development opportunities. It would also have big implications elsewhere in the country.

If Scottish Government wishes to revise its vulnerability approach to flood risk and the appropriate standard of FPS in the way SEPA suggest, it should do so though revision of the SPP. SEPA revising this approach in their guidance does so without the required level of scrutiny, SEPA guidance should provide more detail on flood risk matters but it should not contradict SPP. Neither, the SEPA Position on development protected by a Flood Protection Scheme (CD010), SEPA Development Plan Guidance Topic: Flood Risk (CD011), or the SEPA Flood Risk and Land Use Vulnerability Guidance (CD012) were subject to the SEA process and the legal status of these policy documents and the weight that should be given to them in decision making is questionable.

It could be more appropriate to differentiate between types of flood risk and flood defences focussing on the particular health and safety concerns involved. This is the key difference in the vulnerability between employment and residential uses. In Perth the approach taken for the least (commercial and industrial development) and highly vulnerably uses (residential, institutional, development) should be the same. This is because there is an appropriate River Tay FPS in place, and the River Almond FPS will shortly be operational,

and there is unlikely to be any significant health and safety issues associated to flooding even if these defences were to be overtopped. Local Authorities have a legal responsibility for maintaining their Flood Protection Schemes under the Flood Risk Management (Scotland) Act 2009 and specifically sections 18 Local authorities to assess bodies of water and 59 Duty to carry out clearance and repair works (CD030, p10 + 35). A level of autonomy is required, and where the Local Authorities are willing to commit to maintaining schemes and protecting existing/future residents then this should be a decision available to Local Authorities.

There are maintenance and inspection obligations that the Council follow which should avoid a major breaching scenario where health and safety implications would be important. If FPS were to be overtopped then there is likely to be a higher economic cost associated to the SEPA least vulnerable (commercial and industrial development) uses so overall the SPP and LDP approach to considering vulnerability is more responsive and reflective of the risks involved in Perth.

Residential development behind appropriate FPS would sometimes be more sustainable (such as Perth H1) rather than pushing development outwith (if flood risk issues are suitably mitigated). Flood Risk is a very important consideration, but it is not the only one, and where flood risk is suitably addressed by a FPS and suitable mitigation is required then Local Authorities should have the scope to consider development within these areas if the alternatives are much less desirable overall. Allocations within the settlement boundary of Perth where the flood scheme has incidentally offered protection rather than by design should be carefully considered through review of the LDP and its Strategic Environmental Assessment (SEA). To be clear, the Council do not support designing a flood defence scheme to specifically increase the developable area but where the logical engineering solution provides protection, and then such opportunities should be carefully considered.

The Development Plan should provide sufficient certainty to developers, and SEPA's revised approach would undermine the certainty provided in LDP1 and the current SPP. A future revision of SPP would allow sufficient scrutiny and consideration of the fundamental change in approach (based on SEPA vulnerability guidance, and the definition of appropriate standard flood protection measures) which is proposed. SEPA's current approach is too blunt and does not consider the relative health and safety/economic risks. It does not give enough autonomy to the Local Authority who has a duty to maintain its FPS. SEPA's position on the appropriate FPS being interpreted as being to 1 in 200 year plus climate change before allowing residential within the built up area is too onerous and climate change can be factored in through minimum floor heights. SEPA's position risks blighting existing properties that lie within the built up area in terms of insurance and securing investment.

H1 Scott Street/Charles Street

This is resisted for the reasons given in the common response. In terms of this site it was identified for housing in Perth and Kinross LDP 2014 (CD014, p81) and it is proposed this allocation continues in LDP2. The approach to allocation of land on areas of land defended by an appropriate Flood Protection Scheme (FPS) is consistent with SPP. H1 includes an existing building at 88-90 Scott Street, along with a public carpark which lies to the rear. The building at 88-90 Scott Street has a planning permission 16/00875/FLL granted on the 14 July 2016 which is effective for 3 years (CD270) for student accommodation on the upper 3 floors of the four-storey retail building.

No modification is proposed to the Plan.

H319 Ruthvenfield

This is resisted for the reasons given in the common response. The FRA provided for the Almond Valley application covered H319 and looking at the mapping of the 1 in 200 year risk defended scenario it appears that the developable area should not be impacted (CD275). SEPA position is different in that they seek no development within 1 in 200 year areas currently at risk (pre defended scenario). A map showing the areas at risk cannot be made publically available but can be provided to the Reporter on request. However this would not prejudice H319 delivery but just limit areas that would be undevelopable.

No modification is proposed to the Plan.

MU73 Almond Valley

This is resisted for the reasons given in the common response. If the Reporter disagreed this would not prejudice MU73 delivery, but it may have a minor impact on the developable area. The areas affected by flood risk have been identified for open space due to their high amenity so at the moment it looks unlikely to impact the developable areas. However the planning permission specifies detailed flood risk assessment at each phase in the delivery plan so the affected areas could change.

No modification is proposed to the Plan.

Removal of wording 'within the parameters as defined by this policy'

The Council supports the delivery of the actions and objectives to avoid an overall increase, reduce overall, and manage flood risk as set out within the relevant SEPA Flood Risk Management Strategies and the Local Flood Risk Management Plans but within the parameters as defined by this policy. The approach stated in the Tay Local Plan District Flood Risk Management Plan (FRMP), Annex 3 Approach to Land Use Planning (CD283, p247-248) (see extract below) considers under category (i) that any important component of the development plan settlement strategies may be acceptable under certain stated circumstances as follows:

“The Scottish Planning Policy sets out a flood risk framework to guide development. Areas of medium to high risk – where the annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years) – may be suitable for development provided flood protection measures to the appropriate standard (1:200 years) already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan. This is a matter for careful consideration through review of the Development Plan and its Strategic Environmental Assessment. However if the site is an important component of the settlement strategy and no other equally suitable site is available then development (apart from civic infrastructure and the most vulnerable uses) may be suitable. Any development in such areas would also be subject to appropriate mitigation measures: including water resistance, and water resilience measures and evacuation procedures.”

However the Flood Risk Management Plan (FRMP) (CD283, p247-248) then goes on to say:

‘The following objectives and actions reflect national Land Use Planning policies and

*Guidance:-**AVOID DEVELOPMENT IN MEDIUM TO HIGH RISK AREAS'*

Since the Tay Local Plan District Local FRMP needed to align with the National FRM it ended up compromising the subtlety of its earlier stated position. Therefore the LDP2 policy should say within the parameters of this policy to ensure that this contradiction is not furthered by LDP2.

Where the FPS has been logically designed there should be scope for allocations behind it. In Perth the FPS have not been designed to create opportunities so there should be scope to consider any incidental opportunities created by them through review of the LDP and its Strategic Environmental Assessment (SEA). The Council do not support designing a FPS to specifically increase the developable area but where the logical engineering solution provides protection then such opportunities should be considered. The LDP needs to provide sufficient certainty to developers, and SEPA's approach would undermine the certainty provided in LDP1, and provide an unnecessary constraint.

No modification is proposed to the Plan.

Removal of wording 'There will be a general presumption against' and addition of 'should be avoided unless it accords with the risk framework in SPP'

The Council would resist the suggested changes to remove this caveat for development proposals on a functional flood plain and in areas where there is a medium to high risk of flooding from any source, or where the proposal would increase the probability of flooding elsewhere to replace it with the SPP caveat. As already outlined above the Council has confirmed a small variation on the SPP approach in the Tay Local Plan District Flood Risk Management Plan (CD283, p247-248). This approach allows the LDP to consider sites outwith the built-up area to identify that any important component of the development plan settlement strategies may be acceptable. SEPA partially agree with this approach as they do not object to the northern part of E3 which by their guidance would be assessed as being outwith the built up area. SEPA's planning information note 4 (CD010, p3) says a site is not considered to be within the built up area if, 'it is within a settlement boundary but is located on the periphery of the settlement and is predominantly or completely surrounded by undeveloped land.'

No modification is proposed to the Plan.

Expansion of wording to read 'All development within areas of low to high flood risk must incorporate a suitable climate change allowance, as well as a 'freeboard' allowance.'

With regard to freeboard allowance it is considered appropriate to cover this detail in Supplementary Guidance as it can be more readily updated when the evidence base requires it. In accordance with recent DEFRA research, PKC require a climate change (CC) allowance (a 20% increase in the estimated peak flow) to be applied to the 0.5% AP (200-year) and this is set out in our Flood Risk and Flood Risk Assessment Supplementary Guidance (CD055, p13). This guidance is currently being revised and will be consulted on October 2018.

No modification is proposed to the Plan.

However if the Reporter is so minded to recommend that the proposed modification is

adopted, the local authority would be comfortable with this modification as it would not have any implications for any other aspect of the plan.

Amendment to require that a Flood Risk Assessment for any development proposed in medium-high risk category areas should be undertaken in accordance with SEPA's technical guidance.

In terms of requiring a Flood Risk Assessment (FRA) in accordance with SEPA's technical guidance the policy currently requires 'a Flood Risk Assessment is undertaken in accordance with the Flood Risk and Flood Risk Assessments Supplementary Guidance' (CD055). In the Supplementary Guidance the Council endorses technical guidance provided by SEPA and requires developers to strictly adhere to them. However additional PKC requirements for a FRA are also outlined and so the reference should be kept unchanged.

The sought amendment to the policy text to delete text as follows: 'Development may be acceptable ~~within the built-up area or any important component of the development plan settlement strategies~~ may be acceptable for residential, institutional, commercial and industrial development (including access roads/paths, parking and waste storage areas) provided' is resisted. As already outlined above the Council has confirmed a small variation on the SPP approach in the Tay Local Plan District Flood Risk Management Plan (CD283). This approach allows the LDP to consider sites outwith the built-up area to identify that any important component of the development plan settlement strategies may be acceptable. SEPA partially agree with this approach as they do not object to the northern part of E3 which by their guidance would be assessed as being outwith the built up area.

No modification is proposed to the Plan.

Amendment of the policy wording under the heading of category 1 with regard to development behind FPS

• Remove the wording "or any important component of the development plan settlement strategies"

See response above on deletion of 'There will be a general presumption against' along with addition of the caveat 'unless it accords with the risk framework in SPP' where the need for some diversion from SPP is explained.

No modification is proposed to the Plan.

• Amend the wording of point 1 of category 1 to state that flood protection measures are "complete and operational" rather than in place.

It is agreed that this proposed wording offers more clarity but this could be covered in the Supplementary Guidance.

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

• Clarify that in order for highly vulnerable uses (suggest cross reference to our Land Use

Vulnerability Guidance (LUVG)) to be acceptable behind a FPS, the scheme would need to be built to an equal or less than a 0.5% AEP standard of protection plus climate change allowance.

• Clarify that most vulnerable uses (suggest cross reference to our LUVG) are not acceptable behind a FPS

• Include wording to identify the limited types of development generally acceptable behind a FPS that provides a standard of protection that is equal or less than a 0.5% AEP standard of protection within a built up area without an allowance for climate change, as set out in our flood risk guidance

And include "and most vulnerable uses" to the end of point 1 in the third paragraph

Disagree with these suggested amendments. Please refer to the response given above under Land allocations defended by appropriate flood protection schemes (FPS) for reasons why.

SEPA's approach is considered to be contrary to SPP. If Scottish Government wishes to revise its vulnerability approach to flood risk or define an appropriate FPS in the way SEPA suggest it should do so though revision of the SPP with the scrutiny that provides. SEPA's interpretation of the appropriate FPS being 1 in 200 year plus climate change before allowing residential within the built up area is too onerous as climate change can be factored in through minimum floor heights.

No modification is proposed to the Plan.

• Change the word civil to "essential" in point 7

It is agreed that SEPA's proposed wording better reflects SPP.

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

Reporter's conclusions:

Inclusion of a coastal policy

1. Paragraphs 89 and 91 of Scottish Planning Policy are clear that development plans should identify largely unspoiled areas of the coast and that those which possess special environmental or cultural qualities should be safeguarded. Whilst the strategic development plan may illustrate areas of unspoiled coast, I consider that it is for local development plans to define the nature and extent of areas of unspoiled coast. Neither Scottish Planning Policy or the strategic development plan includes a definition of unspoiled coast.

2. I note that the Perth and Kinross Structure Plan (2003) identifies that Perth and Kinross contains a significant amount of undeveloped coastline along the Tay Estuary from Invergowrie to Perth. At my site inspections I observed that whilst there is a largely undeveloped coastline from Invergowrie to Perth which contains agricultural land and smaller settlements, I do not consider that it is a remote unspoiled coastline. This area of

the coast is close to large centres of population and is accessible.

3. The proposed plan includes a number of policies which will protect areas or sites with special environmental qualities, such as Policy 36 Environment and Conservation and also contains settlement boundaries which will focus the majority of development to existing settlements. As a result of this and my observations at my site inspections, I do not consider it is appropriate for the proposed plan to identify areas as unspoiled coast, no modifications are therefore required.

4. Paragraph 88 of Scottish Planning Policy requires plans to recognise that rising sea levels and extreme weather events resulting from climate change could potentially have a significant impact on coastal areas and that a precautionary approach to flood risk should be taken. In addition, where appropriate, plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial. In response to this, Policy 50 New Development and Flooding states that built development should avoid areas at significant risk from landslip, coastal erosion, wave overtopping and storm surges. In addition, the policy refers to a flood risk framework to assess proposals at risk from coastal flooding.

5. I note however that the plan does not identify areas at risk. The council has highlighted that a small part of the coastal area, at Kingoodie, is included within the national coastal change assessment as being vulnerable from coastal erosion and that by 2051 it is projected that erosion could potentially impact on some properties within the settlement boundary of Invergowrie and an area to the east. Whilst I note that the proposed plan discourages development outside settlement boundaries, given the requirements of Scottish Planning Policy, I find that a modification is required to ensure areas at risk are identified. The modification to the settlement statement for Invergowrie reflects the wording proposed by the council, which I consider to be appropriate.

Policy 50 New Development and Flooding

Land allocations defended by appropriate flood protection schemes (FPS)

6. In response to a further information request (FIR 05) the Scottish Environment Protection Agency provided additional information regarding their land use vulnerability guidance and stated that the Perth Flood Protection Scheme was considered to be appropriate for least vulnerable uses, such as businesses and commercial use, but not for highly vulnerable uses including residential. In addition, information was provided to illustrate that for most flood events, damage to residential property is the single largest contributor to total damages.

7. The Scottish Environment Protection Agency state that their guidance is their interpretation of Scottish Planning Policy and their wider duties under the Flood Risk Management (Scotland) Act 2009. In 2016, the advice was adjusted to reflect a risk based approach and a Ministerial direction for a residential development at Conon Bridge. The Scottish Environment Protection Agency acknowledge in their response to the further information request that the terminology used in Scottish Planning Policy, particularly in relation to development behind flood protection schemes is open to interpretation. However, it is not accepted that their guidance is going beyond Scottish Planning Policy. The Scottish Environment Protection Agency highlight in their response that it is their role to provide advice on flood risk and it is for the planning authority to balance this advice with other material planning considerations.

8. In the councils response to the further information request they submit that development design can address climate change and that this approach accords with the requirements of Scottish Planning Policy. Reference is made to a recent planning decision in Leith. The council highlight that the Scottish Government did not call in the decision despite objections from the Scottish Environment Protection Agency. The council also explain that they do not anticipate significant depth of flooding from overtopping and that if this should occur, it should not impact on new properties with higher finished floor levels.

9. With regard to the Canon Bridge appeal, the council submits that this had different circumstances than this case, the flood protection scheme did not provide for adequate freeboard and surface water flood risks were not correctly assessed. The council has provided additional information regarding the level of protection offered by the Perth Flood Protection Scheme, which is greater than that submitted by the Scottish Environment Protection Agency.

10. The Scottish Government were invited to provide information in response to the further information request and comment on the responses received, however no response was received.

11. Section 3E of the Town and Country Planning (Scotland) Act 1997 requires planning authorities to carry out their development planning functions with the objective of contributing to sustainable development. Paragraph 12 of Planning Circular 6/2013 Development Planning explains that in carrying out their functions, planning authorities must have regard to any guidance Scottish Ministers issue for this purpose and that this guidance is included within Scottish Planning Policy.

12. Section 16 of the Act requires councils to take into account the National Planning Framework and where the proposed plan lies within an area covered by a strategic development plan, that the local development plan must be consistent with the strategic development plan. In addition, regulation 10 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, requires the council to have regard to a range of matters including any approved flood risk management plan and river basin management plan.

13. The National Planning Framework highlights the important role of the planning system in reducing the vulnerability of existing and future development to flooding. It supports a catchment-scale approach to sustainable flood risk management and highlights that climate change will increase the risk of flooding in some parts of the country.

14. Paragraph 255 of Scottish Planning Policy identifies that the planning system should take a precautionary approach to flood risk as well as promoting flood avoidance by locating development away from functional flood plains and medium to high risk areas. Paragraph 263 sets out a flood risk framework with three categories of coastal and watercourse flood risk and guidance on surface water flooding. It is highlighted that this should be used to guide development.

15. The area of dispute relates to development within medium to high risk areas. Scottish Planning Policy identifies this as being where the annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years). It is highlighted that within such areas, land may be suitable for residential, institutional, commercial and industrial

development within built-up areas, provided flood protection measures to the appropriate standards already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan.

16. The Scottish Government Flood Risk Planning Advice (2015) reiterates the contents of Scottish Planning Policy. Paragraph 18 explains that avoidance of flood risk may not be practicable and possible in all cases and that development in established built up areas, historical centres and regeneration areas may already be in areas at risk of flooding. It highlights that the locational requirements of essential infrastructure such as roads, electricity generating stations or sewage treatment works may necessitate development in flood risk areas.

17. The planning advice explains that Scottish Planning Policy states that where built development is permitted in medium to high flood risk areas, measures to protect against or manage flood risk will be required. In these cases planning authorities may need to determine whether flood reduction measures, protection and resilience measures can help to mitigate any flooding impact on development and adjacent land uses. Paragraph 22 states that planning authorities should consider flood risk as part of their wider assessment of the effectiveness of development sites and that this is particularly relevant for housing sites.

18. The strategic development plan reflects the requirements of Scottish Planning Policy. Policy 2 Shaping Better Quality Places, seeks to ensure that local development plans are adaptable and resilient to a changing climate. It directs development to locations which avoid flood risk but where necessary ensures that solutions which mitigate unavoidable risks are designed in.

19. Annex 3 of the Tay Local Plan District Flood Risk Management Plan (2016), reiterates the Scottish Government flood risk advice, but then states that development should be avoided in medium to high risk areas and clearly references the guidance prepared by the Scottish Environment Protection Agency rather than Scottish Planning Policy.

20. In their representation the Scottish Environment Protection Agency has objected to the approach taken within the proposed plan regarding the role of existing flood protection schemes and the impact of the approach on specific sites. I note that the primary purpose of flood protection schemes is to protect existing development from flood risk rather than to facilitate new development. Also that when flood defences are breached that the impact of flooding trapped behind defences can be more damaging. However, I consider that Scottish Planning Policy is clear, that areas within a medium to high risk may be suitable for residential development provided flood protection measures to the appropriate standard already exist. Therefore, I disagree with the suggestion that areas protected by flood protection measures cannot be considered suitable for development.

21. Paragraph 263 of Scottish Planning Policy explains that medium to high risk areas are those where the annual probability of flooding is greater than 0.5% (1:200 years). However, it is submitted within the representation that the best estimate of the flood protection scheme in Perth is 1:250 years and this does not have any provision for climate change. In addition, it is stated that the flood protection scheme for Almond does not offer standard protection equal or greater than 1:200 years plus climate change.

22. I fully acknowledge the planning information notes and guidance produced by the Scottish Environment Protection Agency. However, I am required to determine whether the proposed plan takes account of the National Planning Framework, is consistent with the strategic development plan and has regard to guidance produced by Scottish Ministers. I consider the proposed plan is consistent with the National Planning Framework and the strategic development plan. It accords with the provisions of the Scottish Planning Policy and reflects the Scottish Governments planning advice on flood risk.

23. It is clear that the proposed plan fully acknowledges the need to take account of climate change and I consider that it is appropriate, in the context of the Scottish Government advice on flood risk for issues to be addressed by other means, such as raised finished floor levels. I note that the council has a developers guidance note on flooding and drainage, which requires that on greenfield sites with a 200-year plus climate change flood event, that there must be a minimum of 300mm from the lowest garden ground level and 600mm from property finished floor levels. The standard protection in Perth is 1 in 250 years plus freeboard 300-400mm. This is therefore greater than that set out within the guidance produced by the Scottish Environment Protection Agency.

24. In reaching my conclusions, I note that the Scottish Government has not objected to the councils approach and that they had no comments to make on the further information request. I have fully considered the information contained within the further information request responses. However, none of this additional information alters my conclusions set out above.

H1 Scott Street/Charles Street, H319 Ruthvenfield and MU73 Almond Valley

25. The council has provided detailed information regarding the standard of protection offered by the flood protection scheme which protects the land proposed for development by allocations H1 Scott Street/Charles Street, H319 Ruthvenfield and MU73 Almond Valley. These sites are considered in detail in Issue 25 Perth Strategic Development Area and Issue 27 Perth City Proposals.

26. The site specific developer requirements identify that drainage impact assessment and flood risk assessment would be required to accompany a planning application and that areas protected by the flood protection scheme should be subject to appropriate mitigation measures. In addition, I note that the areas affected by flood risk on site MU73 have been identified for open space provision. In light of my conclusions above, I consider this approach to accord with the provisions of Scottish Planning Policy and therefore no modifications are required.

Policy 50 New Development and Flooding wording amendments

Removal of wording 'within the parameters as defined by this policy'

27. Regulation 10 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, requires the council to have regard to a range of matters including any approved flood risk management plan and river basin management plan. Annex 3 of the Tay Local Plan District Flood Risk Management Plan (2016), reiterates Scottish Government Flood Risk Planning Advice (2015), but then states that development should be avoided in medium to high risk areas and clearly references the guidance prepared by the Scottish Environment Protection Agency rather than Scottish Planning Policy.

28. I fully acknowledge the planning information notes and guidance produced by the Scottish Environment Protection Agency. However, I am required to determine whether the proposed plan takes account of the National Planning Framework, is consistent with the strategic development plan and has regard to guidance produced by Scottish Ministers.

29. I do not agree that the inclusion of the wording 'within the parameters as defined by this policy' would conflict with the requirements. I consider that in preparing the proposed plan the council has had regard to the approved flood risk management plan. In accordance with the statutory requirements, I find that the proposed plan is consistent with the National Planning Framework and the strategic development plan. It accords with the provisions of the Scottish Planning Policy and reflects the Scottish Governments planning advice on flood risk. No modifications.

Removal of wording 'There will be a general presumption against' and addition of 'should be avoided unless it accords with the risk framework in SPP'

30. Paragraph 255 of Scottish Planning Policy requires the planning system to promote a precautionary approach to flood risk and paragraph 263 identifies that local development plans should use the flood risk framework to guide development. Policy 2c of the strategic development plan includes a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels.

31. Annex 3 of the Tay Local Plan District Flood Risk Management Plan (2016), reiterates Scottish Government Flood Risk: Planning Advice (2015), but then states that development should be avoided in medium to high risk areas and clearly references the guidance prepared by the Scottish Environment Protection Agency. This conflicts with paragraph 263 of Scottish Planning Policy which sets out the development that may be suitable in medium to high risk areas.

32. Whilst Policy 50 does not use the words 'precautionary approach' the policy clearly states that there will be a general presumption against specific proposals. The text within the policy refers to a flood risk framework which I consider to reflect that contained within Scottish Planning Policy. No modifications.

Expansion of wording to read 'All development within areas of low to high risk must incorporate a suitable climate change allowance, as well as a 'freeboard' allowance.'

33. Paragraph 255 of Scottish Planning Policy highlights the need to take account of the predicted effects of climate change on flood risk. Strategic development plan Policy 2 Shaping Better Quality Places requires local development plans to be resilient and future read by ensuring that adaptability and resilience to climate change. I do not agree with the council that it is more appropriate for the matter to be considered in supplementary guidance. I therefore find that in order to accord with the requirements of Scottish Planning Policy and the strategic development plan that an amendment is required.

Amendment to require that a Flood Risk Assessment for any development proposed in medium-high risk category areas should be undertaken in accordance with SEPA's technical guidance

34. As the technical guidance prepared by the Scottish Environment Protection Agency is clearly referred to within the council's supplementary guidance, I do not consider it is

necessary for it also to be referred to within Policy 50.

35. In accordance with my previous conclusions regarding the approach to development within areas of medium to high flood risk, I find that it is appropriate for the proposed plan to specifically refer to development proposals in built up areas or any important component of the development plan settlement strategies. No modifications are therefore required.

Amendments to the policy wording under the heading of category 1 with regard to development behind flood protection schemes (FPS)

36. The matters referred to within this section are relevant to my conclusions on 'Policy 50: New Development and Flooding - Land allocations defended by appropriate flood protection schemes (FPS)' within paragraphs 6 to 24 above.

37. The reference to a site or area being an important component of the development plan settlement strategies reflects paragraph 18 of Scottish Government Flood Risk: Planning Advice (2015) and is therefore appropriate. No modifications.

38. Paragraph 263 of Scottish Planning Policy identifies that within medium to high risk areas sites may be suitable for residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan. Point 1 under the section of Policy 50 which relates to category 1 – medium to high flood risk requires that no homes or premises are occupied before the flood protection measures are in place. Whilst additional detail on this matter could be included within supplementary guidance, I consider that a modification to refer to the flood protection measures to be complete and operational prior to the occupation of the properties to provide clarity. I note that the council agree that the suggested wording provides greater clarity and would be comfortable with a modification.

39. It is clear that the proposed plan fully acknowledges the need to take account of climate change and I consider that it is appropriate, in the context of the Scottish Government advice on flood risk for issues to be addressed by other means, such as raised finished floor levels. I note that the council has a developers guidance note on flooding and drainage, which requires that on greenfield sites with a 200-year plus climate change flood event, that there must be a minimum of 300mm from the lowest garden ground level and 600mm from property finished floor levels. The standard protection in Perth is 1 in 250 years plus freeboard 300-400mm. This is therefore greater than that set out within the guidance produced by the Scottish Environment Protection Agency. No modifications.

40. I consider that an amendment to point 7 within Policy 50 to refer to essential infrastructure rather than civil infrastructure would ensure clarity of interpretation.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Add the following text to the settlement statement for Invergowrie:
"The National Coastal Change Assessment indicates that there is a risk of erosion at the

western edge of Invergowrie at Kingoodie. This could affect some existing properties, and would affect the potential for future development further west of the settlement boundary here. New development requiring new defences against coastal erosion would not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk.”

2. Amend the fourth paragraph of Policy 50 New Development and Flooding by adding the following text immediately following ‘incorporate a’:

“suitable climate change allowance as well as a”

3. Amend the first criterion of Policy 50 New Development and Flooding under the heading Category 1 – Medium to High Flood Risk by deleting “in place” and replacing with “complete and operational”.

4. Amend the seventh criterion of Policy 50 New Development and Flooding under the heading Category 1 – Medium to High Flood Risk by deleting “civil” and replacing with “essential”.

Issue 22	Policy 51 Water Environment and Drainage	
Development plan reference:	Policy 51: Water Environment and Drainage, Page 83	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Royal Society for the Protection of Birds (RSPB) (0546) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Water Environment and Drainage Policy page 83	
Planning authority's summary of the representation(s):		
<p>RSPB (0546/01/026) - Policy 51 deals with complex technical matters and a supplementary guidance would be beneficial in explaining how the requirements of the Policy can be met. Policy 51C or the future supplementary guidance should refer to the guidance produced by RSPB and WWT on Sustainable Drainage Systems (RD087).</p> <p>SEPA (0742/01/018) - In Policy 51A, remove the policy text "and any relevant associated Area Management Plans". The change is required as the Area Management Plans have been superseded by the current River Basin Management Planning (RBMP) data (https://www.sepa.org.uk/data-visualisation/water-environment-hub).</p> <p>In Policy 51C, the text `including relevant temporary measures at the construction phase` should be added to the end of the first sentence. The expansion ensures that the pollution risk to the receiving water environment during construction is minimised by the use of appropriate temporary SUDS measures. The use of temporary measures also has the benefit of avoiding siltation of the final SUDS structures thereby avoiding a detrimental impact on their efficacy post construction phase.</p> <p>SEPA (0742/01/019) - SEPA supports the rest of the wording of Policy 51.</p>		
Modifications sought by those submitting representations:		
<p>RSPB (0546/01/026) - Confirm that statutory supplementary guidance will be provided to support Policy 51. Make reference to the guidance produced by RSPB and WWT on Sustainable Drainage Systems.</p> <p>SEPA (0742/01/018) - In Policy 51A, remove the policy text "and any relevant associated Area Management Plans". In Policy 51C "including relevant temporary measures at the construction phase." should be added to the end of the first sentence.</p>		
Summary of responses (including reasons) by planning authority:		
RSPB (0546/01/026) - The various topics that Policy 51 deals with are covered by national level standards and regulations. These are referred to in the Policy text under the relevant		

sub sections. The Council's Supplementary Guidance on Flood Risk and Flood Risk Assessment (CD055) referred to in Policy 50 includes detailed advice on Sustainable Drainage Systems and provides links to number of other sources of best practice advice (e.g. Ciria Manual). The ongoing review of this supplementary guidance provides an opportunity to determine whether additional sources would add value to its content. It is not considered necessary to produce additional supplementary guidance for Policy 51 or make a reference specifically to the guidance produced by RSPB and WWT in the Plan.

No modification is proposed to the Plan.

SEPA (0742/01/018) - The proposed modification reflects a factual name change and it is intended to ensure that the wording of the policy is up to date and provides more clarity.

If the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

The requirement to attenuate run off from temporary construction sites is a statutory requirement covered under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CD037). The need for putting temporary measures in place is identified at the planning application stage and the Construction Method Statement provides details on how the requirement will be met. It is not considered necessary to refer to this in the Policy text as it is standard practice covered by other regulations.

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

Reporter's conclusions:

1. The council's current supplementary guidance on flood risk and flood risk assessment includes detailed advice on sustainable drainage systems and provides links to additional guidance and advice. I therefore do not consider it is necessary to produce separate supplementary guidance specifically on sustainable drainage systems or provide links to additional guidance prepared by other organisations. However, in order to aid the implementation of the policy I find that it would be beneficial to refer to the flood risk and flood risk assessment supplementary guidance.

2. I note that area management plans have now been superseded by current river basin management planning data. I agree that reference to area management plans should, therefore, be removed to ensure that the policy is factually up to date and provide more clarity.

3. Whilst the obligation to attenuate run off from construction sites is a statutory requirement, I note from the representation submitted by the Scottish Environment Protection Agency, that the Town and Country Planning (Development Planning) Regulations 2008 specifically identify the need for planning authorities to have regard to any river basin management plans in preparing a local development plan. The second river basin management plans identify sustainable drainage measures as an important measure to prevent and reduce pollution from diffuse urban sources. Reference within the policy to the requirement to attenuate run off from construction sites would provide clarity for developers and aid the implementation of the policy. I therefore find that a modification is required to include reference to temporary measures at construction

phase.
Reporter's recommendations:
<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. In Policy 51 Water Environment and Drainage, add the following note to the end of the policy: “Note: Further detailed guidance on the implementation of this policy is set out in the Flood Risk and Flood Risk Assessment Supplementary Guidance”. 2. In Policy 51A Water Environment, remove the following text from the second paragraph: “and any relevant associated Area Management Plans”. 3. In Policy 51C Surface Water Drainage, add the following text to the end of the first sentence: “including relevant temporary measures at the construction phase”.

Issue 23	Environmental Protection and Public Safety			
Development plan reference:	Policy 52 Health and Safety Consultation Zones, page 84 Policy 54 Noise Pollution, page 84 Policy 55 Air Quality Management Areas, pages 85-86 Policy 56 Contaminated Land, page 87	Reporter: Philip Barton		
Body or person(s) submitting a representation raising the issue (including reference number):				
<table><tr><td>Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) David Gordon (0130) Mr & Mrs Fleming (0150) Frances Hobbs (0152) Neil Myles (0153) John Brian Milarvie (0171) Shell UK Limited (0195) Peter and Vanessa Shand (0226) J D McKerracher (0245) Scone Community Council (0265) John W Rogers (0304) Mr and Mrs Short (0382) Mr and Mrs Stewart Reith (0389) Mr and Mrs S Dallas (0392) Alistair Godfrey (0410) Moira Andrew and William Hadden (0432) Perth Civic Trust (0444) Scottish Government (0451) Jeffrey Rowlinson (0485) David F Lewington (0486) The John Dewar Lamberkin Trust (0532) The Coal Authority (0539) INEOS FPS (0570) Lisa Cardno (0599)</td><td>James Thow (0668) Jennifer Thow (0669) Martin RW Rhodes (0675) S Goodacre (0688) H Goodacre (0689) Hazel MacKinnon (0705) Gerard Connolly (0712) Stewart McCowan (0714) Angela McCowan (0715) Gladys Ogilvy (0716) Graham Ogilvie (0717) Tracy Ogilvie (0718) Shona Cowie (0719) Paul Cowie (0720) David Roy (0730) Greer Crichton (0731) Brian Hood (0732) Gaynor Hood (0733) Philip Crichton (0734) K A Bisset (0735) M Cross (0736) Gillian Halawi (0737) Lynn and Matt Brand (0738) Scottish Environment Protection Agency (SEPA) (0742)</td></tr></table>			Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) David Gordon (0130) Mr & Mrs Fleming (0150) Frances Hobbs (0152) Neil Myles (0153) John Brian Milarvie (0171) Shell UK Limited (0195) Peter and Vanessa Shand (0226) J D McKerracher (0245) Scone Community Council (0265) John W Rogers (0304) Mr and Mrs Short (0382) Mr and Mrs Stewart Reith (0389) Mr and Mrs S Dallas (0392) Alistair Godfrey (0410) Moira Andrew and William Hadden (0432) Perth Civic Trust (0444) Scottish Government (0451) Jeffrey Rowlinson (0485) David F Lewington (0486) The John Dewar Lamberkin Trust (0532) The Coal Authority (0539) INEOS FPS (0570) Lisa Cardno (0599)	James Thow (0668) Jennifer Thow (0669) Martin RW Rhodes (0675) S Goodacre (0688) H Goodacre (0689) Hazel MacKinnon (0705) Gerard Connolly (0712) Stewart McCowan (0714) Angela McCowan (0715) Gladys Ogilvy (0716) Graham Ogilvie (0717) Tracy Ogilvie (0718) Shona Cowie (0719) Paul Cowie (0720) David Roy (0730) Greer Crichton (0731) Brian Hood (0732) Gaynor Hood (0733) Philip Crichton (0734) K A Bisset (0735) M Cross (0736) Gillian Halawi (0737) Lynn and Matt Brand (0738) Scottish Environment Protection Agency (SEPA) (0742)
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Provision of the development plan to which the issue relates:	Policies relating to environmental protection and public safety, pages 84-87.			
Planning authority's summary of the representation(s):				
Policy 52: Health and Safety Consultation Zones				
INEOS FPS (0570/01/001) - Support for Policy 52 and the consultation zones indicated on the settlement statements.				

Shell UK Limited (0195/01/001) - Support for Policy 52; and support for the identification of pipeline consultation zones on the respective settlement maps.

However concerns are raised that not all of the respective settlement summaries refer to the existence of these pipeline consultation zones. To ensure a consistent approach across the LDP, the respondent suggests that reference to the pipeline consultation zones be included in all settlement summaries where there is a corresponding pipeline consultation zone. These settlements are: Auchterarder, Balbeggie, Braco, Bridge of Earn and Oudenarde, Coupar Angus, Drunzie, Dunkeld and Birnam, Gleneagles, Glenfarg, Guildtown, gWest, Hattonburn, Kinnaird, Kinross, Kinrossie, Meigle, Methven, Perth West, Powmill, St David's, St Madoes and Glencarse, and Wolfhill.

To ensure a consistent approach across the LDP, the respondent suggests that the wording used in the Hattonburn settlement statement be applied to all relevant settlement summaries.

The respondent suggests that this would more closely accord with the advice set out in SPP, generally at paragraph 235 and more specifically at paragraphs 99 and 107. Paragraph 99 confirms the need to identify and safeguard oil and gas pipelines through the development plan process; and paragraph 107 notes the requirement to conform with HSE advice, including maintaining appropriate distances between sites with hazardous substances and new development. Further guidance was published in Circular 3/2015 Planning Controls for Hazardous Substances.

The respondent also requests that the Kinross and Milnathort settlement statement be amended where the text refers to pipeline consultation zone to refer to policy 52 not policy 55. It is assumed that this is a typing error.

Shell UK Limited (0195/01/002) - Following publication of the Proposed Plan, any new or expanded settlement boundaries or proposals must be assessed against the relevant HSE guidance (intended to apply to settlement boundaries or proposals introduced either by the Council or the reporter at examination stage). Full recognition must be given to the existence of any pipeline consultation zones and the relevant HSE guidance controlling development within these zones.

Policy 54: Noise Pollution

Alistair Godfrey (0410/01/016) - States that the policy needs to specifically protect residential areas and where noise would significantly affect a rural setting.

Policy 55: Air Quality Management Areas

TACTRAN (0057/01/017) - Welcomes support for low emission technologies for transport and will work with the Council to implement the Air Quality Action Plans

The John Dewar Lamberkin Trust (0532/05/002) - Support for the objectives underpinning the policy and for the Supplementary Guidance.

John W Rogers (0304/01/011) - When planning permission in principle was granted for Proposal H29 the Council erroneously used Environment Protection UK's (EPUK) 2010 report instead of EPUK's updated 2015 report, which has been endorsed by the Scottish Government's air quality policy of March 2016 and incorporated in the report by

Environmental Protection Scotland in January 2017. Requests a clear statement in the Plan that the most up to date guidance on air quality and the need for air quality assessments will be used.

Scottish Government (0451/01/005) - The policy should be clearer about what 'sensitive' receptors are. The policy should be clear about whether mitigations for air quality impacts are to be on site, through design changes, or offsite, through public transport or active travel provision for example. The lack of clarity weakens the ability of the policy to gain positive air quality outcomes. It is assumed that the detailed policy content is to be included in supplementary guidance but it is considered that more detail is required in the policy itself in order to accord with Circular 6/2013 (CD001) paragraph 138, which requires that supplementary guidance is limited to the provision of further information or detail in respect of policies or proposals set out in the LDP.

David Gordon (0130/01/003) - Perth's Air Quality Management Area includes extensive areas where there is no traffic related pollution but omits the A94 through Scone, which is unpleasant with fumes. The AQMA should be extended to include the A94 corridor within Scone.

Alistair Godfrey (0410/01/017) - The Perth air quality management area should be extended to areas of expanding development such as Bertha Park

SEPA (0742/01/020) - The policy as proposed is very limited because it only applies within Perth and Crieff AQMAs. Broaden the policy coverage to require mitigation measures for any proposed development that could have a detrimental impact on air quality through exacerbation of existing air quality measures or introduction of new sources of pollution. This would have significant positive effects. It would also accord with Scottish Government's Cleaner Air for Scotland – The Road to a Healthier Future (CD066); and with SPP paragraph 28; and may also have a beneficial effect on greenhouse gas emissions and therefore work towards the reduction in greenhouse gas targets set out in the Climate Change Act.

Mr & Mrs Fleming (0150/01/011) - Objects to the omission of air quality and pollution from the Proposed Plan and the subsequent serious risk to health. Air Quality assessments should be required for all new developments and the roads they feed into. There have been a number of Air Quality assessments carried out in Scone and Bridgend and the measurements far exceed safe and healthy levels with high levels of poisonous gases. If developers cannot be enforced to carry out these surveys the Council has a duty of care to its residents to provide one. The claim that drivers will switch to electric cars is speculative, and many HGVs continue to use the A93. It is a fact that most Perth residents require a car because they are unable to use public transport on a daily basis

Mr and Mrs S Dallas (0392/01/003) - Object to the lack of concern in the Proposed Plan regarding air quality because it does not recognise the cumulative effect Proposal H29 and the other multiple development sites will have on air quality and pollution. Bridgend is already an air quality management area with dangerously high levels of poisonous gases recorded. The Proposed Plan ignores independent gas readings taken along Scone main road that show levels above legal limits.

Moir Andrew and William Hadden (0432/01/005) - The respondents state that 6.4.6 appears not to be logical because it states there is no air pollution in Scone, but agrees that further development would increase the traffic issue in Bridgend if built before the

CTRL. No air quality assessment has been prepared. Scone would be one of the many developments prior to the CTRL. The respondents oppose the avoidance of a proper cumulative assessment of air quality and the illogical explanation for this.

Perth Civic Trust (0444/01/004) - More must be done to improve air quality. Particular concerns are raised in respect of pollution at Atholl Street, Perth. While the Council has a responsibility to improve air quality, table 6 of the non-technical summary of the SEA environmental report states that the Proposed Plan has potentially significant adverse effects on air quality. The Perth air quality action plan dates from 2009 and the only progress update is from 2012. The respondent understands that it is the Council's opinion that air quality should improve after CTRL is complete but this view is not reflected in the Proposed Plan. The Council should provide a clear explanation of how air quality targets will be met during a period when road traffic is expected to increase substantially.

Frances Hobbs (0152/01/011): Object to the lack of concern in the Proposed Plan regarding air quality and its consequent health effects. An embargo should be put in place on further house building along the A93/A94 corridors until the Cross Tay Link Road has been built.

Neil Myles (0153/01/011); John Brian Milarvie (0171/01/011); Peter and Vanessa Shand (0226/01/011); J D McKerracher (0245/01/012); Scone Community Council (0265/01/013); John W Rogers (0304/01/011); Mr and Mrs Short (0382/01/007); Mr and Mrs Stewart Reith (0389/01/005); Jeffrey Rowlinson (0485/01/006); David F Lewington (0486/01/006); Lisa Cardno (0599/01/10); James Thow (0668/01/010); Jennifer Thow (0669/01/10); Martin R W Rhodes (0675/01/010); S Goodacre (0688/02/002); H Goodacre (0689/02/002); Hazel MacKinnon (0705/01/011); Gerard Connolly (0712/01/011); Stewart McCowan (0714/01/011); Angela McCowan (0715/01/011); Gladys Ogilvy (0716/01/011); Graham Ogilvie (0717/01/011); Tracy Ogilvie (0718/01/011); Shona Cowie (0719/01/011); Paul Cowie (0720/01/011); David Roy (0730/01/011); Greer Crighton (0731/01/011); Brian Hood (0732/01/011); Gaynor Hood (0733/01/011); Philip Crighton (0734/01/011); K A Bisset (0735/01/002); M Cross (0736/01/002); Gillian Halawi (0737/01/002); Lynn and Matt Brand (0738/01/002) - The respondents' comments on air quality relate to Scone, and objections are raised in respect of the lack of concern in the Proposed Plan regarding air quality and its consequent health effects. Requests that the plan state air quality assessments are deemed essential for all developments, especially in respect of cumulative effects; and an embargo is placed on further house building along the A93/A94 corridors until the Cross Tay Link Road has been built.

Policy 56: Contaminated Land

The Coal Authority (0539/1/003) - Objects to the omission of unstable land from planning policies. While Development High Risk Area only covers a small part of the Council area mining legacy risks pose a significant risk to safety of future developments.

Recommended wording: At end of first paragraph add " In respect of unstable land, as defined by the Coal Authority development High Risk Area, the applicant should demonstrate to the LPA the site is or can be made safe and stable for the development proposed" And in the first sentence of the second paragraph add "and/or unstable land" .

SEPA (0742/1/021) - Supports the policy wording as it accords with PAN33 and may contribute to improving soil functionality.

Modifications sought by those submitting representations:
<p><u>Policy 52: Health and Safety Consultation Zones</u></p> <p>INEOS FPS (0570/01/001) - No specific modification is sought.</p> <p>Shell UK Limited (0195/01/001) - Amend specific settlement summaries to include a textual reference to pipeline consultation zones where there is a corresponding pipeline consultation zone. Correct typing error in Kinross and Milnathort settlement summary so it refers to policy 52 not policy 55.</p> <p>Shell UK Limited (0195/01/002) - No specific modification is sought however concerns are raised that any new or expanded settlements or proposals must be assessed against the relevant HSE guidance before modifications are made to the Proposed Plan as a result of the outcome of the examination.</p> <p><u>Policy 54: Noise Pollution</u></p> <p>Alistair Godfrey (0410/01/016) - Requests the policy be amended to specifically protect residential areas and where noise would significantly affect a rural setting.</p> <p><u>Policy 55: Air Quality Management Areas</u></p> <p>TACTRAN (0057/01/017); The John Dewar Lamberkin Trust (0532/05/002) - No specific modification sought.</p> <p>John W Rogers (0304/01/011) - Requests a clear statement in the Plan that the most up to date guidance on air quality and the need for air quality assessments will be used.</p> <p>Scottish Government (0451/01/005) - Amend the policy to clarify what is meant by 'sensitive' receptors. Clarify whether mitigations for air quality impacts are to be on site, through design changes, or offsite. More detail is required in the policy.</p> <p>David Gordon (0130/01/003) - Amend Perth's Air Quality Management Area to include the A94 corridor within Scone</p> <p>Alistair Godfrey (0410/01/017) - The Perth air quality management area should be extended to areas of expanding development such as Bertha Park.</p> <p>SEPA (0742/01/020) - Delete 'Management Areas' from the policy title.</p> <p>Mr & Mrs Fleming (0150/01/011) - Strengthen the Proposed Plan's treatment of air quality issues. The respondent suggests amending policy 55 to ensure to require air quality assessments for all new developments and the roads they feed into; and requiring the Council to carry out assessments where developers do not.</p> <p>Mr and Mrs S Dallas (0392/01/003) - Strengthen the Proposed Plan's treatment of air quality and its consequent health effects, especially the cumulative effects when considering all the proposals in the Proposed Plan. Independent gas readings taken along Scone main road should not be ignored.</p> <p>Moirra Andrew and William Hadden (0432/01/005) - Amend the Proposed Plan to include a</p>

proper cumulative assessment of air quality.

Perth Civic Trust (0444/01/004) - Amend the Proposed Plan to show how the Proposed Plan will improve air quality. Update the Perth air quality action plan more regularly.

Frances Hobbs (0152/01/011) - Strengthen the Proposed Plan's treatment of air quality and its consequent health effects. The respondent suggests an embargo on further house building along the A93/A94 corridor until the Cross Tay Link Road has been built.

Neil Myles (0153/01/011); John Brian Milarvie (0171/01/011); Peter and Vanessa Shand (0226/01/011); J D McKerracher (0245/01/012); Scone Community Council (0265/01/013); John W Rogers (0304/01/011); Mr and Mrs Short (0382/01/007); Mr and Mrs Stewart Reith (0389/01/005); Jeffrey Rowlinson (0485/01/006); David F Lewington (0486/01/006); Lisa Cardno (0599/01/10); James Thow (0668/01/010); Jennifer Thow (0669/01/10); Martin R W Rhodes (0675/01/010); S Goodacre (0688/02/002); H Goodacre (0689/02/002); Hazel MacKinnon (0705/01/011); Gerard Connolly (0712/01/011); Stewart McCowan (0714/01/011); Angela McCowan (0715/01/011); Gladys Ogilvy (0716/01/011); Graham Ogilvie (0717/01/011); Tracy Ogilvie (0718/01/011); Shona Cowie (0719/01/011); Paul Cowie (0720/01/011); David Roy (0730/01/011); Greer Crichton (0731/01/011); Brian Hood (0732/01/011); Gaynor Hood (0733/01/011); Philip Crichton (0734/01/011); K A Bisset (0735/01/002); M Cross (0736/01/002); Gillian Halawi (0737/01/002); Lynn and Matt Brand (0738/01/002) - The respondents suggest amending policy 55 to require air quality assessments for all developments, especially in respect of cumulative effects. The respondent suggests an embargo on further house building along the A93/A94 corridor until the Cross Tay Link Road has been built.

Policy 56: Contaminated Land

The Coal Authority (0539/1/003) - Objects to the omission of unstable land from planning policies. While Development High Risk Area only covers a small part of the Council area mining legacy risks pose a significant risk to safety of future developments.

Recommended wording: At end of first paragraph add " In respect of unstable land, as defined by the Coal Authority development High Risk Area, the applicant should demonstrate to the LPA the site is or can be made safe and stable for the development proposed" And in the first sentence of the second paragraph add "and/or unstable land"

Summary of responses (including reasons) by planning authority:

Policy 52: Health and Safety Consultation Zones

Shell UK Limited (0195/01/001) - The Council recognises the importance of consultation zones for pipelines and sites with hazardous substances, and of the need to maintain appropriate distances between such installations and new development. Consultation zones are shown on the proposals map and the Council consults the Health and Safety Executive and the pipeline owner and operator to ensure that any risk to safety is not increased and the installation is protected.

No modification to the plan is proposed. However there is value in adding appropriate text to respective settlement summaries or site specific information to highlight where there is a corresponding pipeline consultation zone and if the reporter is so minded, the Council would be comfortable with this suggested addition because it would not have any implications on any policies or proposals in the LDP. The typing error pointed out by the

respondent will be corrected through a non-notifiable modification and need not form part of the examination.

Shell UK Limited (0195/01/002) - This representation is aimed at ensuring all changes made after publication of the Proposed Plan are fully assessed against the requirements of Policy 52 and the relevant HSE guidance. For the avoidance of doubt this would be done by the Council as part of the post-examination SEA.

No modification to the plan is proposed.

Policy 54: Noise Pollution

Alistair Godfrey (0410/01/016) - Policy 54 adequately addresses residential areas and rural settings as they are captured by the definition of “noise sensitive land uses” and therefore do not need to be specifically detailed in the policy. Noise impact assessments take into consideration the existing noise climate so if a residential area or rural setting had quiet background noise levels this would be taken into account when assessing the likely impact of a new noisy development.

The Scottish Government’s Technical Advice Note – Assessment of Noise (CD385) provides guidance in technical evaluation of noise assessment in assessing the significance of the impact in relation to sensitive receptors for example residential and quiet outdoor areas and based on this the magnitude of impact is assessed to help make informed decisions on the suitability of potentially noisy developments being placed near noise sensitive land uses.

No modification is proposed.

Policy 55: Air Quality Management Areas

Scottish Government (0451/01/005); John W Rogers (0304/01/011) - It is agreed that more clarification on the matters specified by the respondents is required. The Council’s view is that this is best contained in supplementary guidance on air quality that will make reference to definitions for sensitive receptors; and will give clarity on whether mitigations for air quality impacts should be on site or offsite. The supplementary guidance is under preparation and will be kept up to date so that only the most up to date guidance on air quality matters will be used. The issue relating to the determination of the application for planning permission in principle for proposal H29 is not a matter for the Proposed Plan examination.

No modification is proposed to the Plan.

David Gordon (0130/01/003); Alistair Godfrey (0410/01/017) - Air quality management areas are designated and reviewed separately to the Local Development Plan process. Policy 55 does not designate these areas but Policy map H on page 86 of the Proposed Plan illustrates those air quality management areas already designated. The Council has a duty to keep air quality under review within its area and regularly monitors potential areas of degraded air quality. To date there is no evidence to justify any new or extended air quality management areas.

No modification is proposed to the Plan.

SEPA (0742/01/020) - The policy as proposed has been drafted to address the areas where it is critical that development does not worsen an existing air quality issue. And the likelihood of air quality being affected by a development relates more to major proposals where an Environmental Impact Assessment report or Transport Assessment is required, and this would be an appropriate mechanism to address potential concerns.

There are large areas of the LDP area that are not in an already-designated AQMA and therefore currently fall outwith the scope of this policy. There are two ways of bringing these areas within the scope of the policy, as requested in representations. Firstly, the area covered by AQMA could be expanded to include more of the LDP area however this is not within the control of the planning system and there is no evidence to date that would suggest new or expanded AQMAs could be justified. Alternatively the wording of the policy could be changed to make it clear that it applies equally to all areas of the LDP area, and not just within designated AQMAs.

No modification is proposed to the Plan, however there is considerable merit in SEPA's suggestion, which effectively and clearly alters the wording of the policy title to make it apply not only to those areas within AQMAs, but also to any proposed development that could have significant impacts on air quality (whether it is a proposal in the LDP or not). This would align the policy more closely with CAFS and with SPP, as SEPA suggests. The Council would be comfortable with this modification since it is estimated to have a significant beneficial environmental effect and would not undermine the other policies and proposals in the Plan.

Mr & Mrs Fleming (0150/01/011); Mr and Mrs S Dallas (0392/01/003); Moira Andrew and William Hadden (0432/01/005); Perth Civic Trust (0444/01/004) - Policy 55 as proposed has been drafted to ensure that the proposals in the plan that would have a detrimental effect on air quality must provide appropriate mitigation measures. The Strategic Environmental Assessment of the Plan, addresses the cumulative impact of the proposals in the Proposed Plan.

No modification is proposed to the Plan.

Frances Hobbs (0152/01/011); Neil Myles (0153/01/011); John Brian Milarvie (0171/01/011); Peter and Vanessa Shand (0226/01/011); J D McKerracher (0245/01/012); Scone Community Council (0265/01/013); John W Rogers (0304/01/011); Mr and Mrs Short (0382/01/007); Mr and Mrs Stewart Reith (0389/01/005); Jeffrey Rowlinson (0485/01/006); David F Lewington (0486/01/006); Lisa Cardno (0599/01/10); James Thow (0668/01/010); Jennifer Thow (0669/01/10); Martin RW Rhodes (0675/01/010); S Goodacre (0688/02/002); H Goodacre (0689/02/002); Hazel MacKinnon (0705/01/011); Gerard Connolly (0712/01/011); Stewart McCowan (0714/01/011); Angela McCowan (0715/01/011); Gladys Ogilvy (0716/01/011); Graham Ogilvie (0717/01/011); Tracy Ogilvie (0718/01/011); Shona Cowie (0719/01/011); Paul Cowie (0720/01/011); David Roy (0730/01/011); Greer Crichton (0731/01/011); Brian Hood (0732/01/011); Gaynor Hood (0733/01/011); Philip Crichton (0734/01/011); K A Bisset (0735/01/002); M Cross (0736/01/002); Gillian Halawi (0737/01/002); Lynn and Matt Brand (0738/01/002) - In designated air quality management areas, the policy requires mitigation for all but the smallest developments. It must however be borne in mind that if the definition of development included minor householder applications, applying a mitigation requirement for all development would not be proportionate. For those areas outside of designated air quality management areas, air quality assessments are only required where the proposed development may have significant environmental impacts. In terms of whether an

embargo should be placed on further housebuilding along the A93 and A94 corridors, this is discussed as part of Issue 03 Perth Area Transport Issues.

Policy 56: Contaminated Land

The Coal Authority (0539/1/003) - The issues raised by the Coal Authority are addressed at both SEA site assessment for allocated sites, leading to settlement or developer requirements such as at Blairingone. At development management stage the Coal Authority is consulted as a matter of course for non-householder applications within the DHRA. It is not necessary to add a requirement here.

No modification is proposed.

However, if the Reporter is minded to include a reference to unstable land the Council prefers that the issue not be conflated with contaminated land. The Council would prefer the following wording:

Policy 56: Contaminated and Unstable Land

56A: Contaminated Land *[per existing]*

56B: Unstable Land

Where development proposals involve building on unstable land, as defined by the Coal Authority Development High Risk Areas, the applicant should demonstrate that the site, and adjacent land, is or can be made safe and stable for the development to proceed.

Reporter's conclusions:

Policy 52 Health and Safety Consultation Zones

1. Reference is made in the settlement summary for Hattonburn to the settlement lying within a HSE Pipeline Consultation Zone and for the need for proposals to accord with Policy 52. For the sake of clarity and consistency, the settlement summary for all settlements that lie wholly or partly within such a zone should contain similar wording to that used in the case of Hattonburn. The list of settlement summaries referred to by Shell UK includes two where the consultation zone is outside the settlement boundary. Where the settlement boundary is close to such a zone, there is a need to advise potential applicants that proposals for sites that adjoin the settlement boundary may also need to accord with Policy 52.

2. I agree that the typographical error identified by the respondent may be corrected as a non-notifiable modification.

3. Details of the post-examination strategic environmental assessment of the proposed plan, which would consider expanded settlement boundaries or proposals introduced either by the council or the reporter at examination stage in terms of the relevant HSE guidance, is not a matter for this examination to address.

Policy 54 Noise Pollution

4. Planning Advice Note 1/2011 Planning and Noise is a material consideration in the

determination of individual planning applications. It refers to Technical Advice Note: Assessment of Noise as a source of detailed advice about how to assess the likely effect of noise upon different types of development. Table 2.1 (page 8) of the technical advice note states that residential uses are highly sensitive to noise. The glossary (page 28) also makes it clear that the phrase “sensitive receptor” includes dwellings. Decision makers are required to take into account all relevant material considerations when determining planning applications. Consequently, I see no need for Policy 54 to replicate the detailed advice provided by the Scottish Government in relation to planning and noise.

Policy 55 Air Quality Management Areas

5. Circular 6/2013 Development Planning gives guidance about the application of Part 2 of the Town and Country Planning (Scotland) Act 1997 (as amended) and The Town and Country Planning (Development Planning) (Scotland) Regulations 2008. Paragraph 138 of Circular 6/2013 indicates that Regulation 27(2) requires supplementary guidance to: 1) cover topics specifically identified in a Plan, and 2) for this guidance to be limited to the provision of further information or detail about policies or proposals in a Plan. It goes on to state that there must be a sufficient ‘hook’ in the policy to hang the supplementary guidance on, in order to give it statutory weight.

6. It would not be appropriate, therefore, for supplementary guidance to contain policy statements. The hook for this guidance should be a clear policy statement explaining the circumstances in which protecting and improving air quality, as well as mitigating any harm in this respect, would be relevant to development proposals. In response to a request for further information (FIR08), the council suggested modifications to the policy that would strengthen Policy 55 in these respects. The Scottish Government chose not to comment upon the council’s response. I agree that these modifications should be made. However, I consider it unnecessary to duplicate references to the impact upon human health and the need to take account of the cumulative impact of development. As the acronym “AQMA” has not previously been explained, for the sake of clarity and consistency the full phrase should be used. It would also aid clarity if examples were to be bracketed. I have recommended further minor changes to the suggested wording to improve its clarity.

7. The best place for guidance in relation to air quality management to be provided is in supplementary guidance. This would ensure that proposals are always assessed against the most up-to-date advice from Environmental Protection Scotland and other sources. The modifications I have recommended will sign point potential applicants to this guidance and also explain the broad circumstances in which air quality assessments would be required.

8. The maps on page 86 show the existing Air Quality Management Areas (AQMA) – in Perth and Crieff. I have been provided with no substantive evidence to suggest that these existing areas should be extended. Moreover, the identification and monitoring of these areas is not a matter for this examination to address.

9. Scottish Planning Policy paragraph 29 includes consideration of the implications of development for air quality within the principles of sustainable development. Seeking to improve air quality is therefore a legitimate objective for local development plan policies to address. I agree that there should be no ambiguity about when Policy 55 should be applied. There is a need to make it clear to all potential applicants that this policy is potentially relevant to all proposals, not only those within the two existing AQMA. This is

necessary in order to comply with the first bullet point of paragraph 7.8 (page 55) of Cleaner Air For Scotland: the road to a healthier future, published by the Scottish Government in November 2015 (CAFS). This reminds planning authorities that local development plans must take into account the implications of development for air quality.

10. Action to improve air quality should not be restricted to the existing AQMA. According to Figure 1 on page 5 of CAFS, by 2020 the Scottish Government expects Scotland to have achieved full compliance with European Union air quality legislation and to have made significant progress towards revoking all AQMA. The first of these key actions clearly requires air quality everywhere to be improved whenever possible.

11. I agree that the easiest way to provide the necessary clarity about when Policy 55 would be applied (i.e. that it would not be limited to existing AQMA) is for the policy title to refer simply to 'air quality'.

12. The modifications I have recommended make it clear when an air quality impact assessment may be required and explain how mitigation should be addressed. More detailed advice may be published in supplementary guidance. However, the content of any such guidance is not a matter for this examination to address. Moreover, the post-examination Strategic Environmental Assessment will consider the cumulative impact of policies and proposals within the plan, amongst which the effect upon air quality will be one factor.

13. The modifications that I have recommended make it clear that, even where a proposal would have no significant negative impact upon air quality, good design and best practice should nevertheless be employed. It would be more appropriate for detailed advice relating to mitigation for specific types of development to be contained within supplementary guidance. The modifications also refer to cumulative harm being taken into account. The matter of whether residential development along the A93 and A94 corridors should be embargoed is dealt with in Issue 3: Perth Area Transport Issues.

14. How to provide more and better cycle and pedestrian routes is more appropriately a matter for the examination of Policy 58 Transport Standards and Accessibility Requirements (Issue 24 A Connected Place) to address.

Policy 56 Contaminated Land

15. It is important for issues relating to coal mining legacy to be adequately addressed. These issues include the risk that unstable land may pose to the safety of residents and workers and to the sustainability of development proposals. However, I agree with the council that the issue of land stability should not be conflated with contaminated land. This is because the issue of land instability may not necessarily entail contamination as defined by the Environmental Protection Act 1990, to which Policy 56 refers. A new policy is therefore required.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On pages 115 (Auchterarder), 122 (Balbeggie), 128 (Bankfoot), 144 (Braco), 146 (Bridge of Earn and Oudenarde), 150 (Burrelton and Woodside), 164 (Coupar Angus), 175 (Cromwell Park and Pitcairngreen), 184 (Dunkeld and Birnam), 197 (Gleneagles),

198 (Glenfarg), 205 (Guildtown), 206 (gWest), 221 (Kinnaird), 224 (Kinross and Milnathort), 232 (Kinrossie), 239 (Meigle), 301 (St David's), 302 (St Madoes and Glencarse), and 313 (Wolfhill) add the following new sentence to each respective settlement summary:

"The settlement lies partly within a HSE Pipeline Consultation Zone. Development may therefore need to comply with Policy 52 Health and Safety Consultation Zones."

2. On page 182 (Drunzie) add the following new sentence to the settlement summary:

"The settlement lies wholly within a HSE Pipeline Consultation Zone, so any development should comply with Policy 52 Health and Safety Consultation Zones."

3. On pages 243 (Methven) and 288 (Powmill) add the following new sentence to the settlement summary:

"Part of the settlement boundary is close to a HSE Pipeline Consultation Zone. Development on sites that adjoin the settlement boundary may therefore need to comply with Policy 52 Health and Safety Consultation Zones."

4. On page 252 (Perth Area Strategy), immediately before the subheading "Retailing", add the following sentence:

"Perth lies partly within a HSE Pipeline Consultation Zone. Development may therefore need to comply with Policy 52 Health and Safety Consultation Zones."

5. Delete the seventh paragraph of Policy 55 Air Quality Management Areas.

6. After the sixth paragraph of Policy 55, add the following new paragraphs: "An air quality impact assessment will usually be required where the Council considers that there may be a risk of an air quality impact upon human health. The main ways in which development may potentially impact upon air quality are as follows:

- (a) introducing new human exposure at a location with poor air quality (e.g. within an existing Air Quality Management Area or close to a busy road or junction);
- (b) the development may itself lead to a deterioration in local air quality (e.g. from increased vehicle emissions or flue emissions from heating or energy production plant), and
- (c) if the demolition/construction phase will have an impact upon the local environment (e.g. through fugitive dust and/or exhaust emissions from machinery and vehicles).

The cumulative impact of other consented development and of these three criteria will be taken into account. In line with best practice, screening criteria will be used to identify where impacts are insignificant. Supplementary guidance will set out how air quality will be considered when determining planning applications."

7. In Policy 55, at the end of the policy wording, add the following text:

"Notes: 1. Sensitive receptors include (but are not limited to) children and older people. Therefore, the location of a children's nursery, school, hospital, housing for older people, and residential properties in areas where elevated pollution levels are evident may not be appropriate."

2. Mitigation measures may include both on-site, through design changes, and off-site, through a hierarchy of transport measures that favour active travel, for example. Measures to avoid and reduce air quality impacts should be set out. Even where the effect is judged to be insignificant, good design and best practical measures should be employed to ensure that future problems are prevented or minimised.”

8. Delete “...Management Areas” from the title of Policy 55.

9. Add “...and Unstable Land” to the end of the title of Policy 56.

10. Above the first sentence of the text of Policy 56, add the following new policy heading:

“Policy 56A Contaminated Land”

11. Below the final sentence of the text of Policy 56, add the following new policy heading:

“Policy 56B Unstable Land”

12. Below the new policy heading recommended in modification 11 above, add the following new text:

“Where development proposals involve building on unstable land, as defined by the Coal Authority Development High Risk Areas, the applicant should demonstrate that the site, and adjacent land, is or can be made safe and stable for the development to proceed.”

Issue 24	A Connected Place	
Development plan reference:	Section 3.4: A Connected Place, page 88-91 Policy 57: Digital Infrastructure, page 92-93 Policy 58: Transport Standards and Accessibility Requirements, page 93-95 Policy 59: Airfield Safeguarding, page 95	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>Strathmore Cycle Network Steering Group (0034) Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Ian Stephens (0090) Alison Bowman (0129) Frances Hobbs (0152) Neil Myles (0153) Braes of the Carse Conservation Group (0161) John Brian Milarvie (0171) Peter and Vanessa Shand (0226) J D McKerracher (0245) Scone Community Council (0265) Stewart Milne Homes (0290/03) Scottish National Heritage (SNH) (0353) Mr and Mrs Stewart Reith (0389) Jeffrey Rowlinson (0485) David F Lewington (0486) Network Rail (0509) The John Dewar Lamberkin Trust (0532) Portmoak Community Council (0541)</div><div>Cllr Mike Barnacle (0584) Lisa Cardno (0599) James Thow (0668) Jennifer Thow (0669) Martin RW Rhodes (0675) Hazel MacKinnon (0705) Gerard Connolly (0712) Stewart McCowan (0714) Angela McCowan (0715) Gladys Ogilvy (0716) Graham Ogilvie (0717) Tracy Ogilvie (0718) Shona Cowie (0719) Paul Cowie (0720) David Roy (0730) Greer Crichton (0731) Brian Hood (0732) Gaynor Hood (0733) Philip Crichton (0734) Scottish Environment Protection Agency (SEPA) (0742)</div></div></div>		
Provision of the development plan to which the issue relates:	Policies relating to digital connectivity, transport and accessibility pages 89 -95	
Planning authority's summary of the representation(s):		
<div><div>Section 3.4: A Connected Place</div><div>TACTRAN (0057/01/018) - Is supportive of the aims and contents of this section of the Proposed LDP, but requests two amendments to the introductory text. Firstly, in the first sentence of the 2nd paragraph on page 89 change "national" to "strategic" to be consistent with paragraph 3, and secondly, in the 3rd paragraph on page 89 — change "For the local and strategic road network..." to "For the local and strategic transport network...", as this covers modes including park & ride, active travel, bus etc.</div><div>Portmoak Community Council (0541/01/007) - Supports the principles set out in paragraph 1 on page 89. The Community Council has a priority that the people of Portmoak should be able to walk safely within and between the settlements of Portmoak. That is not</div></div>		

currently possible. Both footpaths alongside main roads and off-road paths need development.

Cllr Mike Barnacle (0584/01/005) - There is no reference to the lack of a rail service in Kinross-shire, despite administration support.

Policy 57 Digital Infrastructure

The John Dewar Lamberkin Trust (0532/05/003) - Support for the objectives underpinning the policy.

Ian Stephens (0090/01/004) - Amend the policy to make provision for digital infrastructure in both new and existing developments The policy should not only apply to new developments but its scope should be increased to reflect the existing position and outline plans accordingly. Especially in view of the Scottish Government's guarantee that all properties will have superfast broadband by 2020.

Frances Hobbs (0152/01/13); Neil Myles (0153/01/13); John Brian Milarvie (0171/01/13); Peter and Vanessa Shand (0226/01/13); J D McKerracher (0245/01/014); Scone Community Council (0265/01/015); Mr and Mrs Stewart Reith (0389/01/006); Jeffrey Rowlinson (0485/01/008); David F Lewington (0486/01/008); Lisa Cardno (0599/01/014); James Thow (0668/01/013); Jennifer Thow (0669/01/013); Martin RW Rhodes (0675/01/013); Hazel MacKinnon (0705/01/013); Gerard Connolly (0712/01/013); Stewart McCowan (0714/01/013); Angela McCowan (0715/01/13); Gladys Ogilvy (0176/01/013); Graham Ogilvie (0717/01/013); Tracy Ogilvie (0718/01/013); Shona Cowie (0719/01/013); Paul Cowie (0720/01/013); David Roy (0730/01/013); Greer Crichton (0731/01/014); Brian Hood (0732/01/014); Gaynor Hood (0733/01/014); Philip Crichton (0734/01/014) - The policy details requirements for new digital infrastructure but gives little guidance or requirements details for upgrading of existing digital provision. As an example, the respondents draw attention to an example situation, which they all describe as being within four miles of Perth city centre but with significantly lower broadband speed (2Mbps) than Scone village (25Mbps), and they consider there are similar problems throughout rural Perthshire. Consideration must be given to increasing the scope of the policy to reflect the existing position and outline plans accordingly. The respondents ask that the policy be amended to apply retrospectively to existing developments, implicitly seeking to improve broadband speed in their localities and in rural Perthshire.

SEPA (0742/01/022) - Support that the policy requires environmental impacts on the natural and built environment to be minimised. Accords with SPP (CD004) paragraph 29, 194 and 195 and the local authority duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (CD038) to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions

Policy 58 Transport Standards and Accessibility Requirements

Strathmore Cycle Network Steering Group (0034/01/001 & 002; 0034/02/001) - No specific comments on transport policy however representation does contain comments highlighting the provision of a network of active transport paths for cycling, walking and horse riding in the LDP area.

Alison Bowman (0129/01/004) - Would like to see a cycle and pedestrian path linking Coupar Angus, Blairgowrie and Alyth. All three communities are working hard to make this

a reality.

TACTRAN (0057/01/019) - Support for the policy. Wishes to have input to the non-statutory guidance for transport that is noted within the policy. Consideration should be given to widening the requirement for provision for electric vehicles charging and car clubs to apply to residential developments. This is because that provision needs to be made to encourage and accommodate more sustainable lifestyles and emerging technologies by encouraging a move to electric vehicles and to encourage greater personal mobility through initiatives such as car clubs and sustainable transport to promote lower car ownership and use.

Braes of the Carse Conservation Group (0161/01/015) - Support for the policy provided the traffic arising from substantial new housing proposals (Balbeggie and Scone are highlighted) is taken into account.

Stewart Milne Homes (0290/03/015) - Support for the policy. Wishes the supplementary guidance to be statutory instead of non-statutory so that the development industry may view the detail of the guidance and may be given the opportunity to comment on its content, particularly should it affect development sites and viability.

SNH (0353/01/004) - Amend Policy 58B cycling and walking section to offer firmer support for access to off-road walking and cycling provision as part of the green network. Support for the principle of non-statutory guidance for transport. Request SNH contribute to its preparation and recommend it contains an active travel map for the LDP area (similar to the way Policy Map A illustrates this for Perth). The map should show existing routes and those that require upgrading/enhancement; planned active travel routes including their fit with the green network; standards required and linked developer requirements.

Network Rail (0509/01/004) - It is important that transport assessments should be required to take into account the impacts of proposed development on the demand for rail services (both in terms of the requirement to upgrade railway infrastructure and facilities at stations). Strengthen Policy 58B or provide supplementary guidance to define the circumstances in which developers will be required to prepare a transport assessment; and set out clearly that the requirement to fully assess the impacts of the development on all modes of transport, including the railway network.

Network Rail (0509/01/008) - Support for the policy where it refers to preventing "...detrimental effect on the safe and efficient operation of the ... rail network including level crossings." Highlighting safety and operational efficiency reasons, Network Rail states its position as a statutory consultee in the development management process in respect of proposals that may impact on level crossings.

The John Dewar Lamberkin Trust (0532/01/001) - Support for the policy objectives. Highlights the delivery of low and ultra-low emission vehicles as important.

Cllr Mike Barnacle (0584/01/002) - No specific comments on transport policy, however queries whether the Plan would support identified parking areas within settlements during its lifetime.

Cllr Mike Barnacle (0584/01/021) - This policy allows for surveys/reports to be commissioned by applicants rather than chosen by the Council and the applicant billed. In areas such as transport it often produces a report open to challenge because it is not

independent.

SEPA (0742/01/023) - Support for the policy. Highlights that this will reduce the use of private cars in new developments, which could be beneficial for air quality, human health and climate change mitigation through reduction in greenhouse gas emissions. Accords with SPP paragraph 46; and the principle of supporting climate change mitigation and adaptation set out in paragraph 29 of the local authority duties under the Climate Change (Scotland) Act 2009 (CD025); and Scottish Government's national strategy for Cleaner Air for Scotland (CAFS) (CD066).

Policy 59 Airfield Safeguarding

Cllr Mike Barnacle (0584/01/017): This policy allows for surveys/reports to be commissioned by applicants rather than chosen by the Council and the applicant billed. In areas such as airfield safeguarding it often produces a report open to challenge because it is not independent.

Modifications sought by those submitting representations:

Section 3.4: A Connected Place

TACTRAN (0057/01/018) – Seeks two amendments to the introductory text. Firstly, in the first sentence of the 2nd paragraph on page 89 change "national" to "strategic", and secondly, in the 3rd paragraph on page 89 — change "For the local and strategic road network..." to "For the local and strategic transport network..."

Portmoak Community Council (0541/01/007) - No specific modification is sought, however, it is inferred that the Community Council would like to see the development of footpaths alongside main roads and off-road paths between the settlements of Portmoak.

Cllr Mike Barnacle (0584/01/005) - Seeks a reference within the Plan to the lack of a rail service in Kinross-shire.

Policy 57 Digital Infrastructure

The John Dewar Lamberkin Trust (0532/05/003); SEPA (0742/01/022) - No specific modification sought.

Ian Stephens (0090/01/004); Frances Hobbs (0152/01/13); Neil Myles (0153/01/13); John Brian Milarvie (0171/01/13); Peter and Vanessa Shand (0226/01/13); J D McKerracher (0245/01/014); Scone Community Council (0265/01/015); Mr and Mrs Stewart Reith (0389/01/006); Jeffrey Rowlinson (0485/01/008); David F Lewington (0486/01/008); Lisa Cardno (0599/01/014); James Thow (0668/01/013); Jennifer Thow (0669/01/013); Martin RW Rhodes (0675/01/013); Hazel MacKinnon (0705/01/013); Gerard Connolly (0712/01/013); Stewart McCowan (0714/01/013); Angela McCowan (0715/01/013); Gladys Ogilvy (0716/01/013); Graham Ogilvie (0717/01/013); Tracy Ogilvie (0718/01/013); Shona Cowie (0719/01/013); Paul Cowie (0720/01/013); David Roy (0730/01/013); Greer Crichton (0731/01/014); Brian Hood (0732/01/014); Gaynor Hood (0733/01/014); Philip Crichton (0734/01/014) - :Amend the policy to make provision for digital infrastructure not only in new developments but also in existing developments.

Policy 58 Transport Standards and Accessibility Requirements

Strathmore Cycle Network Steering Group (0034/01/001 & 002; 0034/02/001) - The Plan should contain a specific statement on the provision of active transport facilities between the towns of Alyth, Blairgowrie and Coupar Angus.

Alison Bowman (0129/01/004) - Amend the Plan to include a proposal for a cycle and pedestrian path that links Coupar Angus, Blairgowrie and Alyth.

TACTRAN (0057/01/019) - Amend the policy to specifically refer to residential developments when requiring the provision of infrastructure. It is inferred that the policy criterion be modified to read “(e) support the provision of infrastructure necessary to support positive changes in Low and Ultra Low Emission Vehicle transport technologies, such as charging points for electric vehicles, hydrogen refuelling facilities and car clubs, including at residential developments.”

Braes of the Carse Conservation Group (0161/01/015) - No specific modification is sought.

Stewart Milne Homes (0290/03/015) - Amend the note at the foot of policy 58B from “Non-statutory guidance...” to “Statutory Supplementary Guidance...”

SNH (0353/01/004) - Amend the policy to replace the cycling and walking section of the policy from “Development proposals which take into account and promote cycling and walking will be supported. Particular attention must be paid to access arrangements and cycle parking facilities.” to “New developments should provide access from the development to off-road walking and cycling provision as part of the green network, and contribute to its enhancement and improved connectivity. Existing active travel routes will be safeguarded and incorporated into development. Cycle parking facilities should be provided.”

Network Rail (0509/01/004) - Amend the policy or the reference to supplementary guidance to strengthen the definition of when a transport assessment is required; and to state the requirement to fully assess the impacts of the development on all modes of transport, including the railway network.

Network Rail (0509/01/008) - No specific modification is sought.

The John Dewar Lamberkin Trust (0532/01/001) - No specific modification is sought.

Cllr Mike Barnacle (0584/01/002) - No specific modification is sought.

Cllr Mike Barnacle (0584/01/021) - No specific modification is sought however it is implied that the policy should be amended to clarify that in the interests of obtaining an independent transport assessment, the Council will be responsible for the commissioning of the report prepared by a suitably qualified person at the applicant's expense.

SEPA (0742/01/023) - No specific modification is sought.

Policy 59 Airfield Safeguarding

Cllr Mike Barnacle (0584/01/017) - No specific modification is sought however it is implied

that the policy should be amended to clarify that in the interests of obtaining an independent report, the Council will be responsible for the commissioning of the report prepared by a suitably qualified person at the applicant's expense.

Summary of responses (including reasons) by planning authority:

Section 3.4: A Connected Place

TACTRAN (0057/01/018) - The Council is comfortable with the suggested changes. If the Reporter is minded to accept the suggested modifications the Council would be comfortable with this approach as it would not have any implications for any other aspect of the Plan.

Portmoak Community Council (0541/01/007) - The Council is currently liaising with the Community Council to examine potential routes for a footpath connection from Scotlandwell to the village hall. This work is at an early stage however, as the technical feasibility remains to be established and the Council does not have identified resources to provide these, they are not included as proposals within the Plan. The policy framework as set out in the Plan allows for the creation of such paths and the settlement summary for Scotlandwell and Kilmagadwood gives specific encouragement to the introduction or upgrading of safe pathways to connect the villages and wider Portmoak area.

No modification is proposed to the Plan

Cllr Mike Barnacle (0584/01/005) - The lack of rail services in Kinross-shire is relevant to many other areas within the council area. With regards to a direct service reinstating a direct link between Edinburgh and Perth as supported by the Council, there are no proposals currently being considered and this will not come forward during the lifetime of the Plan.

No modification is proposed to the Plan

Policy 57 Digital Infrastructure

Ian Stephens (0090/01/004); Frances Hobbs (0152/01/13); Neil Myles (0153/01/13); John Brian Milarvie (0171/01/13); Peter and Vanessa Shand (0226/01/13); J D McKerracher (0245/01/014); Scone Community Council (0265/01/015); Mr and Mrs Stewart Reith (0389/01/006); Jeffrey Rowlinson (0485/01/008); David F Lewington (0486/01/008); The John Dewar Lamberkin Trust (0532/05/003); Lisa Cardno (0599/01/014); James Thow (0668/01/013); Jennifer Thow (0669/01/013); Martin R W Rhodes (0675/01/013); Hazel MacKinnon (0705/01/013); Gerard Connolly (0712/01/013); Stewart McCowan (0714/01/013); Angela McCowan (0715/01/013); Gladys Ogilvy (0716/01/013); Graham Ogilvie (0717/01/013); Tracy Ogilvie (0718/01/013); Shona Cowie (0719/01/013); Paul Cowie (0720/01/013); David Roy (0730/01/013); Greer Crighton (0731/01/014); Brian Hood (0732/01/014); Gaynor Hood (0733/01/014); Philip Crighton (0734/01/014) - This policy supports the provision of digital and mobile infrastructure to homes and businesses, and is particularly supportive of the expansion of broadband and mobile communications services in rural areas. When considering development proposals, the policy seeks to ensure that developers make provision for digital infrastructure.

This is in accordance with SPP para 293, which sets out that the planning system should support the '...inclusion of digital infrastructure in new homes and business premises'. It

also meets the requirement of SPP para 297, which states that 'Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.'

There is no intention that the Plan should specify the type of digital infrastructure to be provided (this is a rapidly evolving type of technology); nor to specify that the installed infrastructure must be utilised. The policy remains within the remit of the Local Development Plan by simply requiring that developers should facilitate the provision of digital infrastructure as an integral part of development.

In terms of provision to new properties, developers and service providers will need to work more closely to ensure that timely provision of the different types of digital infrastructure to new homes and businesses is done as an integral part of the development. They will also be guided by the views and requirements of their prospective customers and the customers of the service providers.

In terms of existing properties, an issue raised in many of the representations seeks an improvement to the speed of existing broadband service to the representees' own properties and properties in rural Perthshire more generally.

The Plan does contain measures that support bringing new infrastructure to existing properties. For example where planning permission for digital and mobile communications infrastructure is required (in cases that are not already permitted development), the Plan supports their development – including at locations such as green belt because the Plan identifies this type of development as essential infrastructure.

No modification is proposed to the Plan.

Policy 58 Transport Standards and Accessibility Requirements

Strathmore Cycle Network Steering Group (0034/01/001 & 002; 0034/02/001); Alison Bowman (0129/01/004) - In respect of the respondents' suggestion to include a proposal for a multi-user path that links the three towns, it is considered that the wording of the Proposed Plan, particularly policy 58 and the wording of 'A Connected Place' section would be sufficient to offer support for such a proposal.

No modification is proposed to the Plan.

TACTRAN (0057/01/019) - It is acknowledged that TACTRAN's suggestion to insert a reference to car clubs would make it consistent with the endnote to the policy. The criteria as set out in policy 58B, including criterion (e), apply to all new development proposals and the Council considers no modification is necessary for it to apply to residential developments.

No modification is proposed to the Plan. However should the reporter believe clarity would be added to the policy by the addition of '...and car clubs' this is a modification the Council would be comfortable with.

Braes of the Carse Conservation Group (0161/01/015) - This comment is raised in respect of the large housing allocation at Scone North and in this context, the majority of movements are expected to affect the A93 and Cross Tay Link Road with minimal impact on minor roads.

No modification is proposed to the Plan.

Stewart Milne Homes (0290/03/015) - The respondent's concern relates to their ability to view and comment on the guidance (not the content of the guidance itself). The Council's intention is to consult widely ensuring that those who would reasonably wish to comment on its contents are given the opportunity to do so. It is acknowledged that there are prescribed procedures for advertising and consulting on statutory supplementary guidance that do not apply to non-statutory guidance. However the principles of consultation will be the same regardless of whether the status of the guidance is statutory or non-statutory. It is likely this process will cross over with the Roads Development Guide process.

No modification is proposed to the Plan.

SNH (0353/01/004) - In respect of the suggestion to replace the cycling and walking section of the policy with more positive text, it is considered that the wording of the Proposed Plan would be sufficient.

No modification is proposed to the Plan. However there may be value in SNH's suggestion to reframe the policy, especially to emphasise what should be required of new developments. Should the reporter be considering a recommendation to amend the policy to include SNH's suggested text, the planning authority would be comfortable with this recommendation. There is also value in SNH's suggestion to incorporate an active travel map into the supplementary guidance and this will be progressed, although since it pertains to supplementary guidance (and not the Proposed Plan) this suggestion need not form part of the LDP examination. The Council's response to this issue is given more consideration in response to representations on Issue 03 Perth City Transport & Active Travel.

Network Rail (0509/01/004) - The Council agrees that there is value in Network Rail's suggestion that developers need a definition of the circumstances in which transport assessments are required. It is considered that supplementary guidance would be a more appropriate place to provide this definition instead of writing it into the policy. Since this issue pertains to supplementary guidance (and not the Proposed Plan) this suggestion need not form part of the LDP examination.

No modification is proposed to the Plan.

Network Rail (0509/01/008) - The Proposed Plan has been developed with Network Rail's input, and the impact of the Plan's policies and proposals on the safety and operational efficiency of the railway network has been assessed.

No modification is proposed to the Plan.

Cllr Mike Barnacle (0584/01/002) - Policy 58A identifies existing key transport infrastructure (including park and ride facilities) and it encourages their conditional retention and improvement. The proposals map identifies those areas of Transport Infrastructure to be protected under the terms of the policy. However it is acknowledged that not all areas in the LDP area that are used for car parking are identified and protected. This is intentional since the general policy on development within settlement boundaries may be applicable where these sites are within settlement boundaries. Sites used for car parking may have no specific proposals for transport-related operations or development, so are not specifically identified as such on the proposals map.

No modification is proposed to the Plan.

Cllr Mike Barnacle (0584/01/021) - The contents and conclusions of any report prepared by a suitably qualified person should not be influenced by the identity of the body commissioning or paying for the work. The Council considers that no modification to the plan is required. At planning application stage an independent transport assessment or statement may be required to be taken into account prior to determination of the application. This would include a judgement on how much weight to place on the contents of that report, including whether it actually has been prepared by a suitably qualified person. Report writers need not be independent of the applicant (or of any third party) since those persons may be well-qualified to speak to the specifics of the transport assessment and their comments may be material to the determination of the application.

No modification is proposed to the Plan.

Policy 59 Airfield Safeguarding

Cllr Mike Barnacle (0584/01/017) - The contents and conclusions of any report prepared by a suitably qualified person should not be influenced by the identity of the body commissioning or paying for the work. The Council considers that no modification to the plan is required. At planning application stage any independent assessments of impacts on the safe operation of the airfield may be taken into account. This would include a judgement on how much weight to place on the contents of that report, including whether it actually has been prepared by a suitably qualified person. Report writers need not be independent of the applicant (or of any airfield operator or third party) since those persons may be well-qualified to speak to the specifics of the impact on the airfield and their comments may be material to the determination of the application.

No modification is proposed to the Plan.

Reporter's conclusions:

Section 3.4 A Connected Place

1. I consider that TACTRAN's suggested changes to paragraphs 2 and 3 at the introduction to "A Connected Place" are acceptable because the use of the words "strategic" and "transport" provide consistency in terminology.
2. The council has advised that it has been liaising with Portmoak Community Council regarding potential routes for a footpath connection from Scotlandwell to the village hall. I consider that cooperation between the council and community council would be the most appropriate means of working towards the community council's desire for safer paths and parking provision in the settlement, rather than any more detailed reference in the proposed plan. No modification is necessary.
3. I note the lack of a rail service in Kinross-shire. However, that is not the only part of the proposed plan area with a similar lack of rail facilities. On that basis I consider that a specific reference to Kinross-shire is not necessary.

Policy 57 Digital Infrastructure

4. Several representations advise that Policy 57 gives very little guidance or requirement

details for upgrading digital provision. Reference is made to some locations within Scone District and other rural areas which experience broadband speeds of only 2 Mbps. Policy 57 requires developers to make provision for digital infrastructure in all new built development as an integral part of the proposal. It also supports the siting and design of new communication infrastructure which would serve existing homes and premises. This is in line with Scottish Planning Policy which indicates that the planning system should support the inclusion of digital infrastructure in new homes and business premises. I consider that the detail of provision would be a matter for consideration as planning applications are received by the council and as the relevant technology advances.

5. However, the proposed plan is not appropriate as a means of securing upgrades to broadband services within existing development. Scotland's Third National Planning Framework advises that the Infrastructure Investment Plan seeks to develop new fibre links connecting rural areas. Scottish Government initiatives (such as Community Broadband Scotland and Digital Scotland Superfast Broadband) can provide opportunities for local communities wishing to improve the service.

Policy 58 Transport Standards and Accessibility Requirements

6. The council considers that Policy 58 and the pre-amble to Connected Places sufficiently cover the representation from the Strathmore Cycle Network Steering Group. However, Policy 58 is mainly directed at accessibility for all modes of transportation in relation to development proposals, rather than community initiatives. I consider that the proposal to link three of the main towns in Eastern Perthshire by safe cycling and walking routes meets the sustainable transport aims of the proposed plan and should be mentioned within the pre-amble, but not shown on a map at this early stage. The proposed plan should be modified accordingly.

7. I consider that it would be consistent to add car clubs in Policy 58B criterion (e), including for residential developments, as a sustainable transport measure, in relation to development proposals, as suggested by TACTRAN.

8. The footnote to Policy 58 advises that the council will prepare non-statutory guidance for transport. The council has indicated that the principles of consultation will remain the same, whether the status of the guidance is statutory supplementary guidance or non-statutory. In view of that commitment I see no reason to change the status of the proposed non-statutory guidance for transport.

9. In response to Scottish Natural Heritage I consider that there is merit in re-phrasing Policy 58B to guide development proposals in a more positive manner. However, an active travel map for the proposed plan area would be a matter for consideration as part of the proposed non statutory guidance for transport, and which is outwith my remit in this examination.

10. The council's proposed non statutory guidance for transport will include information about when a transport assessment statement is required. Policy 58B advises that development proposals that involve significant travel generation should be well served by, and easily accessible to, all modes of transport. That would include rail transport. The council advises that the proposed plan has been developed with input from Network Rail and the impact of its policies and proposals on the safety and efficiency of the railway network has been assessed. Policy 58B(c) also seeks to ensure that development will not have a detrimental effect on the safe and efficient operation of the strategic road and/or

rail network including level crossings. For these reasons I consider that it is not necessary to make amendments to Policy 58B or to the footnote regarding guidance for transport.

11. The plan only identifies key transport infrastructure including proposed park and ride areas. To identify all car parking or supermarket sites on the proposal maps would involve an excess of detailed information. Moreover, existing car parking sites within settlement boundaries may have no proposals for transport related operations or development. No modification.

12. Concern has been expressed that various studies accompanying planning applications are not independent. Despite this it is normal practice in the development management system that applicants for planning permission commission professional studies that are relevant to their proposals. It is for the council to make sure that they assess the validity of such studies and their findings. It is always open to councils to commission their own studies or assessments of submitted studies at the council's expense, particularly when they involve specialised technical matters. No modification to the proposed plan.

Policy 59 Airfield Safeguarding

13. Policy 59 advises that applicants for planning consents within safeguarding zones may be required to provide an independent assessment of the impact on the safe operation of airfields. This has to be prepared by a suitably qualified person. It is normal practice in the development management system that applicants for planning permission commission professional studies that are relevant to their proposals. It is for the council to make sure that they assess the validity of such studies and their findings. It is always open to councils to commission their own studies or assessments of submitted studies at the council's expense, particularly when they involve specialised technical matters. No modification to the proposed plan.

Reporter's recommendations:

I recommend that the following modifications be made:

1. At paragraph 2 page 89 the word "national" be replaced by "strategic".
2. At paragraph 3 page 89 the phrase "road network" be replaced by "transport network".
3. At the end of paragraph 5 on page 89 add "The Strathmore Cycle Network Steering Group is seeking to develop direct safe cycle/walking and horse riding routes between Blairgowrie, Coupar Angus and Alyth. The project is designed to encourage active transport in rural Perthshire"
4. At the end of Policy 58B(e) modify the wording to state "electric vehicles, hydrogen refuelling facilities and car clubs, including for residential development".
5. For Policy 58B (Cycling and Walking) replace the sentence by the wording "New developments should provide access from the development to off-road walking and cycling provision as part of the green network, and contribute to its enhancement and improved connectivity. Existing active travel routes will be safeguarded and incorporated into development. Cycle parking facilities should be provided".

Issue 25	Perth Strategic Development Area	
Development plan reference:	MU70 Perth West p266-268 MU73 Almond Valley p262-263 MU345 Bertha Park p261 MU168 North of Bertha Park p272	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Janet and Stephen Carratt (0027) Lynne Palmer (0040) Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Stephen and Victoria Watkins (0108) Derek Orr (0141) The Bield at Blackruthven (0148) Mary Christie (0268) Perth and Kinross Heritage Trust (0272) Gordon and Helen Allot (0273) Ramblers Scotland (0322) Scottish National Heritage (SNH) (0353) Flora M Douglas (0381) Thomas Guthrie (0396) Alistair Godfrey (0410) 1st Marquis of Montrose Society (0413) Springfield Properties PLC (0455) Woodland Trust Scotland (0462)		Barratt North Homes (0513) Freda Robb (0520) Hermiston Securities (0530) The John Dewar Lamberkin Trust (0532/01, 0532/02, 0532/03, 0532/04) M&SM Bullough & A Ritchie & Son (0542) Historic Environment Scotland (0580) The Pilkington Trust (0608) James Ewan & Fraser Niven (0613) Bruce Burns (0663) Huntingtower Ruthvenfield Conservation Group (0666) May Smith (0667) Joyce and Mike Nairn (0671) Luncarty, Redgorton and Moneydie Community Council (0703) Scottish Environment Protection Agency (SEPA) (0742)
Provision of the development plan to which the issue relates:	Perth Strategic Development Area	
Planning authority's summary of the representation(s):		
<u>MU70 Perth West</u> Hermiston Securities (0530/01/001) - As a major landowner here supports this mixed use allocation and is committed to working with the other landowners, stakeholders and the Council in its delivery in the spirit of partnership established through the charrette. It is considered that there are more detailed requirements set out for this allocation than the others and that this is reflective of the considerable work to date. The John Dewar Lamberkin Trust (JDLT) (0532/04/001, 0532/03/001, 0532/02/001, 0532/01/003) - The JDLT and Muir Group are the landowners for the southern element which covers 180 hectares (75% of allocation MU70) and this representation focuses upon this element of the allocation. However, the JDLT and Muir Group recognise the importance of strategic connections, particularly in relation to access, landscape and open space and social amenities (including education), with the northern element of the site and have a constructive working relationship with the promoters of that land, to ensure the delivery of the wider allocation is consistent with the site specific developer requirements. The Proposed LDP2 allocation culminates four years of collaborative work with a range of stakeholders to prepare a development framework. The JDLT co-sponsored the 2015 charrette with Scottish Government, Perth & Kinross Council and the Muir Group		

(adjoining landowner/developer), and are also progressing a district heat & power feasibility study through a joint commission with Zero Waste Scotland and Perth & Kinross Council. The JDLT are also advancing key elements of the project infrastructure through the Tay Cities Deal bid. This is in collaboration with neighbouring landowners, government agencies, Perth & Kinross Council and the local community.

This JDLT representation outlines alignment of the MU70 allocation with planning policy and the delivery approach. There are summarised details of how the site specific developer requirements covering accessibility, landscape and open space, cultural heritage and specific surveys, will be progressed through technical assessments and associated consultation to inform a masterplan and planning application. Supplemental information comprising a Development Study & Delivery Strategy (RD071), Transport Assessment (TA) (RD073), and Development/ Design and Access Statement (DAS) (RD072), accompany this submission as reference sources. It is noted that site specific developer requirements set a broader development range of circa 2,400-3,700 homes and 25 hectares of commercial land. Consistent with the processes and assessments required by the site specific developer requirements and proposed policy 23 (Delivery Strategies), it is submitted that the exact scale of development will be determined within this range. For the purposes of the assessments, the JDLT have worked on a medium site density of 3,000 homes and 20 hectares of development, with the transport analysis building in capacity to circa 3,200 homes and 25 hectares development.

Extending the settlement boundary within the adopted LDP up to West Lamberkin Wood as shown in Figures 2a and 2b within MU70 Reasons for Supporting the Plan (RD070), emerged through the charrette process of 2015 as a response to the poorly defined existing boundary and the opportunity, consistent with the Scottish Planning Policy paragraphs 48–51 (CD004, p15). To draw a long term, defensible settlement edge that works with established landscape features (i.e. forestry) and can support the planned growth of the city, protect the wider countryside and enhance public access.

The JDLT consider that the LDP2 site specific developer requirements for allocation MU70 captures the challenges and opportunities and have been informed through technical assessments detailed in the Strategic Environmental Assessment (SEA) (CD075, p231-250), with further supporting information provided in section 3 within MU70 Reasons for Supporting the Plan (RD070). The accompanying reference sources provide further technical details on the site and analysis to inform a development framework.

A Landscape and Visual Impact Assessment was commissioned to assist consideration of the effects of developing Perth's landscape and is significant for both the landscape as an environmental resource and on the wider communities' views and amenities. In terms of accommodating the strategic development, the conclusions of the assessment are that certain zones would be deemed unsuitable for building as the effect of development could not be fully mitigated by landscape proposals. Also West Lamberkine Wood has been identified as a strategic outer boundary of Perth to provide a robust and defensive boundary and reads as a logical landscape and visual edge to the City.

M & S M Bullough & A Ritchie & Son (0542/01/001) - As landowners of the existing LDP H70 they support the continuation of this site as part of a wider mixed use allocation, in line with the Strategic Development Framework following on from the Charrette and the LDP MIR. They are engaging with landowners to the South and consider that respective masterplans can demonstrate vehicle, pedestrian and green network connectivity. Considers that the Pause and Review lacks clarity and introduces uncertainty, but is

anticipated to be a TA update to consider performance of the measures in place. Otherwise they acknowledge requirements and where possible they can be delivered taking account of viability and other considerations.

TACTRAN (0057/01/026) - Supports inclusion of enlarged allocation and supports the aims and contents of the Site Specific Developer Requirements and considers that this would have implications for TACTRAN Regional Transport Strategy 2015-2036, STPR Project 16 and RTS Project SC6.2 (CD054, p11).

Janet and Stephen Carratt (0027/01/001), The Bield at Blackruthven (0148/01/001), Mary Christie (0268/01/002) Flora M Douglas (0381/01/001), Freda Robb (0520/01/001 + 002) Huntingtower Ruthvenfield Conservation Group (0666/01/003), May Smith (0667/01/003), Joyce and Mike Nairn (0671/01/002) - Comments from the public about MU70 mention some or all of the following reasons for concerns/objections:

- the need for this new proposal in terms of housing land supply (and Brexit effect on immigration numbers)
- better new housing areas being available within the town
- that there are limited employment opportunities/whether there is capacity for further commercial development/impact on commuting patterns
- ability of new infrastructure (education, health care, emergency services, roads infrastructure) to cope and then maintenance of new infrastructure/that infrastructure should be delivered before development
- impact on existing surface water flood issues (including A85 flooding)
- impact of filling the quarry
- loss of greenspace/habitat value/impact on amenity for recreation
- loss of agricultural/prime agricultural land and that this is not necessary in planning policy terms (agricultural tenant of West and East Lamberkine Farm seeks removal of this site, or that it be limited to the H70 in the adopted LDP as they wish to continue farming this land with the prospect of passing it on to the next generation)
- impact on road networks/traffic congestion, and air/light/noise pollution
- impact on historical/archaeological features
- that since Bertha Park has commenced building, development should be completed there before MU73 and MU70 are allowed - to limit residents within building sites (citing Oudenarde)
- the need to retain and not overwhelm the integrity of East and West Huntingtower

Specific points about the history of this site through LDP1 and LDP2 preparation are made as follows:

- the LPD1 Examination Reporter criticised the Council for bringing forward this proposal without having resolved technical issues such as access (considers this still not been done and that the charrette only established how access could be undertaken rather than why or how technical and environmental problems could be overcome)
- refers to LDP1 Reporter conclusions “the proposed extension would represent a very significant extension and (from the information which is submitted to date) harmful (in landscape and visual terms) expansion of the built up area into landscape setting, that unlike H70 of the Proposed Plan, is distinct from the urban form of the city. Any public benefits that have been identified... would not overcome the issues outlined above, which indicate strongly against modifying the Plan in the manner that has been requested.” This was against a smaller site than the one currently proposed which would have greater impacts on the landscape, requires

moving the Green Belt boundary, and will be more removed from the urban form of Perth. It is considered that LDP2 MU70 goes against the Reporter's conclusions.

- the 2015 MIR makes it clear that the Green Belt boundary change being promoted is being promoted because of the new junction rather than because a development site of this size is needed
- to support this proposal goes against the Reporter's consideration of Perth West through LDP1 Examination and this proposal is a bigger one than considered then and one which involves changing the Green Belt boundary

Freda Robb (0520/01/001 + 002); Janet and Stephen Carratt (0027/01/002) - Object to moving the Green Belt and mention some or all of the following as reasons:

- the Green Belt is for the longer term and was only established in 2014
- the Reporter established the current LDP boundary as being the right one
- this Green Belt boundary is supposed to give long term confidence to communities
- the long term consequences of eroding the Green Belt boundary so soon for no overriding reason
- loss of Green Belt land is not considered to be compensated by provision of public open spaces
- although the Reporter of LDP1 acknowledged that the western boundary was less distinct it was also considered that the lack of a more identifiable feature was "outweighed by the loss to development of an important element to the city's landscape setting and by the inappropriate location of that development in terms of its landscape impact and poor connectivity to the city"
- question why a small area to the south of the A9 is proposed to be excluded from the boundary even though the policy allows for essential infrastructure.

Janet and Stephen Carratt (0027/01/001) - Object to development of field along B road from West Huntingtower to Crieff. Reasons given for these objections are that:

- planning permission has been refused here due to inadequate access onto the B road. This B road access and junction with the A85 is considered dangerous, is an accident spot, and serves Kings and Agricar business's with their heavy vehicle movements,
- the B road is also considered unsuitable for construction access
- that the archaeological interests here make it unsuitable for development.

The Bield at Blackruthven (0148/01/001) - Landowner to the west of the MU70 allocation raises the following concerns:

- need for green spaces/fences bordering their Blackruthven Farm houses 'The Southton Smallholding' which are used for working outdoors with vulnerable adults and to shelter proposed housing from farm working
- over the potential for Blackruthven Farm to be developed in the future and seeks Green Belt revision to the adopted LDP boundary
- seeks biomass district heating systems in line with 'A Low Carbon Place' for new development
- seeks an east west phasing
- and comments on desirable layout

Barratt North Homes (0513/01/001) - Seeks their Huntingtower site granted in principle planning permission to be included as a separate allocation. Barratt North Scotland are in control of the Huntingtower site and will be submitting a Matters Specified in Conditions (MSC) application in early 2018. Considers that being within MU70 does not recognise its

planning status or its capability of being delivered independently. The masterplan and indicative layout which formed part of this submission show vehicular and pedestrian connections from Huntingtower to the currently allocated Perth West site and to the core path network abutting the western and southern boundaries of the site.

The Pilkington Trust (0608/01/001) - Wish to object to the proposed expansion of the Perth West allocation and request that it is identified as an area of potential supply in the longer term should criteria be met as set out. There is no housing land requirement for this site. Several large sites have started bringing forward first phases of development. If too many sites are opened up resources for public infrastructure are stretched, there is potential flooding of the market, land prices are driven down to a level where land will no longer be released and there is risk of planning blight where developments stall. It is essential that developments which contribute to the Perth Transport Futures infrastructure including the Cross Tay Link Road (construction, junctions, and developer obligations) are prioritised. Spreading resources thinly risks compromising the facilities agreed for Almond Valley and Bertha Park Masterplans. To include an expanded Perth West site, without controls, could destabilise the recovery of small sites and set back the early progress of major investment sites. They also consider that there is no clear justification for the pause and review trigger being at 1,500 homes. If Perth West is a safety margin and overprovision (referring to the housing background paper) it should be controlled and curtailed by policy, examples of this kind of approach exist (Moray and Borders Council).

James Ewan & Fraser Niven (0613/01/2) - Seeks amendment to show scheduled monument 'Mains of Huntingtower, henge, enclosures, pits and road WSW of' in the Parish of Tibbermore & County of Perth which is a scheduled monument area under the Ancient Monuments & Archaeological Areas Act 1979 (Index No. 3630) (CD024) and its wider setting clearly marked as there is no regard for location and its setting.

1st Marquis of Montrose Society (0413/01/001) - Are concerned about potential threat posed to integrity of the battlefield. The battlefield of Tippermuir was the first of the Scottish Civil War (1644-45) and the first of the First Marquis of Montrose's Annus Mirabilis in which he won 6 victories in less than 1 year finally defeating the last Covenant army in Scotland at the Battle of Kilsyth on 14th August 1645. Seeks constructive approach to balancing battlefield preservation with sustainable development and gives comments to shape and inform the battlefield conservation plan required under the site specific development requirements and Policy 30. Considers it vital that a Battlefield Conservation plan is prepared as a precursor to any masterplan. Comments are given to inform the scope of this, and future engagement with the society is sought in its preparation. Considers that the battlefield area before commencement must have been a large area of 400 metres by 1,400 metres. Considers these dimensions must be taken account when considering the preservation of this battlefield initial deployment. Further historical and archaeological work must be conducted to examine the possible deployment options and confirm the extent of the battlefield to be preserved.

To date it is considered that there is no evidence of any archaeological research being done specifically to located and define the battlefield. Metal detector search may reveal the fall of musket shot and where weapons and armour may have been dropped and lost. Some permissions have been obtained but the costs are too great for a small society with limited funds. Considers that once the battlefield is defined it should be interpreted at various places to better communicate the battlefield and the context of the battle in our history.

Historic Environment Scotland (0580/01/006 + 008) - Considers this proposal has potential to impact on the Inventory Battlefield of Tippermuir. The settlement boundary has been expanded and it is likely to have an adverse effect on the battlefield which will require mitigation. Suggests that the conservation plan for the battlefield should influence development in this area.

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Site specific developer requirements regarding Construction Method Statement, other surveys and species protection plan are not relevant for this site. It was screened out under HRA for the need for further assessment i.e. no mitigation for River Tay SAC required Table 5.17 (CD056, p 80-81).

SNH (0353/01/022) - Support the active travel links described in bullet 2 (page 264) but for clarity these should be segregated cycle/paths as part of the green network for the masterplan area.

SNH (0353/01/022 + 0353/03/001) - SNH disagree with the Council's comments on LDP1 Policies' for this access that "The proposal for some loss of Ancient Woodland at Perth West is not considered to lead to fragmentation or disconnection" and that it will achieve significant net public benefit in accordance with Scottish Government's Policy on Control of Woodland Removal (CD007).

SNH refer to Forestry Commission Scotland guidance which also states: "Conservation of ancient semi-natural woodland and restoration of the biodiversity of planted woods on ancient woodland sites are priorities in the Scottish Forestry Strategy (CD115) and Scottish Biodiversity Strategy (CD127), and both have adopted UK Biodiversity Action Plan (UKBAP) targets for restoring PAWS to native woodland." The map currently shows woodland as mostly outwith the site boundary but this is an integral part of the development masterplan to provide habitat connectivity from north to south.

The map shows an "access point" at Lamberkine woodland to the south of the masterplan. This is listed in the Ancient Woodland Inventory (AWI) (LEPO). The masterplan should avoid unavoidable loss or fragmentation of this woodland in accordance with Scottish Government's Control of Woodland Removal Policy (CD007). SNH also recommend a detailed woodland survey at this early stage at the appropriate time of year and by a suitably qualified consultant who has experience of woodland habitat surveys and include:

- An NVC survey and map with site community floristic descriptions, target notes and locally important site features
- An assessment of the role and importance of the wood's connectivity to the wider woodland network.

Woodland Trust Scotland (0462/01/008) - Supports the requirement for long-term woodland management with focus on native woodland and would like to know how the Council will plan to enforce this and suggests the Council liaises with SNH. Seeks site specific development requirements stipulating native planting and considers that ancient woodland should be protected from development as new planting is not the solution and should be replaced by a requirement to maintain the woodland intact and protect it through a buffer area or native tree screen planting. Seeks that if routes are to be provided they should be designed to minimise disturbance and use sustainable material.

MU70 Cemetery search area

SNH (0353/01/023) - Support the search area within Perth West MU70: The successful integration of a well-designed cemetery into the MU70 proposed allocation could be a positive contribution to the townscape and its green infrastructure and appropriate recreational use of the cemetery.

SNH do not recommend the search area in West Lamberkine Wood as this lies in an Ancient Woodland Inventory site (AWI - long established plantation origin). In addition, the woodland forms part of the rural landscape outside the new settlement and provides robust landscape containment of the urban extension towards the open fields. The introduction of urban development such as the cemetery and associated infrastructure would significantly reduce and degrade this robust containment, creating an urban spill-over into the rural woodland.

Woodland Trust Scotland (0462/01/006) - Generally seeks greater protection of ancient woodland in the Perth Area. Retaining and enhancing woodland area is considered vital to better air quality particularly given concerns around air quality. Considers that the Lamberkine Wood is not an appropriate site for a cemetery as it is LEPO ancient woodland and development of this kind is inappropriate here.

Mary Christie (0268/01/002) - Considers Lamberkine woodland is not a suitable site for a cemetery.

Lynne Palmer (0040/01/005) - Supports idea of a woodland cemetery but concerned about compatibility with proposed increased leisure use of the Lamberkine woodland

The John Dewar Lamberkin Trust (0532/01/003) - The potential to accommodate a cemetery within West Lamberkin Wood for Perth exists and is being assessed as part of the pre planning work streams. Key considerations are alignment with the Scottish Government's policy on the control of woodland and this will be progressed in consultation with Scottish Natural heritage (SNH), and LDP2 Proposed Plan policies 36-38 on landscape, forestry and biodiversity (CD052, p63-65).

SEPA (0742/01/090) - Seek a developer requirement be attached to this site requiring intrusive ground investigation is undertaken in line with Guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) (RD023) before any development occurs at the site.

Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. In the absence of such information, we reserve our position on the acceptability of these proposals.

A development requirement should be attached to these proposals requiring intrusive ground investigation is undertaken in line with our Guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

The protection of groundwater accords with the objectives of the Water Framework Directive and your associated duties as a responsible authority under the Water and

Environment and Water Services (Scotland) Act 2003(CD038). These duties are reflected in paragraph 194 of Scottish Planning Policy (CD004, p45) which states that the planning system should promote the protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way.

MU73 Almond Valley

Stephen and Victoria Watkins (0108/01/002), Derek Orr (0141/01/001), Gordon and Helen Allot (0273/01/001), Thomas Guthrie (0396/01/001), Huntingtower Ruthvenfield Conservation Group (0666/01/001 + 003), May Smith (0667/01/001 + 002,+ 003), Joyce and Mike Nairn (0671/01/002 + 003) - Comments about MU73 mention some or all of the following reasons for concerns/objections:

- better opportunities elsewhere in Perth/other sites at Perth West should be developed first/that since Bertha Park has commenced, development should be completed there before MU73 and MU70 are allowed - to limit residents within building sites (Oudenarde)
- wishes of the community to keep this site undeveloped
- Brexit should be taken into account
- historical estimates of housing requirement consistently over estimated
- insufficient employment opportunities
- poor drainage issue
- flood risk issues remaining despite flood defences
- impact on river valley/ancient forest habitat/wildlife/potential green corridor west of Perth/historic setting of the Perth Town Lade and Huntingtower castle/uniqueness of the location
- need to preserve and enhance the natural beauty (River Almond, woodlands to south, and Lade through middle)/that some boundary trees with MU345 have been lost and these should be maintained and replaced.
- retain semi-rural amenity
- retain not overwhelm integrity of East and West Huntingtower
- retain residential privacy level for Logie Mill property
- impact on traffic volumes locally and in city centre/that infrastructure should be delivered before development
- impact on health services
- light, noise, traffic and air pollution
- impact of the gas line that runs through the site
- that the conditions on the planning permission should be strictly enforced

Perth and Kinross Heritage Trust (0272/01/11) - Mentions that's this allocation may have archaeological potential and suggests that the site specific requirements for this allocation should be updated to reflect the likelihood of this requiring investigation.

SEPA (0742/01/087) - Please refer to the common SEPA position set out in under the sub heading 'Land allocations defended by appropriate flood protection schemes' in the Policy 50 New Development and Flooding Schedule 4.

MU168 North of Bertha Park

Springfield Properties PLC (0455/1/6) - Supports this allocation considering its location in association with the CTRLR as ideal for those from the large hinterland and Bertha Park to

connect to the city centre and represents a logical extension to Bertha Park MU345. The location of the park and ride within the Bertha Park Masterplan (planning permission in principle) would be amended creating an additional housing/employment opportunity but given the MU345 allocation is defined as 3,000+ this would not require an adjustment.

John Andrews (0322/01/002), Alistair Godfrey (0410/01/019) + (0410/02/001), Bruce Burns (0663/01/002 + 006); Luncarty, Redgorton and Moneydie Community Council (0703/01/003 + 004) - Object to this allocation and between them they raise the following points:

- At MIR stage Perth 6 was not consulted on and the reason stated was that “The planning application for Bertha Park indicates that employment land and park and ride can be accommodated within H7 Bertha Park.”
- Bertha Park planning permission in principle is now in place (15/01112/IPM) 11 months after the park and ride consultant’s report.
- MU168 would take development beyond the containment and south of the woodland
- Concern about the lack of restriction on uses (cites Broxden, hotel, garage, restaurant uses).
- Concerned about the cumulative impact (of Luncarty South, CTRLR, realignment of the A9, and the park and ride and adjoining employment land) on the corridor of land through which pass the River Tay, the railway and the A9 between Luncarty and the River Almond
- Impact of these proposals on the character and amenity and on the natural and built environment in terms of the placemaking policy is unacceptable, only essential development associated to the CTRLR and the re-aligned A9 should be allowed here
- Impact on recreational path users - due to confined nature surrounding Luncarty it is only to the south where routes can be found.
- There is a significant amount of hard infrastructure proposed
- Considers that 5 hectares of Park and Ride would be out of scale citing that Broxden Park and Ride is smaller (1.9 hectares).
- Part of the allocation lies within the existing Green Belt.
- SPP examples of permitted development within the Green Belt do not include infrastructure and feels this proposal is inconsistent with TAYplan Policy 1D (CD022, p8), and LDP Green Belt policy (CD014, p43-44).
- This site does not require a Green Belt location
- That the proposal has detrimental impact on landscape, views from core paths and views from hill summits (RD069)
- Concern about impact on Battleby Garden and Designed Landscape with reference to the designed landscape of Bertha Park by Thomas Graham and his Perthshire Estates (Huxley, T 2012) and to Study of the Woods and Wetlands at Bertha Park, Redgorton, Perthshire and the vision of Thomas Graham, General Lord Lynedoch (Godfrey, A. 2018) (RD068) That the proposal has cumulative impact on 4 sites of interest identified by Historic Environment Scotland
- There is unacceptable environmental impacts from traffic, pollution, noise and dust and light and cumulatively in the area
- It would impact on the Bertha Park woods amenity, access, and biodiversity and would be contrary to land reform legislation and policy 39: biodiversity.

MU345 Bertha Park

Woodland Trust Scotland (0462/01/006 + 007) - Generally seeks greater protection of

ancient woodland in the Perth Area. Retaining and enhancing woodland area is considered vital to better air quality particularly given concerns around air quality. This site has LEPO ancient woodland along the northern and southern edges and this area should be buffered with native tree planting. Welcomes the requirement to retain and enhance the existing native woodland strips and seeks no fragmentation of habitats as new planting does not solve this.

Huntingtower Ruthvenfield Conservation Group (0666/01/002), May Smith (0667/01/002) - Mentions the loss of trees as part of the Almond Flood scheme and road into Bertha Park. Considers that trees on the southern boundary of Bertha Park should be kept and enhanced to protect Almond Valley.

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (Table 8.1) (CD056, p156-157).

Modifications sought by those submitting representations:

MU70 Perth West

The John Dewar Lamberkin Trust (0532/04/001, 0532/03/001, 0532/01/003); M & S M Bullough & A Ritchie & Son (0542/01/001); Hermiston Securities (0530/01/001) - No specific change sought and supports the allocation.

TACTRAN (0057/01/026) - Supports allocation and site specific developer requirements

Janet and Stephen Carratt (0027/01/001) - Objects to the allocation specifically the field along B road from West Huntingtower to Crieff.

Mary Christie (0268/01/002) - No specific change sought. Seeks protection of existing path network, the woodland, and tree lines and considers new paths and greenspace should be provided with suitable setback distance to allow new trees to mature, along with integrated greenspace within developed areas with permeable surfaces and minimum soil sealing.

Flora M Douglas (0381/01/001) - Seeks deletion of the allocation.

Huntingtower Ruthvenfield Conservation Group (0666/01/003), May Smith (0667/01/002), Joyce and Mike Nairn (0671/01/002) - No specific change sought but seeks completion of Bertha Park before MU70 is allowed.

Freda Robb (0520/01/001 + 002) - Agricultural tenant of West and East Lamberkine Farm seeks removal of this allocation, or that it be limited to the H70 in the adopted LDP.

Freda Robb (0520/01/001 + 002); Janet and Stephen Carratt (0027/01/002) - Object to amending the Green Belt.

James Ewan & Fraser Niven (0613/01/002) - Seeks amendment to show scheduled monument 'Mains of Huntingtower, henge, enclosures, pits and road WSW of' in the Parish of Tibbermore & County of Perth which is a scheduled monument area under the Ancient Monuments & Archaeological Areas Act 1979 (Index No. 3630) and its wider

setting clearly marked.

The Bield at Blackruthven (0148/01/001) - Seeks Green Belt revision to the adopted LDP boundary so that parts of Blackruthven Farm could be developed in the future. No other specific changes are sought but comments are made regarding phasing after Bertha Park, open space provision, district heating and layout.

SNH (0353/01/022 + 0353/03/001) - Seeks to amend site specific developer requirements as follows:

i) Amend: Accessibility 2nd bullet: “Early provision and enhancement of both paths and cycling routes to form active travel linkages to existing settlements and to neighbouring core paths, in particular the: Sustrans Route 77 which runs along the River Almond and connects south through the Perth West site... Farm.”

ii) Map page 268:

Amend map legend from “core routes” to “off road cycle and pedestrian routes.”

The map shows an “access point” at Lamberkine woodland to the south of the masterplan. This is listed in the Ancient Woodland Inventory (AWI) (LEPO). After additional communication on this matter SNH seek the following additional developer requirement: A detailed woodland survey at the appropriate time of year should be carried out by a suitably qualified consultant who has experience of woodland habitat surveys and include:

- An NVC survey and map with site community floristic descriptions, target notes and locally important site features
- An assessment of the role and importance of the wood’s connectivity to the wider woodland network.

and seek to augment the following proposed developer requirement to read as follows:

“Ensure that the infrastructure and access arrangements planned, including connection to the existing Tibbermore road is informed by the findings of the detailed woodland survey in order to Access into the site to limit and avoid loss or fragmentation of ancient woodland and avoid loss of ancient semi natural woodland at Lamberkine, and a requirement to compensate for loss by extending native planting to the north and south.”

iii) Amend map to provide broader area of proposed new native woodland within the west boundary to meet the developer requirement in the Plan.

SNH (0353/04/001) - Seeks the removal of site specific developer requirements regarding Construction Method Statement, other surveys and species protection plan as they are not relevant for this site.

Woodland Trust Scotland (0462/01/006) - Supports the requirement for long-term woodland management with focus on native woodland. No specific change sought, but seeks site specific development requirements stipulating native planting, that the ancient woodland is maintained intact and protected through a buffer area or native tree screen planting, and that if routes are to be provided they should be designed to minimise disturbance and use sustainable materials.

1st Marquis of Montrose Society (0413/01/001) - No Specific change sought – but has some concern about potential threat posed to integrity of the battlefield. Supports site requirement that a Battlefield Conservation plan is prepared as a precursor to any

masterplan. Seeks battlefield interpretation at various places.

Historic Environment Scotland (0580/01/006) - No specific change sought

Barratt North Homes (0513/01/001) - Seeks their Huntingtower site granted in principle planning permission to be included as a separate allocation.

The Pilkington Trust (0608/01/001) - Objects to the proposed expanded Perth West allocation and requests that it is identified as an area of potential supply in the longer term should criteria be met as follows:

- (a) that a shortage of housing land has been identified through the annual review of the Housing Land Audit;
- (b) that no windfall, or constrained sites within Greater Perth area can be brought forward to meet the shortfall;
- (c) that if all or part of the long-term designated area is so identified for being brought forward as effective land, it is presented for consultation with the stakeholders (including Homes for Scotland) for incorporation into the following year's HLA; and
- (d) that where the above criteria are met, the selected area to be brought forward must be in the context of the Master Plan for the whole of Perth West, and the Master Plan approved as Supplementary Guidance for the LDP2.

MU70 Cemetery search area

SNH (0353/01/023) - Support the alternative search area lying within Perth West MU70 AND do not support the search area which lies to the west of MU70 in Lamberkine Wood (Perth West).

Mary Christie (0268/01/002) - Objects to Lamberkine woodland as a cemetery site. Seeks protection of existing path network, the woodland, and tree lines.

Lynne Palmer (0040/01/005) - No specific change sought.

The John Dewar Lamberkin Trust (0532/01/003) - No specific change sought and supports the allocation (as assumed).

Woodland Trust Scotland (0462/01/006) - Considers that the Lamberkine Wood is not an appropriate site for a cemetery.

SEPA (0742/01/090) - Seeks a development requirement requiring intrusive ground investigation is undertaken in line with our Guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

MU73 Almond Valley

Stephen and Victoria Watkins (0108/01/002) - Objects to the area opposite H319 being included within this allocation

Gordon and Helen Allot (0273/1); Thomas Guthrie (0396/01/001) - Seeks deletion of the allocation.

Huntingtower Ruthvenfield Conservation Group (0666/01/003); May Smith (0667/01/001 + 003); Joyce and Mike Nairn (0671/01/002) - No specific change sought but seeks completion of Bertha Park before MU73 is allowed.

Derek Orr (0141/01/001) - No specific change sought

Perth and Kinross Heritage Trust (0272/01/11) - Seeks a site specific requirement to reflect the likelihood of requiring archaeological investigation.

SEPA (0742/01/087) - Please refer to the SEPA position as set out in under the sub heading 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4.

MU168 North of Bertha Park

John Andrews (0322/01/002); Alistair Godfrey (0410/01/019); Bruce Burns (0663/01/006); Luncarty, Redgorton and Moneydie Community Council (0703/01/003 + 4) - Seeks deletion of the allocation.

Alistair Godfrey (0410/01/019) + (0410/02/001); Bruce Burns (0663/01/006) - Seeks its containment south of the woodland within MU345.

Luncarty, Redgorton and Moneydie Community Council (0703/01/003 + 4); John Andrews (0322/01/002) - Seeks it relocation closer to Inveralmond

Springfield Properties PLC (0455/01/006) - Supports this allocation

MU345 Bertha Park

Woodland Trust Scotland (0462/01/007) - No specific change sought but seeks stricter developer requirements mentioning that LEPO ancient woodland along the northern and southern edges should be buffered with native tree planting, and that there should be no fragmentation of habitats.

Huntingtower Ruthvenfield Conservation Group (0666/01/002), May Smith (0667/01/002) - No specific change sought but considers that trees on the southern boundary of Bertha Park should be kept and enhanced to protect Almond Valley.

SNH (0353/04/001) - It is recommended that the following text is also added to the list of 'Site Specific Developer Requirements' (page 261) in the Proposed Plan:

- 'Proposals should not result in adverse effects, either individually or in combination, on the integrity of the River Tay SAC. Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.'

Summary of responses (including reasons) by planning authority:

MU70 Perth West

Hermiston Securities (0530/01/001), The John Dewar Lamberkin Trust (0532/04/001, 0532/03/001, 0532/01/003), M & S M Bullough & A Ritchie & Son (0542/01/001), TACTRAN (0057/01/026), Janet and Stephen Carratt (0027/01/001+ 002), The Bield at

Blackruthven (0148/01/001), Mary Christie (0268/01/002), Flora M Douglas (0381/01/001), Freda Robb (0520/01/001 + 002), Huntingtower Ruthvenfield Conservation Group (0666/01/003), May Smith (0667/01/003), Joyce and Mike Nairn (0671/01/002), The Pilkington Trust (0608/01/001):

Principle of allocating MU70

Whilst there is no outright housing land requirement to identify this extended Perth West MU70 allocation this housing market area is dominated by reliance on larger strategic sites and if one of more of these stalls there is a need for the flexibility MU70 would provide. In other circumstances if one or more smaller housing allocations do not deliver as expected then the flexibility and choice of the many other housing allocations will ensure a sufficient housing land supply is maintained until the next review of the LDP, but a reliance on larger strategic sites requires greater flexibility in numbers. Pilkington Trust's suggestion that the wider Perth West should be identified as an area of potential supply in the longer term is resisted as this does not give the level of certainty required for investment in infrastructure and services and it limits competition. The planning system is not concerned with protecting land values. Even large sites can only deliver a certain number of units per year towards the effective housing land supply. MU70 will not set back delivery of the other sites or compromise provision of the CTLR or public facilities. Indeed developer contributions towards transport infrastructure apply to this site just as they do to the objector's site. In effect both contribute equally to the Cross Tay Link Road. It is not appropriate to constrain this allocation until Bertha Park's completion as this would constrain market competition and limit growth. Objections to Greater Perth housing land supply are considered in more detail in the Housing Land Strategy schedule 4.

The majority of MU70 is already white land within the settlement boundary and identified as H70 in the current LDP, (MD199). In light of this it is reasonable to expect that a planning application would be forthcoming even if this wider site is not allocated in LDP2. The Reporter for LDP1 stated (CD015, p323), 'the possibility that planning permission might be granted for the required access at some point within the plan period cannot be ruled out. Indeed, a proposal of application notice has now been submitted to the council. And as the proposed green belt boundary would not include Site H70, this might then permit development to take place on the land within the plan period via the submission of a planning application.' Identification of this wider allocation in LDP2 would allow the Council to guide any forthcoming proposal with site specific developer requirements. The current LDP H70 allocation at Perth West (CD052, p79) does not have the critical mass to create a sustainable community and the Proposed LDP2 extension would give a foundation for the substantial public and private investment required.

Significant work has been done to date on a possible wider Perth West site through the charrette and masterplanning process. A wider Perth West proposal was first tested through a charrette in Spring 2015. Part funded by developers, the Council and Scottish Government, it brought all stakeholders together – community, key agencies, landowners, and the Council. Through workshops and site visits, we worked towards an agreed way forward. The charrette work to prepare a Perth West masterplan framework (CD135) supported consideration of this larger more sustainable site which would require an amendment to the Green Belt boundary. On the back of that collaborative charrette process, the wider Perth West was identified in the LDP2 Main Issues Report (MIR) (CD046, p21-22 and 42-45) as a preferred option. Prior to publication of the Proposed LDP2 further developer information was sought to clarify its effectiveness and was obtained through provision of a Perth West delivery strategy June 2017 (CD137) and

Perth West access strategy June 2017 (CD136).

The Strategic Environment Assessment (SEA) for this site (CD075, p231-250) and habitats regulations appraisal (HRA) (CD056, p80) demonstrates that MU70 is suitable subject to appropriate site specific developer requirements. This proposal was assessed alongside other proposals submitted at the earlier plan preparation stages and is considered to be appropriate. Furthermore the concentration of development to the north and west of Perth offers the opportunity to link these strategic sites to shared infrastructure improvement thus making them more economically viable and deliverable. The Council's brownfield audit (CD272) indicates that there are limited additional opportunities for redevelopment in Perth. There are some smaller sites but of the significant opportunities, Perth Quarry MU171, Murray Royal Hospital site MU336, the Hillside Hospital site MU337, and Newton Farm H71 are already identified as allocations in the Proposed LDP2, whilst the Tulloch marshalling yard which is currently identified for residential development in the existing LDP (CD014, p81) is not effective and is identified as existing transport infrastructure in the Proposed LDP2 to reflect Network Rail's plans for its reuse.

Although MU70 is a suitable location there are landscape and visual sensitivities to be addressed in the detailed masterplanning and design and layout. It is noted that the Reporter considered for that LDP1 proposal that (CD015, p361-363) 'Careful attention to design and landscaping could address the concerns that have been raised over landscape and visual impact.' The main issue raised by the LDP1 Reporter which prevented a wider Perth West sites inclusion at that point where to do with lack of consultation on the A9 access (with concern that its visual impact was not properly considered or consulted upon). Consultation on this A9 access and landscape and visual impacts was considered as part of the charrette (CD135) and then the LDP2 MIR consultation (CD046, p42-45). The site is generally well screened from the A9 north of Broxden but it is prominent from the A9 to the south. It is desirable to soften the western urban edge of Perth and create a new outer western edge which links shelterbelts and woodlands, and incorporates new tree planting, to provide a transition between town and country. This is proposed through one of the site specific developer requirements and indicatively shown on the site drawing. There are also other site specific developer requirements that seek to minimise landscape and visual impacts. There is a requirement for: a green corridor along the A9 to control outward views where appropriate; an urban design framework for the A85 corridor; and existing important treed/woodland areas are identified for protection as open space. This mitigation will ensure the acceptability of the proposal in terms of its landscape and visual impact.

There would be loss of farmland as most of MU70 lies within prime agricultural land (class 3.1) with areas outwith prime classifications (class 3.2) to the south west and north of the site. However suitable opportunities to extend Perth would necessarily impact on prime agricultural land. The allocation of mixed uses here is an essential component of the settlement strategy of the LDP and follows the Policy 3 TAYplan commitment (CD022, p18) for the West/North West Strategic Development Area to provide 4,000+ homes, 50 ha employment land and new roads. SPP says development should not be permitted on prime agricultural land but lists exceptions where it is essential, one of which is 'as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available'. The Reporter considering Perth West in Proposed LDP1 (CD052, p361-363) stated that 'inevitable loss of agricultural land would not be objectionable, given the acceptance in TAYplan that significant areas of such land must be released for development in west / north west Perth if forecast housing requirements are to be met.' To mitigate the impact on

agricultural land there is a site specific developer requirement for good-quality soils to be removed for effective reuse, and the land which is being used would need to be used efficiently in line with the Placemaking policy.

No modification is proposed to the Plan.

The proposed extent of MU70

During the preparation of the Perth West Masterplan Framework (CD135) the A9 access point was discussed in a meeting with Transport Scotland on the 5th of August 2015. It was considered at that meeting that the proposed location of the junction is roughly where it needs to be. The notes of the meeting with Transport Scotland, 5 August 2015 (CD139, p1) state that, "Potential 1.5km spacing of the A9 interchange from the Broxden Roundabout slips is an estimate and will be confirmed at the future detailed transport assessment and modelling stage. The exact location is not yet confirmed but Transport Scotland advice suggests the indicative location shown (within the current LDP Green Belt) is in the right vicinity. SPP (CD004, p15) says Green Belt boundaries should be drawn with consideration to: 'establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways, or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary'. Currently the LDP1 Green Belt (CD014, p319) follows a thin field boundary tree belt. The proposed LDP2 Green Belt amendment would serve to make a more rigorous long term boundary associated to the West Lamberkine woodland block. This amendment would also include the proposed A9 access location which is otherwise likely to have a significant impact on the Green Belt. It is therefore logical for the West Lamberkine woodland to be the western boundary of the site and for the Green Belt to be moved to reflect this.

The Council should maybe have looked longer term when defining a Green Belt for the first time in LDP1 but with no history or experience concerning Green Belts some limited refinement of it has proven to be necessary through LDP2. However the SPP acknowledges that (CD004, p15), 'In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.' The Proposed LDP2 Green Belt boundary at Perth West would offer a robust and defensible position and a logical landscape and visual boundary to the city.

No modification is proposed to the Plan.

The Bield at Blackruthven (0148/01/001) - The Bield at Blackruthven proposal for the LDP2 Green Belt boundary to be moved westwards at Blackruthven as per LDP1 is generally resisted. When reviewing the Green Belt in LDP2 it was considered that the current boundary does not follow SPP advice. The LDP1 Green Belt boundary north of Southton of Blackruthven follows a minor road and single tree line. The proposed LDP2 boundary follows a more defensible boundary following a (40-180m wide) woodland belt on the edge of MU70. There is however a stretch of the LDP2 Green Belt boundary between the Tibbermore Road and North of Parkneuk (within the Bield's ownership) which currently follows a field boundary.

As it stands this is not a robust boundary but this boundary would be strengthened by planting requirements associated to MU70.

No modification is proposed to the Plan. However if the Reporter was minded to pull the

boundary of the Green Belt westwards at this point (MD198) to follow the existing woodland at North Blackruthven then this would also be a robust boundary and the local authority would be comfortable with this modification however it would also have implications for Policy 41 Green Belt.

A small area to the south of the A9 is identified within the MU70 boundary acknowledging the role this land is likely to have in provision of the A9 junction. Whilst it could be left outwith and a proposal be considered under the Green Belt policy it seemed more transparent to include it within the site boundary as an integral part of the proposal.

No modification is proposed to the Plan.

Barratt North Homes (0513/01/001) - The Council permitted an in principle planning application 16/01348/IPM (CD192) at the former auction mart site as it was in accordance with the current LDP. A detailed planning application (18/00412/AMM for an initial phase of 43 homes) (CD194) was approved on the 4th of July 2018. The 18/01038/AMM planning application (CD195) for the rest of the site (208 dwellinghouses, 30 flats, and 11 garages) was validated on the 28th of June 2018 and is currently under consideration. There is scope to bring forward this site in advance of wider masterplanning work for Perth West. However there would be advantage in bringing it forward as part of a wider Perth West masterplan should this planning permission lapse. Key linkages have been considered but closer integration of the former auction mart site with the wider Perth West site would better address placemaking objectives, and would be beneficial to developers, being a more equitable and cost effective way of integrating and providing for open space, active travel, education and other infrastructure costs. It should therefore be maintained within the wider Perth West MU70 allocation.

No modification is proposed to the Plan.

Janet and Stephen Carratt (0027/01/001) - There is part of the Mains of Huntingtower scheduled ancient monument in the field immediately south of Kings and Agricar businesses (along B Tibbermore road from West Huntingtower to Crieff). This field is identified in the Perth West masterplan framework for formal or semi-formal greenspace. The fields west of West Huntingtower adjacent to the A85 land benefits from an in principle planning permission as part of the wider Almond Valley proposal 15/01157/IPM. The proposed layout shows a new roundabout on the A85 to the west of West Huntingtower (CD189) which then connects to the B Tibbermore road. This addresses the A85 road junction concerns as the Almond Valley proposal 15/01157/IPM has a condition which states that (CD188, p7): 'No more than 90 residential units are permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, is operational and until the following infrastructure has been delivered:

- a) Provision has been made for pedestrian connections and public transport facilities in the form of footways, crossings and bus stops on and along the A85.
- b) The new roundabout on the A85 connecting to the site and the Tibbermore Road shall be constructed and operational
- c) The current junction of the A85 and Tibbermore Road shall be closed by the Council'

The other field south of the Tibbermore B road beyond the scheduled ancient monument at the eastern edge of MU70 is identified as a potential housing area in the Perth West Masterplan Framework and this can be considered further through the masterplanning and

planning application process however the junction and access difficulties mentioned have been addressed in the 15/01157/IPM permission.

No modification is proposed to the Plan.

Infrastructure provision:

The Shaping Perth's Transport Futures project (CD009) was developed alongside LDP1 to give greater priority to bus and active travel, to help ensure we do not exacerbate air quality problems within the Air Quality Management Area, and to ensure there will be sufficient capacity in the transport network to accommodate the future developments identified in the LDP. It is an integrated package of measures incorporating the Cross Tay Link Road (CTLR) and is supported by a package of City Enhancements to improve the wider public transport, walking and cycling networks and "lock-in" the benefits of the CTLR. The project is based on the future traffic movements associated with the current LDP allocations and identifies the need for an integrated approach to address the transport problems. In terms of progress on Perth Transport Futures the Council is developing, costing and implementing the package of infrastructure works required to deliver the Local Development Plan Strategy. Further detail on its delivery is provided in the Perth Transport and Policy 4 schedule 4.

Recently, to consider the implications of a wider LDP2 Perth West, further traffic modelling work has been undertaken to assess the implications of the wider Perth West site (based on its Masterplan Framework and access strategy) and the other Proposed LDP2 allocations. When carrying out this update to the modelling the traffic solutions comprised: the CTLR, A9/A85 junction improvements, and Inveralmond and Broxden roundabout improvements as specified in the LDP2 traffic model report (CD216). If capacity improvements at the Inveralmond and Broxden roundabouts are included, then the modelling work indicates that the wider Perth West site could potentially cope with somewhere between 1,500 and 2,500 new houses before further physical/ modal measure may be required depending on the access arrangements and internal layout for the site. There may also be implications for the city centre operation as a whole. The Pilkington Trust suggests there is no clear justification for a pause and review at 1,500 homes but this modelling work is the justification. This was given in the Council's MIR Summary of Responses to Questions (CD141, p41-42) published alongside the Proposed LDP2.

The delivery of access arrangements and other improvements, along with how the site is split and phased could influence the threshold for this pause and review. To guide appropriate proposals (planning applications) there is a site specific developer requirement for the Transport Assessment, and modelling studies to inform preparation of a Comprehensive Transport Strategy. This pause and review threshold may be influenced at the planning application stage by this work but given the model results it should not be any later than either: 1,500 homes, or 20 hectares of employment land or by 2035 whichever comes first. This acknowledges the certainty the Council has over the initial phases of Perth West, and offers a suitable critical mass for sustainable communities and for development viability. If there are transport/traffic challenges beyond communities of 1,500 homes these could potentially be addressed by further physical/modal measures including park and ride provision. There is uncertainty ahead, in 15-20 years changes in the use of cars, modal shift, and even autonomous vehicles means we cannot predict requirements and a later review will be more appropriate.

Proposals for development will be assessed with input from the Council's Transport

Planning Team, and Environmental Health colleagues against the provisions of the plan. Detailed matters in relation to traffic implications and air quality would be suitably addressed through future planning application and masterplan/s for the site. As acknowledged by one of the developer requirements Transport Assessment(s) and future modelling studies will determine network and local junction capacity, when the strategic junctions will be required, and when the connection from the A9 to the A85 is required.

Supporting the sustainable development of new communities within the strategic development sites requires consideration to be given to the lifetime service needs of the residents. This includes education, community development, and support, health and social care. It is acknowledged that all the health care and other support needs of this population cannot be accommodated within the existing provision within Perth. In the spirit of Community Planning and in particular the Health and Social Care integration the Community Planning Partnership (CPP) support the provision of integrated hub facilities capable of meeting health, social care and other support needs of the communities. NHS Tayside requested land measuring 5,000 square meters within the two identified new housing developments at Bertha Park and Perth West in order to potentially create Health/Social Care HUBs at each development to accommodate both building and parking facilities. Both will also service the new Almond valley village and provide additional support for increased housing in Luncarty. This is reflected in the uses identified for Perth West MU70 which includes land for a medical centre.

A new Secondary School is currently being built within the Bertha Park development which will provide capacity for the Strategic Development Areas. Primary school provision will also be required, the uses identified for Perth West MU70 include land for two double stream primaries, and developer contributions will be sought in line with Policy 5: Infrastructure Contributions and Developer Contributions and Affordable Housing Supplementary Guidance.

It is not appropriate to require the delivery of all infrastructure before any development as development will be needed to help cross fund infrastructure delivery. Delivery of and appropriate maintenance arrangements for infrastructure will be secured alongside development at the planning application and masterplanning stage.

No modification is proposed to the Plan.

Economic Development

The Perth West MU70 allocation makes provision for 25ha of employment land in prime locations including adjacent to the A9. This is aligned to the vision of the Tay Cities Deal with the Perth West Regional Logistics, Fulfilment and Business Innovation Park included as a proposal. There are employment and infrastructure elements within the Tay Cities Deal bid (CD006, p81). The proposal is based on established user demand and is built around the smart cities and circular economy agendas and should help leverage long term job creation in value added sectors including technology, and energy and logistics. These prime sites would provide a significant long term economic development land supply at a key location. This helps ensure that the Council is providing suitable opportunities for sustainable communities and economic growth.

There are also significant other employment opportunities elsewhere within the Perth North/Northwest Strategic Development Area. This includes a significant employment allocation (E38: Ruthvenfield Road, 23.6 hectares) identified at an appropriate location

nearby adjacent to the existing Inveralmond industrial estate, alongside in excess of 25 ha of land at Bertha Park. This helps ensure that the Council is providing suitable opportunities for sustainable communities and economic growth

No modification is proposed to the Plan.

Greenspace, habitat and recreation

Impact on greenspace, habitat, and recreational access was considered through the SEA (CD075, p231-250) and HRA (CD056, p80) and appropriate mitigation has been identified through the site specific developer requirements and through identification of important existing woodland and trees as protected open space. Provision and maintenance would be further considered and detailed at the masterplanning and planning application stage.

SNH (0353/04/001) - It is noted that the site specific developer requirements regarding Construction Method Statement, other surveys and species protection plan are not relevant for this site as it was screened out under HRA (CD056, p80).

No modification is proposed to the Plan. However although this is not the subject of an objection, if the Reporter is minded to accept the HRA conclusions, modification to delete requirements regarding Construction Method Statement, and other surveys and species protection plan the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

SNH (0353/01/022) - Seek that the active travel links mentioned in bullet 2 should stipulate these are segregated.

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

SNH (0353/01/022) - Seek the legend to be change from 'core routes' to 'off road cycle and pedestrian routes'. As discussed in the Perth Transport and Policy 4 schedule 4 the reason for identifying as core routes is because there will be secondary routes therefore this proposed change is resisted.

No modification is proposed to the Plan.

Cultural heritage

James Ewan & Fraser Niven (0613/01/2) - There is a site specific developer requirement to 'Preserve setting of Mains of Huntingtower, Huntingtower Castle and key scheduled monument at Huntingtower Cairn' and for 'An archaeological programme of works with results feeding into a mitigation strategy for the preservation of heritage assets in situ or by record'. This is sufficient for the LDP stage as it recognises the constraint. How this is protected and integrated will be a matter for the planning application and masterplanning process.

No modification is proposed to the Plan.

1st Marquis of Montrose Society (0413/01/001), Historic Environment Scotland (0580/01/006 + 008) - With regard to the Inventoried Battlefield of Tippermuir there is a

site specific developer requirement for 'A Battlefield Conservation Plan prior to detailed masterplan'. The Council has liaised with Perth & Kinross Heritage Trust and Historic Environment Scotland on this matter in the current LDP, and through the charrette and the proposed LDP2. Historic Environment Scotland maintain the Inventory of Historic Battlefields, introduced in 2011. It is a list of nationally important battlefields that meet the criteria published in the Scottish Historic Environment Policy 2016 (CD132, p60-61). Tippermuir was added to the list in Dec 2012. The inventory doesn't legally protect or restrict development but requires that the Battlefield should be taken into account when change is proposed. The Montrose Society's suggestion of preservation of the initial deployment area seeks more protection than envisaged. The current developer requirement provides a suitable context for any future masterplanning and planning applications and ensures the heritage interests can as Historic Environment Scotland suggest 'influence development' and can inform the layout and open spaces.

The battle is relatively unknown to the general public, however the preparation of a Battlefield Conservation Plan affords the opportunity to increase public awareness and potentially provide interpretive material. Battlefield interpretation could be picked up later through the Battlefield Conservation plan.

No modification is proposed to the Plan. However if the Reporter was minded to add to augment this requirement to say 'A Battlefield Conservation Plan prior to detailed masterplan including proposals for interpretation.' then the local authority would be comfortable with this modification as it would not have any implications for any other aspect of the plan.

Surface water

There is a site specific developer requirement for a Drainage Impact Assessment (DIA) which will clarify the surface water issues and also for 'An integrated surface water and drainage strategy based on surface water flow patterns, aligning surface urban drainage systems (SuDS) locations with the green network across the site wherever possible.' Future planning applications would need to meet these requirements, and the full policy provisions of 51C: Surface Water Drainage (CD052, p83), and the Flood Risk and Flood Risk Assessments (Developers Guidance note on flooding and drainage) Supplementary Guidance (CD055) which ensures that the SuDs shall avoid pollution of the environment and attenuate flows to greenfield runoff levels.

No modification is proposed to the Plan.

Quarry and Huntingtower area

During the late 20th century the quarry was used as a landfill site and was finally capped circa. 1995 and is being actively filled in with controlled inert material and facilitates recycling services in the local area. The ground stability data for the area notes that the area is at very low risk from both compressible and collapsible ground stability hazards. The risks of landslide and ground dissolution are also noted as very low. The potential for running sand and shrinking or swelling clay is noted to be very low. Initial work to prepare a Masterplan Framework for Perth West (CD135) did not recommend any development at the disused Huntingtower Quarry and suggested that it may form part of the greenspace network. The quarries future use and the integration of the proposed development with East and West Huntingtower would be further considered through the planning application and masterplanning process.

No modification is proposed to the Plan.

Woodland

SNH (0353/01/022 + 0353/03/001); Woodland Trust Scotland (0462/01/008) - During the preparation of the Perth West Masterplan Framework the A9 access point was discussed in a meeting with Transport Scotland on the 5th of August 2015. It was considered at that meeting that the proposed location of the junction is roughly where it needs to be. The minute (CD139, p1) states that, "Potential 1.5km spacing of the A9 interchange from the Broxden Roundabout slips is an estimate and will be confirmed at the future detailed transport assessment and modelling stage. The exact configuration of the interchange would also be confirmed at the detailed design stage." Ancient Woodland located to the south of the A9 could therefore be affected by the junction. It is neither desirable nor viable to move the junction beyond the West Lamberkine woodland due to landscape and visual impacts. Transport Scotland are agreeable to the principle of this new junction on the basis that such an access would replace the at-grade junction with Tibbermore Road. This would require a connection road from the access road to the Tibbermore Road with likely woodland impacts.

The Council disagree with SNH that MU70 would lead to fragmentation or disconnection of important forest habitat networks and consider that significant net public benefit can be achieved. The ancient inventory woodland of West Lamberkine Wood is shown on the forestry plan for felling and replanting post 2032. Up to this period there will be thinning and it could potentially be opened up to amenity use, with advanced planting along boundaries and key views, to ensure a robust and more useable woodland structure is retained/created. The larch and birch plantations in particular would be well suited to amenity use. The potential exists to refine and extend the forestry around Lamberkine Wood. The site drawing is indicative and the width of the new woodland planting would be considered through the masterplanning and planning application processes.

The Woodland Trust Scotland suggestion for ancient woodland to remain intact and for a buffer area and native tree screen planting goes beyond the scope of Scottish Government policy. Consistent with SNH's guidance on the Inventory, the exact location of ancient woodland requires detailed surveys. Scottish Planning Policy does not refer to Ancient Woodland Inventory (AWI) it focuses on ancient semi natural woodland referring to the more accurate Native Woodland Survey of Scotland 2013. Scotland's Native Woodlands Results from the Native Woodland Survey of Scotland (CD133, p15) states that many ancient semi natural woods were converted to plantations by felling and replanting and states that 'The SAWI was published as a provisional inventory as it was based mainly on map records and was not verified by field survey. The NWSS therefore gives us the first national update and picture of the current status of ancient woodlands.' The NWSS shows that there are just small discrete areas of semi natural woodland (MD200) within the AWI on MU70. The Plan seeks to avoid loss of the ancient semi natural woodland at Lamberkine as there is a strong presumption against its removal in Scottish Government's Control of Woodland Removal Policy (COWR) (CD007).

SNH recommend a detailed woodland survey. The site specific developer requirement for 'Access into the site to limit the loss or fragmentation of the ancient woodland and avoid loss of ancient semi natural woodland at Lamberkine and the requirement to compensate for loss by extending native planting north and south' is in line with Scottish Government's Control of Woodland Removal policy (CD007) and Scottish Planning Policy paragraph 216 (CD004, p49). However the current site specific developer requirements do not detail the

survey requirements, or that this survey should be used to inform access arrangements. These surveys could be clarified at the masterplanning and planning application stage however it might be beneficial to highlight this in the LDP.

No modification is proposed to the Plan. However if the Reporter was minded to support SNH's suggested additional and augmented developer requirements regarding woodland survey and that the access arrangements should be informed by this then the local authority would be comfortable with these modifications as they would not have any implications for any other aspect of the plan.

Other constraints and considerations

Noise and light pollution, and district heating are in the policy provisions of LDP2 and will be considered in detail at the masterplan and planning application stages. There is also a site specific developer requirement for 'Noise Impact Assessment (and possibly noise attenuation measures adjacent to the A9).' With regard to district heating there is a site specific developer requirement 'Energy statement is required investigating the potential for the provision of, and/or extension to, a heat network to serve the development. The Energy Statement will be expected to consider possible linkages to MU73.'

No modification is proposed to the Plan.

MU70 Cemetery search area

There is currently an identified need for a new cemetery within the Perth area as Wellshill Cemetery will reach capacity in the next 20 years. A site of circa 8 hectares is likely to be required to serve the Perth area. Two potential areas of search were identified in the MIR (CD046, p40-41), one at Isla Road and the other at Perth West. Whilst Isla Road was the preferred option in the MIR, investigations are not well enough advanced on the assessment of ground conditions to determine if the land is suitable for cemetery use. Please refer to the Perth City Proposals schedule 4 for consideration of the Isla Road site.

At Perth West there is a cemetery search area identified within the allocated area and also within the woodland. A SEA assessment was carried out which assesses the merits of this proposal within the woodland (CD075, p169-180). It is considered that a cemetery use maintains a recreational function and is a compatible use for the green belt and is specified under Policy 41 Green Belt category (f) as essential infrastructure. The landscape impact would be minimised to maintain the rural character retaining and protecting important trees and woodland and providing appropriate boundary treatments. The character and design of a cemetery within the woodland would need to respond to its context and could provide a high amenity setting.

There are three sections of the woodland site identified in the NWSS (MD200) that should be avoided. Scottish Planning Policy paragraph 216 (CD004, p49) does not refer to Ancient Woodland Inventory (AWI) it focuses on ancient semi natural woodland referring to the more accurate NWSS 2013. It is considered that a woodland location might provide an appropriate setting for the cemetery.

No modification is proposed to the Plan. However if the Reporter was minded to support SNH's suggested augmented developer requirement to state that the access arrangements planned, including connection to the existing Tibbermore should be informed by woodland survey then the local authority would be comfortable with this being

further amended to include the cemetery provision as well as the access arrangements as it would not have any implications for any other aspect of the plan and it would provide greater clarity.

With regard to SEPA's concern regarding groundwater this is only identifying a search area so no modification to the Plan is sought. However if the Reporter was minded to support SEPA's suggested developer requirement that ground investigation is undertaken in line with their Guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) (RD023) before any development occurs at the site then this could be added to the developer requirements for MU70.

MU73 Almond Valley

Stephen and Victoria Watkins (0108/01/002), Derek Orr (0141/01/001), Gordon and Helen Allot (0273/01/001), Thomas Guthrie (0396/01/001), Huntingtower Ruthvenfield Conservation Group (0666/01/001 + 003), May Smith (0667/01/001 + 002,+ 003), Joyce and Mike Nairn (0671/01/002 + 003):

Principle of allocating MU73 and its proposed extent

The principle of the development of this allocation was first established in the Perth Area Local Plan (adopted 1995) (CD138, p26), and was continued in the Perth and Kinross Local Development Plan (CD014, p79+319) (by then including land opposite H319 to the east of the existing Ruthvenfield primary) (adopted February 2014). The Almond valley MU73 allocation now also benefits from an in principle planning permission 15/01157/IPM approved 14 September 2017 with indicative layout plan (CD189). All issues raised relating to this allocation have either been addressed previously during development plan preparation, and/or during the appeal of the 15/01157/IPM planning application. This permission (CD188) covers the majority of the site apart from land opposite H319 to the east of the existing Ruthvenfield primary. The landowner of this land was not part of the consortium bringing forward the in principle application but the principle of its development is considered acceptable and can be brought forward independently.

This housing market area is dominated by reliance on larger strategic sites and if one of more of these stalls there is a need for the flexibility. In other circumstances if one or more smaller housing allocations do not deliver as expected then the flexibility and choice of the many other housing allocations will ensure a sufficient housing land supply is maintained until the next review of the LDP, but a reliance on larger strategic sites results in greater flexibility in numbers. Objections to Greater Perth housing land requirement and to the phasing of the Strategic Developments Areas are considered in more detail in the Housing Land Strategy schedule 4. However it is not appropriate to constrain this allocation until Bertha Park's completion as this would constrain market competition and limit growth. The principle of development MU73 is already established and the phasing of the Almond Valley development can be further considered through future detailed planning application/s.

No modification to the Plan is sought.

Archaeology

Perth and Kinross Heritage Trust (0272/01/11) - The planning permission (CD188, p11) have conditions 38 and 39 attached to it which: secure archaeological investigation; and

requires a plan detailing the sensitive design of the development to protect and maintain the setting of the scheduled monument at Huntingtower Cairn.

No modification to the Plan is sought. However if the Reporter is minded to accept the modification to include a requirement for archaeological investigation, and for a plan detailing the sensitive design of the development to protect and maintain the setting of the scheduled monument at Huntingtower Cairn the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

Economic development

There are significant employment opportunities within the Perth North/Northwest Strategic Development Areas. This includes a significant employment allocation (E38: Ruthvenfield Road, 23.6 hectares) identified at an appropriate location nearby adjacent to the existing Inveralmond industrial estate, alongside in excess of 25 ha of land at Bertha Park, and in excess of 25 hectares at Perth West. This helps ensure that the Council is providing suitable opportunities for sustainable communities and economic growth.

No modification to the Plan is sought.

Amenity, trees and open space

Development would bring about some change in character and amenity here from its semi-rural feel. However the majority of the amenity trees/woodland, along with a setback from and protection of the attractive green corridor along the river and the lade will be retained and integrated into any future detailed planning applications. Future applications would fall to be considered against the relevant provisions of the development plan including the need to protect residential amenity. New landscaping, opens space and planting will be required to ensure high amenity and meet the policy provisions for open space, trees woodland and development, and placemaking. The indicative layout submitted with the in principle planning permission shows how this might be brought forward however these are reserved matters that will be considered in detail if/when permission is sought for Approval of Matters Specified in Conditions. There is condition 10 of the in principle permission (CD188, p 5-6) which 'requires schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include: b) Existing landscape features and vegetation to be retained, and d) The location of new trees, shrubs, hedges, grassed areas and water features'.

No modification to the Plan is sought.

Flood risk and drainage

Concerns regarding drainage and flood risk have been considered through the in principle application and FRA. However if/when permission is sought for Approval of Matters Specified in Conditions they will be considered in more detail with a condition associated to the in principle permission (CD188, p32) which requires '5 n) Detailed flood risk assessment at each phase as specified in the delivery plan' and '7 b) Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in Appendix 9.2 Drainage Strategy) of the Environmental Statement. The agreed detail shall thereafter be

implemented prior to the completion of the development'

SEPA (0742/01/087) - In response to SEPA concerns this same issue also comes up in relation to allocations H1 Scott Street/Charles Street, and H319 Ruthvenfield so a common summary of SEPA's position and response to it is given under the sub heading below 'Land allocations defended by appropriate flood protection schemes' in the Policy 50 New Development and Flooding Schedule 4.

No modification to the Plan is sought.

Infrastructure provision

Please refer to the response regarding infrastructure provision within the MU70 Perth West response above. This response details and considers the provisions made within the Perth North/Northwest Strategic Development Area to be sufficient. There is also a MU73 site specific developer requirement to 'Implement the phasing programme for the housing, affordable housing, community facilities, open spaces, transport infrastructure contributions, road improvements, structure planting, and local centre in line with the planning permission/obligations S75 legal.'

No modification is proposed to the Plan.

Other constraints

There are high pressure gas mains along the southern and eastern boundaries and beneath existing roads. Again this is an issue that will be addressed through the design and layout if/when permission is sought for Approval of Matters Specified in Conditions.

The specification of lighting, the noise mitigation for properties that face the A85 and CTRLR are other matters specified in the conditions that will be addressed if/when permission is sought for Approval of Matters Specified in Conditions.

No modification is proposed to the Plan.

MU168 North of Bertha Park

Springfield Properties PLC (0455/1/6), John Andrews (0322/01/002), Alistair Godfrey (0410/01/019) + (0410/02/001), Bruce Burns (0663/01/002 + 006), Luncarty, Redgorton and Moneydie Community Council (0703/01/003 + 004):

Emergence of this proposal and its location

The 15/01112/IPM permission (CD191) was granted after the park and ride consultant's report was produced but because there was no certainty over the identification of this site in the LDP2 review the planning application reflected the extent of Bertha Park in LDP1 to ensure that this planning application was not contrary to the Development Plan. The planning system is Development Plan led. If possible the best way for matters of this nature to be considered and resolved is through the Local Development Plan review as this allows consideration of public views by an independent Reporter.

The DMRB stage 2 assessment accompanying study (CD184) for the CTRLR investigated the potential operational impact of a park and ride in the vicinity of the proposed CTRLR/A9 grade separated junction considering different potential locations from an operational

impact and an access and visibility perspective, and a preferred option chosen which is closest to the junction. It is logical for the proposed Park and Ride to be located on the north side of this junction. The Council is committed to improving air quality and operationally this option best meets the objectives the Shaping Perth's Transport Futures (CD009). This option requires this extension to the Bertha Park boundary to accommodate the park and ride facility. Within this allocation there would also be potential for additional employment land to be delivered.

Landscape and Green Belt

The SEA of this site (CD075, p218-230) acknowledges landscape and visual sensitivity. This site lies on a north facing slope whilst most of Bertha Park lies on south facing slopes. However there is a south facing slope on the northern part of the site that could be retained to provide containment and the trees along the boundary of the A9 already filter views (CD134). This park and ride location was consulted on in the LDP2 Main Issues Report (CD046, p39). The Council agreed with SNH's comment that there should be a requirement for new native woodland planting toward the open rural landscape to the north, east and west, and in views from the A9 and CTRLR to minimise the landscape and visual impact of the development. Also the site requirement acknowledges the need for a tree survey and to retain existing trees along A9. The policy provisions of the LDP2 particularly those in relation to landscape and placemaking will ensure a high quality of design and layout.

The LDP green belt policy does allow for 'essential infrastructure such as roads and other transport infrastructure'. The Council should have looked longer term when defining a Green Belt in LDP1 but with no experience dealing with a Green Belt some limited refinement of it has proven necessary through LDP2. The SPP paragraph 50 (CD004, p15) acknowledges that, 'In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.' The proposed LDP2 Green Belt boundary would still follow a defensible boundary here when it picks up the tree planting that will be established here. This new planting together with existing woodland to the north and west will in time provide a robust boundary.

This allocation together with the Luncarty allocation, the A9 realignment, and the CTRLR has the potential to impact on the character of this area. However each project will be managed in terms of landscape/visual and amenity impacts and good design and layout and landscaping can suitably address concerns and limit the impacts. Suitable mitigation is identified for these allocations in the site specific developer requirements and in the policy provisions of the Proposed LDP2. These projects would consider this matter in more detail through their respective planning applications and where applicable their Environmental Impact Assessment process.

No modification is proposed to the Plan.

Scale of the Park and Ride and extent of allocation

DMRB stage 2 assessment accompanying study included an indicative drawing for the Park and Ride (CD184, p6). This drawing of the Park and Ride shows its location would overlap the existing area of major development for Bertha Park and the new MU168 allocation. There is land within the MU168 site which will likely be taken up by the A9 realignment, whilst there is an area (approximately 2.4 hectares) to the west that if

allocated in the adopted LDP2 could be available for employment uses (MD202). The design of the Park and Ride is indicative at this stage as the detailed design of the carriageway, structures, associated paths etc. will be finalised as part of the DMRB3 process which has only recently commenced. The indicative design has a 5 hectare site. The Broxden site is quite a small and restrictive site. Whilst this 5 hectare site is quite a large site it includes potential for future expansion to take the facility up to a 556 car parking spaces and 19 disabled spaces and the potential for other associated uses such as EV hubs/solar, hydrogen, bus stop provision etc.

No modification is proposed to the Plan.

Cultural heritage

The SEA considered that there are no significant cultural heritage constraints relating to the development of this site, but there are archaeological records for a circular enclosure within the site and a fort overlapping to the north of the site. There is a site requirement for 'An archaeological survey to be undertaken and impacts on the historic environment will be avoided wherever possible through sensitive layout and design.' There are other features in the wider surrounding area. There is unlikely to be significant impact on them given their separation from the site. From a landscape and visual impact perspective their presence may influence proposals coming forward but the policy provisions of the Local Development Plan are sufficient to ensure appropriate sensitivity.

No modification is proposed to the Plan.

Amenity and access

The Council is committed to improving air quality and operationally this option best meets the objectives the Shaping Perth's Transport Future (CD009). Potential impacts of this proposal on amenity and biodiversity can be considered and appropriately mitigated at the planning application stage. There are appropriate policy provisions to enforce this along with the site specific requirement for survey and retention of trees and new tree planting. There are no core paths or rights of way within the site. Core path LUNC/124 Pitmurthly via Redgorton House (Manse) to A9 opposite Belvedere lies roughly 250 m to north of the site, and core path LUNC/102 lies on the opposite side of the A9.

No modification is proposed to the Plan.

Restriction on uses

The site is identified for general employment uses indicating there might be some flexibility on the uses here, excluding residential or retail that is principally for visiting members of the public, and for any uses which would generate significant footfall (they would be subject to sequential assessment). However a mixed use proposal including motorway type services would not be inappropriate for this location next to the Park and Ride and with easy access to the strategic road network.

No modification is proposed to the Plan.

MU345 Bertha Park

Woodland Trust Scotland (0462/01/006+007), Huntingtower Ruthvenfield Conservation

Group (0666/01/002), May Smith (0667/01/002) - Bertha Park has an in principle planning permission 15/01112/IPM (CD191) and detailed permissions are in place relating to the 1st phase including 15/01109/FLM (CD190). There has been some limited tree loss to deliver the CTRLR. Condition 13 of this permission (CD191, p6) required, 'Prior to the commencement of development apart from the extraction of the economic mineral resource a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.' A Bertha Park woodland management plan (CD140) was prepared to meet this condition of the in principle planning permission. The main management focus of this is on providing a safe woodland environment for recreation, and sensitive remedial tree work within the context of maintaining woodland cover. Within Phase 1, new structural landscaping is proposed providing a new framework for Phases 1, 2 and 3. These new landscaped areas provide important green corridors between Bertha Woodland to the north and River Almond to the south. These new areas of planting will be established early in the programme so as to mature as the development precedes creating shelter and a landscape framework.

No modification is proposed to the Plan.

SNH (0353/04/001) - With regard to SNH it is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (CD056) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy 36A: International Nature Conservation Sites (CD052, p63) apply to this site.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements.

Reporter's conclusions:

Principle of allocating MU70 Perth West

1. A representation contends that adding a further large scale strategic housing site to the Perth West allocation would create a significant over-supply of housing land in the Greater Perth Housing Market Area. It considers that the extended Perth West allocation should be identified as an area of potential supply in the longer term and controlled through a specific policy.

2. The adopted local development plan allocates 60 hectares of land for a maximum of 550 residential units with employment space and/or primary school (site H70), with access from the A85. A large area of "white land" to the south of H70 was excluded from the Green Belt so as to preserve its development potential. The adopted local development plan states that this could come forward as a planning application during the plan period.

3. In the previous local development plan examination the reporter concluded that the plan's provisions for the majority of the then proposed allocation H70 were inappropriate and insufficient due to a reliance upon an access (a new grade separated junction on the

A9) that, on the evidence available at that time was likely to cause unacceptable landscape and visual harm and which had not been properly considered or publicised. The council advises that consultation has now taken place on the A9 access and landscape and visual impacts as part of a charrette and through the Main Issues Report consultation for the proposed plan.

4. The representation submits that overprovision of major strategic housing sites floods the market and drives down housing land prices. In addition, resources for public infrastructure are stretched and there is a risk of planning blight if developments stall. The policy referred to in the Moray Local Development Plan (Policy H2 – Long term housing designations) refers to long term sites which have been identified in the plan. These sites are not relied upon to meet the current housing land requirement but early release would be considered where a shortfall in the 5 year effective land supply is identified. No such sites are allocated in the Perth and Kinross proposed plan although some allocated sites are phased for development beyond the plan period. Sites such as MU70 will take several years to develop and beyond the timescale of the proposed plan. I consider that it would not be consistent with the approach taken in the proposed plan to specifically designate longer term housing sites for beyond the proposed plan period.

5. Although no additional housing land is needed in the Greater Perth Housing Market Area within the proposed plan period the Perth West site would be capable of meeting any shortfall which could arise from delay in developing other allocated sites. I agree with the council that the allocation provides flexibility, which is required when there is a reliance on larger strategic sites. The proposed plan has not been developed on the basis of long term designations and such an approach and any relevant specific policy as suggested in the representation has not been the subject of public consultation. If such an approach had been taken it is likely that other potential long term sites would have been brought forward for consideration in the plan area. The matter of infrastructure provision is dealt with below. On the basis of the evidence before me and because developer contributions will be sought I consider that the infrastructure can be put in place in a planned and phased manner to support the community needs generated by the Perth West development.

6. Protecting the value of land is not a purpose of the planning system and there is no evidence that allocating site MU70 would necessarily lead to planning blight. Any major infrastructure costs relating to the A9 junction and Cross Tay Link Road and need for primary schools would have to be factored into the overall proposal.

7. The council advises that most of site MU70 is class 3.1 prime agricultural land, but suitable opportunities to extend Perth would necessarily impact on such land. The loss of this quality land was acknowledged by the previous examination reporter as inevitable given the acceptance in TAYplan that significant areas of land must be released to meet the housing requirement. I agree with the developer requirement for site MU70 that in order to make the best use of resources, good quality soils should be removed for effective re-use.

8. Overall, Perth West Strategic Development Area provides an opportunity to create a sustainable development through a phased master plan approach, helped by the economies of scale to secure necessary infrastructure and facilities. No modification.

The proposed extent of MU70

9. The council considers that a small area should be removed from the green belt to accommodate the proposed access to the MU70 site from the A9. Policy 41 Green Belt allows essential infrastructure such as roads within the green belt subject to justification regarding their siting and why they are essential. Despite this, I consider that the removal of this small area of land from the green belt will allow it to be considered as part of the MU70 allocation and provide greater certainty for the proposed access point. The request for a boundary change for the green belt near Blackruthven farm is dealt with at Issue 17 Policy 41 Green Belt, essentially resisting any further loss of green belt in this area. Other matters raised including the need for green spaces/fences bordering the Blackruthven farm houses and the Southton smallholding would be for resolution with the council.

10. Permission was granted in September 2018 for phase 1 at the Auction Mart site comprising 43 dwellings, development having been commenced. Permission was also granted in December 2018 for phases 2-5. This comprises 208 dwellinghouses, 30 flats and 11 garages, formation of roads infrastructure, sustainable urban drainage, play area, open space, landscaping and associated works. It appears to me that the site could be developed independently, now that permissions have been granted and work commenced. Two vehicular access points have been included at the western side of the proposed development to allow linkage with the rest of the MU70 allocation. I see no reason why the Huntingtower site (former auction mart brownfield land) should not now be shown as a separate housing allocation on the proposal maps from that of the wider Perth West MU70 mixed allocation.

11. The fields immediately next to Agricar are within land allocated for a mixed use. The Almond Valley allocation (MU73) has planning permission in principle granted on appeal for mixed use development comprising residential, a primary school and community facilities. The indicative layout includes a new roundabout on the A85 just to the west of West Huntingtower and beyond Agricar. This is designed to provide a new access to the Tibbermore class B Road and to link to proposed housing to the north. Some areas of open space are shown near the roundabout in the indicative layout. The potential impact of construction traffic on the road network and existing houses by means of vibration would be matters to be addressed at the detailed planning application stage when construction management plans are normally requested.

Infrastructure provision

12. The developer requirements for site MU70 include a pause and review clause which would be required once either: 1500 homes, or 20 hectares of employment land is developed, or by 2035, whatever comes first to reassess impact on the road network and the amount of modal shift. This was based upon traffic modelling which was undertaken to assess the implications of the wider Perth West site based upon its masterplan framework and access strategy and other allocations in the proposed plan. It will allow the council to take stock of the situation regarding transportation improvements as part of Shaping Perth's Transport Futures, having regard to network capacity and air quality issues. I see no evidence to suggest that the infrastructure costs for an A9 junction would deflect public funds away from the Cross Tay Link Road as a priority. The developer requirements also include assessments and studies to feed into a Comprehensive Transport Strategy, including infrastructure, services and funding mechanisms. The council acknowledges that the pause and review might be influenced by the Transport Strategy. I consider that the pause and review is a reasonable way forward and much will

depend upon progress with the site and other influencing factors in respect of traffic and transportation and air quality in the plan area.

13. Turning to healthcare, community and education provision, NHS Tayside has requested sites at site MU70 and Bertha Park to create Health/Social Care Hubs. These will also serve the Almond valley development and increased housing at Luncarty. The proposed uses at site MU70 also includes two local employment and community focussed centres, land for a medical centre and land for two double stream primary schools. The council has advised that developer contributions will be sought in accordance with Policy 5 Infrastructure Contributions of the proposed plan and its Affordable Housing Supplementary Guidance. I consider that the infrastructure can be put in place in a planned and phased manner to support the community needs generated by the Perth West development. No modification.

Economic Development

14. Representations raise the need for employment opportunities for the proposed population increase. Key objectives of the proposed plan are to support local businesses to ensure economic growth in the region and to provide an ongoing supply of readily available commercial and industrial land. These are supported by economic initiatives in the Tay Cities Deal. The Perth West MU70 allocation is for mixed uses and includes 25 hectares of employment land. Other opportunities include 23.6 hectares of employment land at Ruthvenfield Road and over 25 hectares of land at Bertha Park. Policy 7B of the proposed plan advises that areas identified for mixed use are intended to promote the integration of employment generating opportunities with housing, thereby reducing the potential need to commute between home and employment. I consider that the plan makes adequate provision for future employment opportunities as part of the MU70 allocation, through its key objective and other employment land allocations. No modification.

Greenspace, habitat and recreation

15. Impacts on greenspace, wildlife habitats and recreation were considered in the Strategic Environmental Assessment and Habitats Regulations Appraisal, (including Appropriate Assessment) for the proposed plan. Mitigation measures were put forward to counteract any harm or provide possible enhancement. Mitigation measures were included in the developer requirements in the proposed plan for a construction method statement for all aspects of development to protect the watercourse. I note that Scottish Natural Heritage has screened out the requirement for an otter survey and species protection plan where development is within 30 metres of a watercourse. For this reason, I consider that the developer requirement may be deleted.

16. In response to the representation from Scottish Natural Heritage, I agree that segregated active travel links are preferable from a safety and amenity perspectives, and the site requirements text should be amended to seek that as an objective I agree with the council rather than the representation, that the key to the indicative plan should remain stating "Core Routes/pedestrian links" as there would be other potential for other off-road cycle and pedestrian routes secondary routes to add to the network of these mapped core routes.

Cultural Heritage

17. Having regard to the inventoried battlefield of Tippermuir, the developer requirements for allocation MU70 include: “A Battlefield Conservation Plan prior to detailed masterplan”. The requirements also include “an archaeological programme of works with results feeding into a mitigation strategy for the preservation of heritage assets in situ or by record”. I believe that these requirements would still allow the site of the battlefield to be taken fully into consideration in the master planning for allocation MU70. The council has suggested that proposals for interpretation be added to the developer requirement. I agree, because this would help raise awareness of local history and also provide a sense of distinctiveness and place.

18. The allocation of MU70 as “Mixed Use” is a term used throughout the proposed plan, because the precise mix and location of various uses have yet to be established. For that reason, it would not be possible to show detailed existing and proposed land uses, such as ancient monuments. No modification.

19. The proposed plan includes site specific developer requirements for allocation MU70. These include: “Preserve setting of Mains of Huntingtower, Huntingtower Castle and key scheduled monument at Huntingtower cairn”. It would be inconsistent for the plan to indicate these remains on the proposed allocation plans without showing details of all other scheduled monuments on other land allocations in the proposed plan. The developer requirements also include a plan detailing the sensitive design of the development to protect the setting of the monument at Huntingtower Cairn and an archaeological programme of works feeding into a mitigation strategy for the preservation of heritage assets in situ or by record. I consider that the developer requirements and consultation on any planning applications for the allocation would ensure that any impacts on the monuments defined by Historic Scotland as “Huntingtower Cairn”, “Mains of Huntingtower, henge, enclosures, pits and road WSW of” and “Huntingtower Castle” and their settings will be fully assessed. No modification.

Surface Water

20. The proposed plan includes site specific developer requirements for allocation MU70. These include: “Requirement for Drainage Impact Assessment and Flood Risk Assessment”. I consider that these studies plus their recommendations should ensure that the development of allocation MU70 would proceed with appropriate drainage systems in place. No modification.

Quarry and Huntingtower area

21. Huntingtower Quarry lies within the MU70 allocation and the current local development plan allocation H70. A representation raises concern regarding flooding due to infilling the quarry. The proposed plan includes site specific developer requirements for allocation MU70. These include: “Requirement for Drainage Impact Assessment and Flood Risk Assessment”. I consider that these studies plus their recommendations would ensure that the development of allocation MU70 would proceed with appropriate drainage systems in place. No modification.

Woodland

22. Scottish Planning Policy indicates that ancient semi-natural woodland is an

irreplaceable resource and should be protected from adverse impacts resulting from development. The Scottish Government's Control of Woodland removal policy includes a presumption in favour of protecting woodland. The policy should be taken into account in preparing development plans. Removal should only be permitted where it would achieve significant and clearly defined benefits. Where woodland is removed developers will generally be expected to provide compensatory planting. The council has also adopted supplementary guidance for a Forestry and Woodland Strategy (2014).

23. The Woodland Trust has requested that the site developer requirements include native woodland planting and raise concern regarding the protection of Lamberkine ancient woodland. However, the vision of the council's woodland strategy is to ensure that Perth and Kinross will be an area of exceptional trees, woods and forests, which enhance the natural and cultural environment, support and strengthen the local economy, adding value where possible, and are accessible to local people and visitors alike, across a range of activities and interests.

24. This matter of developer requirements for native woodland is dealt with in Issue 16 A Natural Resilient Place (Policy 38 Forestry, Woodland and Trees). Scottish Planning Policy paragraph 217 states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Requiring all development proposals to plant native species would go beyond the advice in Scottish Planning Policy. It is more properly a matter for the council to decide on a case-by-case basis whether it would be appropriate to require native species to be planted. It has been recommended that Policy 38 be modified accordingly.

25. The type of planting would depend upon the particular circumstances of each site and the proposed role of the woodland within it. For that reason, I consider that it would be overly restrictive to require that all planting should be of native species. However, the developer requirements do include that access into the site should limit the loss or fragmentation of the ancient woodland and avoid loss of semi-natural woodland at Lamberkine and a requirement to compensate for loss by extending native planting to the north and south. There is also a requirement to retain, enhance and secure mechanisms for the long term management of existing native woodland.

26. It seems to me to be logical that woodland survey work would be required at an early stage, as requested by Scottish Natural Heritage, in order to inform details of access arrangements and to form an element of master planning. This should also include recording of ground flora, particularly in view of the ancient semi-natural woodland, and be included in the developer requirements. The requirement regarding access into the site would also benefit if it was informed by the findings of survey work and I have modified the developer requirements accordingly.

Other constraints and considerations

27. Policy 37(g) of the proposed plan requires that development proposals conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact. This should ensure that an appropriate lighting scheme for developed areas is implemented, in particular near the countryside. The developer requirements for allocation MU70 include a noise impact assessment. Members of the public would have the opportunity to comment on lighting proposals and any noise issues when planning applications are submitted. The developer requirements also include a need for an energy statement investigating the potential for the provision of, and or

extension to, a heat network to serve the development. No modification.

MU70 Cemetery search area

28. The Woodland Trust advises that Lamberkine Wood is a site of Long Established Woodland of Plantation Origin (LEPO) ancient woodland (as defined in the Ancient Woodland Inventory) and a cemetery development would be inappropriate. Scottish Natural Heritage indicates that West Lamberkine Wood lies within a site included in the Ancient Woodland Inventory and do not recommend its inclusion in the search area. The proposed land uses for allocation MU70 include land for cemetery provision (within the allocation or within Lamberkine Woodland) an alternative site near Scone is also under consideration, but at this stage no definite site may be confirmed in the proposed plan.

29. Scottish Planning Policy indicates that ancient semi-natural woodland is an irreplaceable resource and should be protected from adverse impacts resulting from development. The Scottish Government's Control of Woodland removal policy includes a presumption in favour of protecting woodland. The policy should be taken into account in preparing development plans. Removal should only be permitted where it would achieve significant and clearly defined benefits. Where woodland is removed developers will generally be expected to provide compensatory planting.

30. Whatever option, or options, is chosen I consider that an investigation should be carried out prior to planning permission in order to prevent any future possibility of groundwater contamination. This would be in accordance with the objectives of the Water Framework Directive and Scottish Planning Policy. This should be carried out prior to the granting of planning permission, rather than prior to development as suggested by the Scottish Environment Protection Agency. This is because the findings of such a site investigation may rule out development.

31. Under the heading of "Woodland" above I have recommended that the developer requirements should be modified to include a woodland survey which would inform access and infrastructure arrangements. In response to the representation from Scottish Natural Heritage I have included cemetery provision and access as a matter to also be informed by the survey.

MU73 Almond Valley

Principle of allocating MU73 Almond Valley and its proposed extent

32. The Almond Valley mixed use allocation MU73 was carried forward from the current local development plan and has the benefit of in planning permission in principle, approved in September 2017 and covering the majority of the allocation. Issues such as the main gas line, drainage, wildlife and the volume of traffic, pollution, effect on heritage assets and enhancement of the river corridor, lade and woodlands would have been considered when permission in principle was granted on appeal and subject to several planning conditions. Enforcement of these conditions would be a matter for the planning authority.

33. The site is required to help meet the housing land requirement for Perth and Kinross of 12,000 units during the proposed plan period from 2016 to 2028. Although there is a surplus of housing land in the Greater Perth Housing Market Area it would not be appropriate, in view the permission in principle, to try to delay development until after

completion of Bertha Park or the development of other sites at Perth West. The housing land requirement is based upon the target set by TAYplan and derived from an assessment of the projected need and demand for new housing. Should a change in projected population levels occur it would be a matter for consideration in future reviews of the development plan.

34. The proposed plan also includes a number of site specific developer requirements which include flood risk assessment, biodiversity studies and enhancement, integration of the existing landscape framework and, if needed, a species protection plan. Whether any maintenance and enhancement of natural features may be carried out prior to development would be a matter for the council to pursue with landowners. There would be an opportunity for further public consultation when any detailed planning applications are submitted to the council as part of normal develop management procedures.

35. The layout that accompanied the planning in principle application was only indicative. Issues such as the height of proposed dwellings and the effect on the privacy of neighbours would be considered at the time of any detailed application for planning permission. Whether any land could be purchased is not a matter for consideration in this examination.

36. Additional employment opportunities would be provided in future at mixed use and employment sites that have been allocated elsewhere in the proposed plan. In terms of drainage and flood risk, the developer requirements include provision of a detailed flood risk assessment for each phase of development.

Archaeology

37. Perth and Kinross Heritage Trust have identified allocation MU73 as an area of archaeological potential. The planning permission for the site includes conditions regarding archaeological investigation and protection of the setting of Huntingtower Cairn. However, I consider that it would be appropriate to refer to these matters in the developer requirements to ensure that they are robust.

Economic Development

38. Representations raise the need for employment opportunities for the proposed population increase. Key objectives of the proposed plan are to support local businesses to ensure economic growth in the region and to provide an ongoing supply of readily available commercial and industrial land. These are supported by economic initiatives in the Tay Cities Deal. The Perth West MU70 allocation is for mixed uses and includes 25 hectares of employment land. Other opportunities include 23.6 hectares of employment land at Ruthvenfield Road and over 25 hectares of land at Bertha Park. Policy 7B of the proposed plan advises that areas identified for mixed use are intended to promote the integration of employment generating opportunities with housing, thereby reducing the potential need to commute between home and employment. I consider that the plan makes adequate provision for future employment opportunities as part of the MU70 allocation, through its key objective and other employment land allocations.

Amenity, trees and open space

39. The developer requirements for MU73 include providing green corridors to link with Perth and the wider countryside and integrate the existing landscape framework into the

development. The indicative drawing on page 263 of the proposed plan shows proposed landscape areas or physical landscape works. Condition 10 of the in principle permission requires details of a landscaping scheme to be submitted including existing landscape features and vegetation to be retained and the location of new trees, shrubs, hedges, grassed areas and water features. There would be an opportunity for local residents to comment on the detailed proposals through normal development management procedures when a reserved matters application is submitted to the council. I am satisfied that the allocation may be developed to be integrated with green corridors and have appropriate levels of green space and wildlife habitat.

Flood risk and drainage

40. Drainage and flood risk was considered as part of the in principle permission and a flood risk assessment was carried out. Condition 5n requires detailed flood risk assessment at each phase as specified in the delivery plan. Condition 13 requires a detailed flood risk assessment to be submitted with the details of the first and subsequent phases of development and development should only commence subject to an acceptable level of risk and specification of the appropriate mitigation, specifically the avoidance of built development within areas assessed as at risk, based on up to date flood statistics, design flood estimation techniques, design flow statistics and channel configuration. Condition 7b requires full drainage calculations and the final layout of the sustainable urban drainage system pond and associated infrastructure to be agreed in consultation with the council's flooding team to ensure that the discharge of surface water is limited to surface run-off rates. There is scope to identify any areas at risk from flooding for open space use.

41. The Almondbank flood protection scheme does not provide a 1 in 200 year protection level plus climate change. I am mindful that at Issue 21 it is considered that the proposed plan is consistent with the National Planning Framework and the strategic development plan. In addition, that it accords with the provisions of the Scottish Planning Policy and reflects the Scottish Government's planning advice on flood risk. The Scottish Environment Protection Agency has requested alteration of the developer requirement with regard to flood risk assessment to require that development avoids highly vulnerable uses in the functional flood plain and makes reference to the need for mitigation for appropriate uses behind the flood protection scheme and flow paths are established.

42. In view of the planning conditions the council considers that details of any areas where development should be prohibited may be resolved at the planning application stage when the results of the assessments are known. This is a reasonable approach, nevertheless I consider that the developer requirements should be made more robust by adding the need for flood mitigation and the establishment of flow paths.

Infrastructure provision

43. Site MU73 has permission in principle and the submission of reserved matters applications would provide details that would be subject to consultation with local residents as part of normal development management procedures. The developer requirements include: Implement the phasing programme for the housing, affordable housing, community facilities, open spaces, transport infrastructure contributions, road improvements, structure planting, and local centre in line with the planning permission and Section 75 legal agreement. A site is also to be provided for a potential new primary school. I consider that the allocation may be developed with adequate infrastructure

provision. No modification.

Other constraints

44. Site MU73 has permission in principle and the submission of reserved matters applications would provide details that would be subject to consultation with local residents as part of normal development management procedures. Considerations such as the consultation zone for high pressure gas mains, lighting and noise mitigation for properties facing the A85 and Cross Tay Link Road would be assessed as part of the reserved matters. I consider that this is a reasonable approach and that the issues may be fully assessed when further details are submitted at reserved matters stage. No modification.

MU168 North of Bertha Park

Emergence of proposal and its location

45. Land at MU168 is proposed for park and ride and general employment uses. The Bertha Park development was originally to include a park and ride site. Following more detailed design work on the Cross Tay Link Road, the Main Issues Report proposed a new northern park and ride site to the north and west of the Cross Tay Link road junction with the A9 (site MU168 in the proposed plan). The Main Issues Report noted that, as a consequence, the requirement for a park and ride site within Bertha Park would be removed.

46. Representations seek an alternative location for a park and ride nearer to the Inveralmond commercial area or to the south of the nearby southern woodland. However, the proposed location at MU168 would be well placed close to a strategic junction, attracting users from Bertha Park and from the A9 North. I consider that the proposal would have benefits for air quality in the built up area of Perth by providing the opportunity to replace individual car journeys by public transport. No modification.

Landscape and green belt

47. Scottish Planning Policy indicates that in developing the spatial strategy planning authorities should identify the most sustainable locations for longer term development and, where necessary, review the boundaries of the green belt. The green belt boundary in the proposed plan excludes site MU168. The Strategic Environmental Assessment indicated the landscape and visual sensitivity of the site. Consequently, the developer requirements include a tree survey, retention of trees along the A9, with new native woodland planting toward the open rural landscape to the north, east and west, and in views from the A9 and Cross Tay Link Road. The new planting will provide for a more robust green belt boundary and provide containment for the site in the landscape. Overall, the benefits from providing the park and ride facility in terms of air quality and reduced traffic congestion, access to sustainable travel through regular bus services, and measures to mitigate the visual and landscape impacts, would outweigh the harm to the rural location and any conflict with relevant development plan policies.

48. Concern is raised in representations regarding the cumulative effect of various proposals, including site MU168, for the corridor of land through which pass the River Tay, the railway and the A9 between Luncarty and the River Almond because it is a popular area with a network of paths for walkers and cyclists. Requested changes to the green belt boundary at Luncarty and Denmarkfield are also dealt with at Issue 17 Policy 41

Green Belt. The council has advised that impacts of the various proposals within the corridor will be detailed through planning applications with due consideration given to access routes. There are potential access connections in association with the Cross Tay Link Road. This matter is also covered in Issue 3: Perth Area Transport Issues. No modification.

Scale of the Park and Ride and extent of allocation

49. The council advises that the Broxden park and ride is quite a small and restrictive site. Site MU168 would accommodate the A9 re-alignment as well as around 2.4 hectares of employment land. The indicative 5 hectare site would accommodate around 575 parking spaces. Initially around half these spaces could be provided, with land reserved within the 5 hectare site for the other 50% of parking spaces. The size of the site would therefore cater for any increase in demand and it should be retained. No modification.

Cultural heritage

50. The developer requirements for site MU168 include an archaeological survey to be carried out and any impacts on the historic environment to be avoided wherever possible through sensitive layout and design. I consider that this requirement and Policy 26B of the plan concerning archaeology are sufficient to ensure that any heritage assets are taken into account. Reference is made in representations to the Battleby Estate, but any impacts on the setting of the estate would be minimal because of the separation distance from the proposed allocation.

Amenity and access

51. The developer requirements include a tree survey, retention of trees along the A9, with new native woodland planting toward the open rural landscape to the north, east and west, and in views from the A9 and Cross Tay Link Road. The new planting will provide for a more robust green belt boundary and provide containment for the site in the landscape. Noise and dust emissions may be mitigated through careful design of the site, including screening and acoustic barriers as necessary. In terms of the visual impact of the proposal I consider that the developer requirements should also include a reference to mitigating views of the site from the surrounding hills and Core paths, including valued views across the valley from core path LUNC/124 on the ridge to the west of the A9. There should also be a requirement for a lighting impact assessment in view of the site's proximity to the countryside. An archaeological survey is also required and impacts on the historic environment will be avoided wherever possible through sensitive layout and design. I consider that a further developer requirement should be added to protect and enhance biodiversity given the proximity of Bertha Park woods. Subject to the addition of these developer requirements I am satisfied that the impacts on amenity and access would not be unacceptably adverse.

Restriction on uses

52. Allocation MU168 includes general employment uses. In response to the representation comparing the site to Broxden, the Council has advised that the proposed employment use allows a degree of flexibility. Clearly the council would have to take all the potential impacts of any proposed general employment uses into account, including traffic generation, air quality and visual impact. There would be an opportunity for members of the public to comment on any employment proposals which come forward as

planning applications through normal development management procedures. On that basis I consider that the proposed general employment use is acceptable. No modification.

MU345 Bertha Park

53. Bertha Park has an in principle planning permission and detailed permissions for the first phase. In respect of representations from the Woodland Trust, a Bertha Park woodland management plan was prepared in response to a condition of the planning permission. This covers long term objectives, management responsibilities and maintenance for a 20 year period. The council has also adopted supplementary guidance for a Forestry and Woodland Strategy (2014). The Woodland Trust has emphasised the need for native woodland planting and native tree species. The management plan involves the use of native species as appropriate and I consider that it would be overly restrictive to require that all planting in Bertha Park woodland should be of native species.

54. I agree with Scottish Natural Heritage that the developer requirements should include additional text to ensure protection of the River Tay Special Area of Conservation.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On the maps for Perth at page 255 and Perth West at page 256 change the Auction Mart site to a separate housing allocation and make all other consequential amendment to the proposed plan.

2. On page 261 add a second bullet point to say:

“Proposals should not result in adverse effects, either individually or in combination, on the integrity of the River Tay SAC. Applications should be supported by sufficient information to allow the council to conclude that there would be no such adverse effects”.

3. On page 262 add a further bullet point as follows:

“Archaeological investigation and report and plan detailing the sensitive design of development to protect and maintain the setting of the scheduled ancient monument of Huntingtower Cairn”. On page 262 modify the developer requirements to read: “Provide detailed Flood Risk Assessment with each phase of development, to include establishment of flow paths and mitigation for appropriate uses.”

4. On page 264 at the end of the second bullet point add:

“Active travel links to be segregated from roads and for cyclists and pedestrians where possible”.

5. On page 265 modify the last bullet point to read: “Ensure that the infrastructure and access arrangements planned, include connection to the existing Tibbermore Road and the search for cemetery provision and access are informed by the findings of the detailed woodland survey in order to limit and avoid loss or fragmentation of ancient semi-natural woodland at Lamberkine and a requirement to compensate for loss by extending native planting to the north and south”.

6. On page 265 add a further bullet point, as follows:

“A detailed woodland survey at the appropriate time of year should be carried out by a suitably qualified consultant who has experience of woodland habitat surveys and include; a National Vegetation Classification (NVC) Survey and map with site community floristic descriptions, target notes and locally important site features, and an assessment of the role and importance of the Lamberkine woodland’s connectivity to the wider woodland network.”

7. On page 266 after A Battlefield Conservation Plan prior to detailed masterplan add “including proposals for interpretation”.

8. On page 267 add a further bullet point:

“Ground investigation to be carried out for the proposed cemetery site prior to planning permission in accordance with the Scottish Environment Protection Agency’s Guidance on assessing the impacts of cemeteries on groundwater (LUPS GW32)”.

9. Delete bullet point 6 which requires an otter survey.

10. On page 262 (MU168) add “Lighting Impact Assessment” to the developer requirements.

11. On page 262 (MU168) modify the second bullet point to read:

Tree survey required, retain existing trees along A9, with new native woodland planting toward the open rural landscape to the north, east and west, and in views from the A9, CTRLR, “nearby Core paths and surrounding hills to minimise the visual impact in the landscape”.

12. On page 262 (MU168) add:

“Measures to protect and enhance biodiversity and to mitigate impacts on Bertha Park woodland.”

Issue 26	Perth City	
Development plan reference:	Perth Area p249-281	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Colin Murray (0037) Lynne Palmer (0040) King James VI Golf Club (0131) Scottish Water (0259) Mr and Mrs Short (0382) Euan Bremner (0616)		
Provision of the development plan to which the issue relates:	Perth Area	
Planning authority's summary of the representation(s):		
<u>Miscellaneous</u> Colin Murray (0037/01/001) - Expresses concern about visual quality of developments in Perth King James VI Golf Club (0131/01/001) - Welcomes the Council's long term vision for growing the resident and tourism offering. Mr and Mrs Short (0382/01/012) - Seek more effort encouraging more business into Perth and to revamp the city centre and its vacant shops. Euan Bremner (0616/01/002 + 004) - Considers the strategy is deficient in terms of provision for housing within walking distance of the city centre. Considers the Inches restricts suitable opportunities but that Kinnoull has potential for infill particularly flatted allowing downsizing opportunities to free up larger homes. Population densities in Kinnoull are far below the minimum figure in the indicative range for such a location under the existing LDP. Given the physical character, with many trees and walls most "infill" would scarcely be visible so that the overall appearance would change little. Improvements to infrastructure would be financed by developers and the authority would receive a far greater amount of local tax revenue and subventions for schools "affordable" housing etc. Most new structures would be flatted. These would offer opportunities for older people to "downsize" so freeing up larger homes for families. Under-occupation of such is a major issue not least within the "conservation area" itself. There is common idea that new development in "conservation areas" should mimic what is already there. ("pastiche") Many disagree. There would be opportunities in the "conservation area" for innovative design which met current criteria for energy and water use. The council should prepare a plan and guidelines for the area to be incorporated in the new LDP. As it would not conflict with the current one it could be adopted as "supplementary guidance" before the new plan is approved by the council.		

General Infrastructure

Colin Murray (0037/01/004) - Expresses concern about potential loss of public car parks and that the library lower car park and the railway station car park are not identified as Transport infrastructure. Seeks protection of bus and taxi areas and some on street parking areas, with concern that the Council is seeking a car free city.

Lynne Palmer (0040/01/003) - Concern over whether there is sufficient Waste Water Treatment Works and Water Treatment Works capacity for Perth's Strategic Development Area proposals.

Open space

Scottish Water (0259/01/001) - Support the deallocation of the open space within their ownership at Viewlands Road West (land north of Burghmuir Reservoir). The Main Issues Report (MIR) (CD046, p46) accepted this site had no public access or amenity value and that it has potential as a housing site given proximity to schools and public transport connections with no significant environmental issues affecting the site. Scottish Water considers it appropriate for residential development but they acknowledge that the Council have not discounted this subject to detailed consideration through a planning application.

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

Colin Murray (0037/01/001), King James VI Golf Club (0131/01/001), Mr and Mrs Short (0382/1/12) - No specific change sought

Euan Bremner (0616/01/002 + 004) - No specific change sought

General Infrastructure

Colin Murray (0037/01/004) - No specific change sought but expresses concern about potential loss of public car parks and that the library lower car park and the railway station car park are not identified as Transport infrastructure. Also seeks protection of bus and taxi areas and some on street parking areas.

Lynne Palmer (0040/01/003) - No specific change sought

Open Space

Scottish Water (0259/01/001) - Support the deallocation of the open space within their ownership at Viewlands Road West (land north of Burghmuir Reservoir).

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

Colin Murray (0037/01/001) - The visual quality of developments is an important planning consideration and Proposed LDP2 policy provisions particularly those relating to trees (CD052, p65), landscape (CD052, p64), open space (CD052 p33) and placemaking (CD052, p19) will appropriately inform proposals coming forward. Also if/when the detailed

proposal is available through the planning application process there is opportunity for public input.

No modification is proposed to the Plan.

King James VI Golf Club (0131/01/001) - Supportive comment noted.

Mr and Mrs Short (0382/01/012) - With regard to encouraging business into Perth, the LDP2 provides an appropriate policy context and identifies suitable sites. The planning process is about ensuring land is there and that the right conditions are in place to support economic growth. This is supplemented by work of the Council's Economic Development Unit and the City Development Board. The Perth City Development Board (PCDB) was formed to help support growth of the city and surrounding region with input from both the public and private sector. The Board has been working hard to develop a vision for the growth of the city and how that could be achieved through the public and private sector working together through a revised version of the Perth City Plan – Smart growth for Perth City: Perth City Plan 2015-2035 (CD217) which has informed Proposed LDP2.

No modification is proposed to the Plan.

Euan Bremner (0616/01/002 + 004) - In terms of opportunities for infill development within Kinnoull it is considered that there is already an appropriate context for considering any proposals that come forward. The Proposed LDP2 strategy, vision and policies particularly the Policy 17 Residential Areas (CD052, p35) and the Policy 1 Placemaking (CD052, p19) policies provide the principle steer as to what would be considered acceptable as does the Kinnoull Conservation Area appraisal (CD282). The Placemaking policy seeks development to 'complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours' this does not preclude innovative design but there is a need to respond to its context. There are neither the resources nor the need to provide additional Supplementary Guidance as proposals already have an appropriate policy context to be considered against.

No modification is proposed to the Plan.

General Infrastructure

Colin Murray (0037/01/004) - The Proposed LDP2 Perth settlement map identifies strategic public carparks as Transport Infrastructure (CD052 p255) to which policy 58A Existing infrastructure applies (CD052 p93). There is no intention of moving towards a car free city but the Council is promoting active travel opportunities. This policy states, 'The Plan identifies existing transport infrastructure; encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible.' There appears to be concern that the railway station carpark and the lower library carpark should also be identified as Transport Infrastructure. The railway station carpark is not identified as existing infrastructure. This carpark is part of the MU331 Perth railway station and PH2O allocation (CD052 p272) and there may be potential to combine parking. Whilst the lower library carpark is not identified as existing infrastructure as it is small carpark and is not strategically important. There are lots of other small car parks which are not identified for this reason.

No modification is proposed to the Plan.

Lynne Palmer (0040/01/003) - 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 (CD116), whilst network upgrades will be the developer's responsibility. Insufficient capacity is not seen as a barrier to development. Significant upgrades to the existing network and treatment works will be required. Scottish Water has been consulted during preparation of the LDP2 and is undertaking modelling work to consider solutions.

No modification is proposed to the Plan.

Open Space

Scottish Water (0259/01/001) - Acknowledge that the deallocation of Burghmuir Reservoir as open space allows for a residential proposal to come forward and be considered against the policies and provisions of LDP2. It was not identified as an allocation due to doubts about its effectiveness and specifically the ability to deliver an appropriate access solution but if these issues can be addressed then a proposal could potentially come forward.

No modification is proposed to the Plan.

Reporter's conclusions:

Miscellaneous

1. A representation objects to further development in the Glover Street Area and "ugly flats". The proposed plan contains policies which seek to encourage good design, including Policy 1 Placemaking which states that development must contribute positively to the surrounding built and natural environment. The main allocation next to Glover Street is MU331 Perth Railway Station and PH20. This allocation will be the subject of a master plan which considers joint access and parking arrangements at the time of any planning application. If an application is submitted there would be the opportunity through the normal development management process for members of the public to comment on parking provision, design and any other planning considerations. No modification.

2. Key objectives of the proposed plan are to support local businesses to ensure economic growth in the region; to provide an ongoing supply of readily available commercial/ industrial land of 25 hectares across Perth and Kinross, and to focus on retail and commercial development in accessible centres that provide employment and services to residents and visitors. Policies in the proposed plan such as Policy 12 Commercial and Retail Controls and Policy 13 Retail and Commercial Leisure Proposals set the framework for development in Perth City. Encouraging more business into Perth and revamping the city centre are matters that may be pursued by the council and business community through other detailed initiatives to support the proposed plan. These include the Perth City Plan 2015-2035. This was produced on behalf of the City Development Board and focusses on the themes of economic development and placemaking. I consider that the proposed plan provides a sufficient land use framework to meet the objectives of improving the city and attracting business. No modification.

3. I see no need for supplementary guidance for the Kinnoull Conservation Area. Kinnoull has a Conservation Area Appraisal which identifies the special interest and changing needs of the area. It provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area. Policies in the proposed plan such as Policy 17 Residential Areas and Policy 28A New Development (in Conservation Areas)

already provide the guidance for consideration of any residential infill proposals and the density of development in relation to its environs, which could give opportunities for downsizing. The proposed plan provides an opportunity for new housing within the city at Thimblelow from where residents could walk to facilities, and at nearby Gannochy Road. Innovative design may be appropriate in conservation areas, having regard to Policy 1 Placemaking of the proposed plan. The council would have to consider any proposals on their individual merits, having regard to relevant development plan policies and the conservation area appraisal in accordance with normal development management procedures, without the need for any further guidelines in the proposed plan. No modification.

General Infrastructure

4. The council has stated that there is no intention of moving towards a car-free city. The council would have to consider the need to retain parking in assessing any planning application which affects an existing city centre parking area. The Perth station car park is part of the MU331 Perth Railway Station and PH20 proposal. Parking arrangements would be a consideration of the proposed masterplan for that area, as stated in the proposed plan. If a planning application is submitted there would be the opportunity through the normal development management process for members of the public to comment on parking provision, and any other planning considerations.

5. Smaller car parks, such as the lower library car park, are not identified on the proposals maps as transport infrastructure. I see no reason to include the numerous small car parks that exist in the proposed plan area. However, the council should take the existing contribution towards city centre parking provision into account when smaller car parks are affected by development proposals. No modification.

6. I see no reason to believe that sewer and water capacity would not be sufficient to serve the development allocations in the proposed plan. The council has advised that, although significant upgrades to the existing network and treatment works will be required, Scottish Water has been consulted during the preparation of the proposed plan and is undertaking modelling to consider solutions. Scottish Water's publication: "Enabling Development and Our 5 Criteria" explains that if there is insufficient capacity for development at Scottish Water's water or wastewater treatment works, Scottish Water will provide additional capacity if the developer can meet its growth criteria. Developers may also be required to contribute towards new facilities or improvements to existing facilities if the development is likely to result in a detrimental effect on existing customers. For the reasons above, any insufficient capacity would not be a barrier to development. No modification.

Open Space

7. I agree with the council and Scottish Water that the land at Viewlands Road West (Burghmuir site) should remain as unallocated in the proposed plan, having previously been proposed as open space. Whether or not the land is appropriate for other uses such as housing, or effective for development, may be determined through a planning application as part of the normal development management process. No modification.

Reporter's recommendations:

No modifications.

Issue 27	Perth City Proposals	
Development plan reference:	Perth Area Strategy – pages 249 - 281	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Louise Crawford (0026) Colin Murray (0037) Ryan Porteous (0038) John Meiklem (0043) Stephen and Victoria Watkins (0108) Rossco Properties (0120) Sally Doig (0125) King James VI Golf Club (0131) The Fenton 2016 and the Simon Fenton Discretionary Trusts (0145) Frances Hobbs (0152) Neil Myles (0153) John Brian Milarvie (0171) Mr and Mrs MackIntosh (0179) Gary Wright (0181) Robert Reid 1999 Discretionary Trust (0192) T & E Young (0213) Peter and Vanessa Shand (0226) J D McKerracher (0245) Scone Community Council (0265) Perth and Kinross Heritage Trust (0272) John W Rogers (0304) Matthew Lonergan (0319) Scottish National Heritage (SNH) (0353) Rivertree Residential (0356) Mr and Mrs Short (0382) Mr and Mrs Stewart Reith (0389) St John's Kirk of Perth (0426) D King Properties (Scotland) Ltd (0461) Jeffrey Rowlinson (0485) David F Lewington (0486) Hansteen Land Ltd (0494)	Network Rail (0509) The John Dewar Lamberkin Trust (0532/05) The John Dewar Lamberkin Trust and Craigrossie Properties (No. 1) (0588) Murray Flett (0595) Lisa Cardno (0599) Scone Estate (0614) Go Americano Ltd (0618) Tim Kendrick and Jane Spiers (0641) James Thow (0668) Jennifer Thow (0669) Martin R W Rhodes (0675) Perth & Kinross Council Tenants' Organisation (0701) Bus 'Y' Bites (0704) Hazel MacKinnon (0705) Iona MacGregor (0707) Gerard Connolly (0712) Eric Ogilvy (0713) Stewart McCowan (0714) Angela McCowan (0715) Gladys Ogilvy (0716) Graham Ogilvie (0717) Tracy Ogilvie (0718) Shona Cowie (0719) Paul Cowie (0720) David Roy (0730) Greer Crighton (0731) Brian Hood (0732) Gaynor Hood (0733) Philip Crighton (0734) Scottish Environment Protection Agency (SEPA) (0742)	
Provision of the development plan to which the issue relates:	Perth Area Strategy	
Planning authority's summary of the representation(s):		
Archaeology		
Perth and Kinross Heritage Trust (0272/01/011) - Mention that site allocations, H1, E36, OP2, OP4, and OP9 may have archaeological potential and suggests that the site specific requirements for these allocations should be updated to reflect the likelihood of this		

requiring investigation.

H1 Scott Street/Charles Street

SEPA (0742/01/107 + 0742/02/023) - Seeks removal of this allocation for the following reasons:

Site H1 is allocated for housing in an area being protected by the Perth Flood Protection Scheme (FPS).

This same issue also comes up in relation to allocations H319 Ruthvenfield, and MU73 Almond Valley so a common summary of SEPA's position is given under the sub heading 'Land allocations defended by appropriate flood protection schemes' in the Policy 50 New Development and Flooding Schedule 4.

H3 Gannochy Road

Frances Hobbs (0152/01/008), Neil Myles (0153/01/008), John Brian Milarvie (0171/01/008), Peter and Vanessa Shand (0226/01/008), J D McKerracher (0245/01/009), Scone Community Council (0265/01/009), John W Rogers (0304/01/009), Mr and Mrs Short (0382/01/005), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/005), David F Lewington (0486/01/005), Lisa Cardno (0599/01/009), James Thow (0668/01/008), Jennifer Thow (0669/01/008), Martin R W Rhodes (0675/01/003), Hazel MacKinnon (0705/01/009), Gerard Connolly (0712/01/009), Eric Ogilvy (0713/01/009), Stewart McCowan (0714/01/009), Angela McCowan (0715/01/009), Gladys Ogilvy (0716/01/009), Graham Ogilvie (0717/01/009), Tracy Ogilvie (0718/01/009), Shona Cowie (0719/01/009), Paul Cowie (0720/01/009), David Roy (0730/01/009), Greer Crighton (0731/01/009), Brian Hood (0732/01/009), Gaynor Hood (0733/01/009), Philip Crighton (0734/01/009) - Support the comments regarding Bridgend air pollution and many of the respondents trust that this will be developed into a full policy.

H71 Newton Farm

Robert Reid 1999 Discretionary Trust (0192/01/001) - As sole landowner generally welcomes the housing allocation but considers there should be opportunity to incorporate a small element of retail and allocate for mixed uses. Proposes a new food store (2,000 to 2,500 m²) located next to new Crieff Road junction providing a buffer to new housing referring to the following reasons in support:

- that the Perth and Kinross Retail Study and City and Town Centre Review 2014 (CD215) identified capacity for further food store space in the city
- that it would reflect the mixed use nature of the area and would be compatible with surrounding uses
- its location opposite the Crieff Retail centre defined in the Proposed Plan and adjacent to new roundabout
- that it would be within walking distance of large residential catchment and well served by public transport
- that there is active operator interest
- that previous pre application advice did not discount retail but was dependent upon receipt of satisfactory reports covering retail impact, the sequential test and transportation and such studies can be brought forward
- that the Council has not explained why a small convenience store is unacceptable, and that alternative locations are suggested but not identified

SEPA (0742/01/110) - Seek a change that a Flood Risk Assessment (FRA) be included as a site specific developer requirement.

A potential flood risk has been identified at this site. As such, SEPA consider that part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed.

SEPA consider that the inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. SEPA consider it will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.

SEPA seek a developer requirement for a Flood Risk Assessment as they consider that this accords with the planning authority's duties under The Planning etc. (Scotland) Act 2006 (CD036), SPP (CD004), Flood Risk Management (Scotland) Act 2009 (CD030), and the Scottish Government's online planning advice on flood risk (CD043) which states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account. It will also contribute positively to the local authority's duties under Section 44 of Climate Change (Scotland) Act 2009 (CD025, p24-25). As identified in the SEA, this area/part of this area is at flood risk.

H319 Ruthvenfield

The Fenton 2016 and the Simon Fenton Discretionary Trusts (0145/01/001) who own the majority of this allocation support the H319 allocation. They consider the split with housing land to the west of the Cross Tay Link Road and employment land to the east is common sense and they look forward to working with the other landowners and the Council to ensure an effective and quality development.

Mr and Mrs Mackintosh (0179/01/001) who own land within this allocation support the H319 allocation. They consider the split with housing land to the west of the Cross Tay Link Road and employment land to the west as common sense and they look forward to working with the other landowners and the Council to ensure an effective and quality development.

Stephen and Victoria Watkins (0108/01/001), Ryan Porteous (0038/01/001), Gary Wright (0181/01/001), Murray Flett (0595/01/001) - All these respondents object to the allocation and mention some or all of the following reasons:

- disputes need for more housing/better opportunities elsewhere in Perth.
- considers there is limited capacity in the road network (particularly Castle Brae)/ safety issues/unsuitable proposed access points
- the mains gas line within the site
- scale and impact on rural character
- impact on property price
- impact of the construction phase
- impact of this alongside other developments on well-being and environment
- flood risk (flooding here twice in last 4 years, SEPA food warning alert 23/1/18,

much of site being within SEPA medium risk flood risk, and impact from Bertha Park development on levels)

- pollution, noise and light impact on amenity
- this change in allocation (from employment allocation to housing) is coming about because of the unforeseen higher level of the new Cross Tay Link Road (CTLR)
- that the CTLR would provide a good boundary and sufficient buffer
- that previous onsite planning applications history should be ignored as they predate new development at Bertha Park and the CTLR construction
- impact on woodland because:
 - there was an application for outline permission for housing development on part of this site refused by the Council and by the Reporter (CD219) (08/00253/OUT)
 - the Reporter agreed with the Council that this site has a vital role in maintaining a strong woodland framework
 - an area was considered to be incorrectly designated within E38 employment use in the LDP 2014 (CD014, p319) as it is separated from the rest of the allocation agricultural land by a tree belt
 - it is part of the woodland estate of Ruthvenfield House
 - in the Perth Area Local Plan 1995 (CD138) it was identified as an area where existing tree cover should be enhanced and maintained
 - the LDP seeks to protect woodland

SEPA (0742/02/023 + 0742/1/97) - Please refer to the common SEPA position as set out in under the sub heading 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4.

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (Table 8.1, page 143-144) (CD056).

E1 The Triangle

Go Americano Ltd (0618/01/001) - Seeks the use classification of E1 to be extended to include ancillary uses including food and drink to reflect the planning permission in place for a coffee shop/takeaway (16/01124/FLL) granted at Local Review Body April 2017. The remainder of the Triangle site has permissions in place or is seeking them for car sales uses. The permission for a Starbucks coffee shop and drive through is considered to be complementary, have an indirect economic benefit of increasing footfall to surrounding businesses, and to retain tourist traffic expenditure. The Local Review Body unanimously supported this application and the decision notice states "It was considered that the proposal would provide economic benefits and could be viewed as a high amenity employment use. The information submitted has demonstrated that the proposed use would generate employment and encourage other developments close to the site."

SEPA (0742/01/030) - With regards site E1, the guidance identifies that least vulnerable uses, which include shops as defined by SEPA flood risk and land use vulnerability guidance (CD012), are acceptable where the standard of protection is equal or greater than 1 in 200 year (0.5% Annual Estimated Probability). The information provided clarifies that the Perth FPS affords this standard of protection and SEPA have no objection to the proposed car sales development at this site. Furthermore SEPA support the fact that the

developer requirement identifies that areas behind the FPS should incorporate appropriate mitigation measures as this accords with the Risk Framework in paragraph 263 of SPP (CD004, p58-59).

Ensuring that the vulnerability of the land use is appropriate for the location and degree of flood risk is also an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) (CD004, p9) that states policies and decisions should support climate change adaptation, including taking account of flood risk. Local authorities also have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

SEPA have noted however that the marketing material available for E1 indicates a hotel on the site, a land use which is categorised as highly vulnerable in SEPA's Flood Risk and Land Use Vulnerability Guidance (CD012) and which is only acceptable where the standard of protection is 1 in 200 year plus climate change. Given that the information provided clarifies that the Perth FPS does not offer this standard of protection we would therefore likely object in principle should an application be submitted for a highly vulnerable land use at this site.

E2 Broxden

The John Dewar Lamberkin Trust (0532/05/004) - Supports the delivery of employment uses on allocation E2 and the associated site-specific developer requirements but, in light of the changing employment profile and commercial property market considers the allocation should provide for a broader range of uses not restricted to solely class 4. The reasons for supporting this change are given as follows:

- following active site marketing and developer/operator negotiations, the site is suited to a broader range of employment related uses than class 4, as consented by planning permission 12/01692/IPM (CD223);
- market evidence and the changing, mixed employment use of the broader Broxden Commercial area, continue to promote broad employment uses not restricted to single categories;
- this position accords with the approach towards encouraging employment land uses are detailed in policy 7 (Employment & Mixed use) (CD052, p26).
- this is aligned to the LDP's employment policies and the wider City plan, to support Perth & Kinross Council's transition to a low carbon economy.

E3 Arran Road

Louise Crawford (0026/01/001) - screening provided for new Wilson's construction yard is considered inadequate as Rowan trees do not keep their leaves all year round. Ample screening is requested before more development due to the impact on views.

SEPA (0742/01/031) - With regards site E3, the guidance identifies that least vulnerable uses, which include employment uses such as shops, offices, industry, storage and distribution as defined by our flood risk and land use vulnerability guidance, are acceptable where the standard of protection is equal or greater than 1 in 200 year. (0.5% Annual Estimated Probability). The information provided clarifies that the Perth FPS affords this standard of protection and therefore SEPA have no objection to the proposed core

employment use development at this site. Furthermore SEPA support the fact that the developer requirement identifies that areas behind the FPS should incorporate appropriate mitigation measures as this accords with the Risk Framework in paragraph 263 of SPP (CD004, p58-59).

Ensuring that the vulnerability of the land use is appropriate for the location and degree of flood risk is also an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) (CD004, p9) that states policies and decisions should support climate change adaptation, including taking account of flood risk. Local authorities also have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

E38 Ruthvenfield Road

Rossco Properties (0120/02/001) - Owns the 17 acres frontage land of E38, whilst the rear land lacks any main road frontage. It is considered that there should be greater flexibility on uses beyond class 4,5 and 6 to include limited retail, class 3/takeaway, hotel, and motor sales uses because:

- There are already within Inveralmond and Broxden sui generis uses such as motor sales and service, modest class 3 restaurants and hotels (some of these the council has promoted itself)
- The Council has accepted trade park uses at Inveralmond (permissions: 07/02336/FUL (RD043) and 07/01353/FUL(RD041) and subsequent development and lettings to parties such as screwfix and toolstation and this type of use could be replicated on the frontage of E38
- There are already food sales within Inveralmond including takeaway (Greggs) and at the commercial centre.

SEPA (0742/01/041) - With regards site E38, the guidance identifies that least vulnerable uses, which include employment uses such as shops, offices, industry, storage and distribution as defined by our flood risk and land use vulnerability guidance, are acceptable where the standard of protection is equal or greater than 1 in 200 year (0.5% Annual Estimated Probability). The information provided clarifies that the Perth FPS affords this standard of protection and therefore SEPA have no objection to the proposed core employment use development at this site. Furthermore SEPA support the fact that the developer requirement identifies that areas behind the FPS should incorporate appropriate mitigation measures as this accords with the Risk Framework in paragraph 263 of SPP (CD004, 58-59).

Ensuring that the vulnerability of the land use is appropriate for the location and degree of flood risk is also an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) (CD004, p9) that states policies and decisions should support climate change adaptation, including taking account of flood risk. Local authorities also have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

E165 Cherrybank

D King Properties (Scotland) Ltd (0461/02/001) - Seeks amendment to a mixed uses designation including scope for housing, hotel, care home, and non-residential institutions and refers to the following reasons:

- The Cherrybank site is part of a mixed use site in the current LDP and it is considered that demand for core employment uses can be more appropriately provided through E340 at Broxden reflecting the extensive employment land release approved as part of (15/00809/AMM) (RD046) which provided 6 hectares of commercial floor space as part of MU1 (12/01692/IPM) (CD222).
- Core employment uses are not considered appropriate on this site. Mixed uses at Cherrybank would be more compatible with surrounding uses including residential development north of Necessity Brae 08/00122/OUT (RD048), 11/00933/FLM (RD045 & 14/00269/AMM (CD228) and would ensure development can be delivered, and reflect the current LDP mixed use allocation.
- This site is a self-contained site with its own access and landscaping

Hansteen Land Ltd (0494/01/001) - Seeks amendment to a mixed uses or residential allocation or alternatively to include as white land and the following reasons are given:

- The site has had planning permission (05/01600/OUT) (RD047) for some time and although the adjacent site has come forward for residential development this area has lain vacant despite marketing for the approved uses hotel, office, and care home.
- There is no evidence to support core employment uses here, see evidence from Smart & Co (RD049).
- As a vacant brownfield site they feel it should be afforded an opportunity for mixed uses housing and hotel and care home.
- It would be an effective housing site.
- There is sufficient land for business purposes and it would waste this potential resource to contribute to the housing land supply.

SEPA (0742/01/102) - A potential flood risk has been identified at this site. As such, part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed.

The inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.

SEPA seek a developer requirement for a Flood Risk Assessment as this accords with your authority's duties under The Planning etc. (Scotland) Act 2006 (CD036), SPP (CD004), Flood Risk Management (Scotland) Act 2009 (CD030), and the Scottish Government's online planning advice on flood risk (CD043) which states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account. It will also contribute positively to the local authority's duties under Section 44 of Climate Change (Scotland) Act 2009 (CD0025, p24-25). As

identified in the SEA, this area/part of this area is at flood risk (CD0075, p7-8). The SEA should be used to inform the LDP and it is noted that the SEA identified a mitigation measure and a developer requirement should reflect that.

E340 Broxden

The John Dewar Lamberkin Trust and Craigrossie Properties (No. 1) (0588/01/001) - Comments submitted on behalf of The John Dewar Lamberkin Trust and Craigrossie Properties (No.1) seek E340 to be rezoned from the consented class 4 employment land to residential use, for a capacity of circa 50 mixed tenure residential homes. Reasons given for requesting this change are as follows:

- The 2 hectares site forms part of a wider mixed development granted planning permission in principle in 2013 (Planning Permission 12/01692/IPM approved layout) (CD223) subject of construction. That consent provides for 8 hectares of commercial land, including allocations E340 & E2. A further 6 hectares of commercial land (E2) is available and being marketed.
- E2 is better suited for employment use, reflecting the commercial characteristics of Broxden to the trunk road network, services and adjoining offices space.
- Market sentiment sourced through active marketing establishes that Perth is suffering from an oversupply of office accommodation at circa 70,000 sq (CoStar) (CD213).
- The allocation of strategic employment land will result in a significant pipeline of sites aligned to the market and economic strategy including 20 ha at MU70 Perth West.
- Site E340 subject of independent and active site marketing has not yielded developer or tenant interest. This reflects the challenging topography and its' separation from the Broxden Commercial Area.
- Proximity of E340 to the consented housing land gives it a distinct residential characteristic.
- It could provide an important short-term housing site whilst larger strategic developments materialise through the planning and technical stages.
- The wider Broxden area encompassed by allocations E340 and E2 is the subject of the consideration of hydrogen refuelling and associated onsite energy generation in addition to the expansion of Broxden service station assisting Perth & Kinross Council's low carbon transition strategy. These uses will strengthen the eastern boundary of the Broxden commercial area, further separating proposed allocation E340 from the surrounding commercial uses.
- The land is a logical and modest extension to the adjoining residential land currently under construction.

SEPA (0742/01/103) - Seek a developer requirement for a Flood Risk Assessment as this accords with the authority's duties under The Planning etc. (Scotland) Act 2006 (CD036), SPP (CD004), Flood Risk Management (Scotland) Act 2009 (CD030), and the Scottish Government's online planning advice on flood risk which states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account. It will also contribute positively to the local authority's duties under Section 44 of Climate Change (Scotland) Act 2009 (CD025, p24-25).

A potential flood risk has been identified at this site. As such, part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood.

Any culverted watercourses in or adjacent to the site are also required to be assessed.

The inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.

MU171 Perth Quarry

SNH (0353/01/026) - Considers that this quarry is in a prominent location that forms part of the wooded landscape setting of Perth and has potential to generate adverse visual and landscape effects on the landscape setting of Perth and the Landscape Character Area of the Lowland Hills. Blurring the boundary between settlement and wooded enclosure in this visually prominent location is considered likely to result in a loss of distinctiveness and adverse impacts on the landscape setting of Perth. This could be visible in key views including the surrounding hilltops, the town and Friarton bridge.

SNH note that a LVIA (RD043) has been carried out but consider that this does not identify key landscape issues and key views and does not present a clear analysis in relation to the sites position at the edge of the settlement part of the town's landscape setting. SNH recommend a revised appraisal and detail an appropriate methodology for this.

SNH recommend development is subject to requirements for mitigation/avoidance of landscape and visual impact, and restoration of woodland in the southern part of the site. The confinement of developable area to the north of the site is welcome in principle but the nature of the 'Proposed Landscape Area or physical landscape works' in the southern section on the map is not clear. Prior to development, most of the southern half of this quarry site was an Ancient Woodland Inventory site (LEPO). Fragments of this remain around the perimeter and the developer requirement will help restore habitat connectivity between the west and northern woodland outwith the site and help integrate it into the wider landscape. There is a need to ensure that potential landscape and visual impacts can be mitigated and ensure development proposal or removal of woodland and trees does not result in a visible scar or intrusion of this wooded ridge and degrade Perth's distinct setting.

MU331 Perth Railway Station and PH2O

Colin Murray (0037/01/003 + 0037/02/001) - Welcomes proposals for improvement as long as children's play area and car parking facilities are retained.

T & E Young (0213/01/001), Iona MacGregor (0707/01/001) - Are concerned about the proposal for some or all of the following reasons:

- the extent of this allocation and inclusion of woodland to the rear of houses along Glover Street
- wildlife/habitat/residential amenity impact, including the potential loss of these trees which buffer air/noise pollution
- impact on historic environment (Glover St is an archaeological site)
- the new lift and walkway at the station has already detracted from visual amenity

Network Rail (0509/01/006) - Refers to comments made elsewhere to the developer contributions policy and their sought amendment to include wider infrastructure within its scope (please refer to schedule 4 Policy 5 Infrastructure Contributions). These infrastructure improvements (rail/bus interchange) are referred to in this allocation and also in the non-statutory Perth City Plan (CD217). They state they are already working closely with Perth & Kinross Council regarding the masterplan which will consider joint access and parking in the context of infrastructure projects in and around and affecting Perth Station and will consider the constraints and opportunities presented by the A-listed status of the Station.

MU336 Murray Royal Hospital

Frances Hobbs (0152/01/008), Neil Myles (0153/01/008), John Brian Milarvie (0171/01/008), Peter and Vanessa Shand (0226/01/008), J D McKerracher (0245/01/009), Scone Community Council (0265/01/009), John W Rogers (0304/01/009), Mr and Mrs Short (0382/01/005), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/005), David F Lewington (0486/01/005), Lisa Cardno (0599/01/009), James Thow (0668/01/008), Jennifer Thow (0669/01/008), Martin R W Rhodes (0675/01/008), Hazel MacKinnon (07051/01/009), Gerard Connolly (0712/01/009), Eric Ogilvy (0713/01/009), Stewart McCowan (0714/01/009), Angela McCowan (0715/01/009), Gladys Ogilvy (0716/01/009), Graham Ogilvie (0717/01/009), Tracy Ogilvie (0718/01/009), Shona Cowie (0719/01/009), Paul Cowie (0720/01/009), David Roy (0730/01/009), Greer Crighton (0731/01/009), Brian Hood (0732/01/009), Gaynor Hood (0733/01/009), Philip Crighton (0734/01/009) - Support the comments regarding Bridgend air pollution and many of the respondents trust that this will be developed into a full policy.

Rivertree Residential (0356/01/001) - The requirement that only the listed buildings will be allowed to be occupied prior to the opening of the CTRL should be deleted. Elsewhere there is requirement for a Transport Assessment and this statement prejudices this assessment and is potentially prejudicial to the overall site strategy. A planning permission in principle application (18/00094/IPM) (CD232) is currently being considered for development up to 70 homes. This will be aligned with alteration and refurbishment of the main hospital which will be submitted as a planning application in due course (CD235) (18/00408/FLM). Disputes the possible capacity issues mentioned in the SEA (CD075, p355 - 370) as their Transport Assessment (CD233) concludes that the development proposals, across the site, will have no significant impact on the operation of the surrounding transport network.

Tim Kendrick and Jane Spiers (0641/01/001) - Agree with priority conversion of the listed buildings but not that the new build should be delayed until the completion of the Cross Tay Link Road. Considers that removal of damaged listed buildings (semi derelict Gilgal ward) should be prioritised and that a new build estimate should be given which is significantly lower than the 70 properties proposed in the in principle planning application.

Matthew Lonergan (0319/01/001) - Objects to allocation due to traffic impact on the road junction between West Bridge, Gowrie Street, Main Street and Lochie Brae before suitable works have been carried out at this junction and at Lochie Brae.

MU337 Hillside Hospital

King James VI Golf Club (0131/01/003 + 0131/02/001) - King James 6 golf club is supportive of the allocation but would like to explore the possibility of public parking either temporary or long term at this site.

SEPA (0742/01/117) - Seek a change that a Flood Risk Assessment (FRA) be included as a site specific developer requirement.

A potential flood risk has been identified at this site. As such, part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed. The inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.

SEPA seek a developer requirement for a Flood Risk Assessment as this accords with your authority's duties under The Planning etc. (Scotland) Act 2006 (CD036), SPP (CD004), Flood Risk Management (Scotland) Act 2009 (CD030), and the Scottish Government's online planning advice on flood risk (CD043) which states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account. It will also contribute positively to the local authority's duties under Section 44 of Climate Change (Scotland) Act 2009 (CD025, p24-25). As identified in the SEA, this area/part of this area is at flood risk. The SEA should be used to inform the LDP and it is noted that the SEA identified a mitigation measure and a developer requirement should reflect that.

OP2 Thimblerow

Colin Murray (0037/02/004) - Concerned about potential loss of parking.

SEPA (0742/01/069) - Support the developer requirement for a Flood Risk Assessment and Drainage Impact Assessment as this accords with the Local Authority's duties under The Planning etc. (Scotland) Act 2006 (CD036), SPP(CD004), Flood Risk Management (Scotland) Act 2009 (CD030), and the Scottish Government's online planning advice on flood risk (CD043) which states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account. It will also contribute positively to the local authority's duties under Section 44 of Climate Change (Scotland) Act 2009 (CD025, p24-25).

OP4 Mill Street (south side)

Colin Murray (0037/02/003) - Unsure about this proposal as it currently provides car parking and Banks warehouse

SEPA (0742/02/023 + 0742/01/068) - Please refer to the common SEPA position as set out in under the sub heading 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4.

SEPA support the developer requirement for a Flood Risk Assessment and Drainage Impact Assessment as this accords with the Local Authority's duties under The Planning etc. (Scotland) Act 2006(CD036), SPP (CD004), Flood Risk Management (Scotland) Act 2009 (CD030), and the Scottish Government's online planning advice on flood risk which

states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account. It will also contribute positively to the local authority's duties under Section 44 of Climate Change (Scotland) Act 2009 (CD025).

With regards site OP4, SEPA guidance identifies that least vulnerable uses which SEPA presume the development to improve or create Mill Street frontage would consist of, as defined by our flood risk and land use vulnerability guidance, are acceptable where the standard of protection is equal or greater than 1 in 200 year (0.5% Annual Estimated Probability). The information provided clarifies that the Perth FPS affords this standard of protection and therefore have no objection to the proposed development at this site. Furthermore SEPA support the fact that the developer requirement identifies that areas behind the FPS should incorporate appropriate mitigation measures as this accords with the Risk Framework in paragraph 263 of SPP (CD004).

Ensuring that the vulnerability of the land use is appropriate for the location and degree of flood risk is also an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) (CD004) that states policies and decisions should support climate change adaptation, including taking account of flood risk. Local authorities also have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

OP8 Friarton Road

Sally Doig (0125/01/001) - Concerned about the proposal due to: 24 hour noise issues from the existing industrial estate which is further from their property than this proposal; impact on semi-rural feel and loss of greenspace.

OP9 Bus Station, Leonard Street

John Meiklem (0043/02/001) - Supports the redevelopment of this area as the southern third of the city centre is lacking attractive buildings and character. Would like the Council to encourage hotel and associated leisure facilities here to enhance visual attractiveness, and employment opportunities.

Colin Murray (0037/01/002 + 0037/02/002) - Objection to any housing development here and concerned about the potential operational impact on the bus station.

Perth and Kinross Council Tenants Organisation (0701/01/001) - Considers allocation not suitable for flats, there to be lack of parking, and suggests improvements to the bus station amenities. States that the area is poorly maintained and the play area has been removed. Considers there is a need for upgrade so that the Forteviot gifted area is the legacy intended.

Bus 'Y' Bites (0704/01/001) - The café at the bus station organised and collected 435 signatures from the public against the removal of the bus station. Seeks improvement of bus station rather than relocation and considers bus station and railway station are already close to each other. No contact address details are provided but there are comments made alongside some of the signatures. Comments made generally seek to keep the bus station and café where it is as it is centrally located and close to the train station, and seek

improvement instead of relocation and/or mention its social role.

OP175 City Hall

St John's Kirk of Perth (0426/01/001) - Content with intention to use as a new cultural attraction but concerned that sketch proposals for the environs of the building show that the designers intended to use the space between the east elevation of the City Hall and the west elevation of the Kirk as an outdoor seating area. Considers that alternative proposals to lower the ground level on the threshold of the kirk entrance would make better use of the space. Seeks confirmation that the sketch is just illustrative and consultation in the context of expected planning application this year.

SEPA (0742/02/023 + 0742/01/115) - Please refer to the common SEPA position as set out in under the sub heading 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4.

SEPA believe that the Perth Flood Protection Scheme defends this site, and seek inclusion of a developer requirement to include mitigation measures for land behind Flood Protection Scheme.

With regards site OP175, the guidance identifies that least vulnerable uses which includes assembly and leisure, as defined by our flood risk and land use vulnerability guidance, are acceptable where the standard of protection is equal or greater than 1 in 200 year (0.5% Annual Estimated Probability). The information provided clarifies that the Perth FPS affords this standard of protection and therefore SEPA have no objection to the proposed development at this site. However SEPA require that the developer requirements are expanded to identify that areas behind the FPS should incorporate appropriate mitigation measures as this accords with the Risk Framework in paragraph 263 of SPP (CD004).

Ensuring that the vulnerability of the land use is appropriate for the location and degree of flood risk is also an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) that states policies and decisions should support climate change adaptation, including taking account of flood risk. Local authorities also have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

OP338 St John's School, Stormont Street

SEPA (0742/01/114) - Seek a change that a Flood Risk Assessment (FRA) be included as a site specific developer requirement.

Considers that the proposed development site and levels should be informed by a FRA.

Considers that the inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. Considers that this will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.

SEPA seek a developer requirement for a Flood Risk Assessment as they consider that this accords with authority's duties under The Planning etc. (Scotland) Act 2006(CD036), SPP (CD004), Flood Risk Management (Scotland) Act 2009 (CD030), and the Scottish Government's online planning advice on flood risk (CD043) which states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account. It will also contribute positively to the local authority's duties under Section 44 of Climate Change (Scotland) Act 2009 (CD025). As identified in the SEA, this area/part of this area is at flood risk.

SEPA (0742/02/023 + 0742/01/113) - Please refer to the common SEPA position as set out in under the sub heading 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4.

SEPA seeks inclusion of a developer requirement to include mitigation measures for land behind Flood Protection Scheme.

The cumulative assessment of sites in Perth within the Environment Report Addendum identifies this site as including areas within the natural flood plain but states that the River Tay Flood Protection Scheme mitigates this risk.

With regards site OP338, the guidance identifies that least vulnerable uses which includes restaurants and offices, as defined by our flood risk and land use vulnerability guidance, are acceptable where the standard of protection is equal or greater than 1 in 200 year (0.5% Annual Estimated Probability). The information provided clarifies that the Perth FPS affords this standard of protection and therefore SEPA have no objection to the proposed development at this site. However SEPA require that the developer requirements are expanded to identify that areas behind the FPS should incorporate appropriate mitigation measures as this accords with the Risk Framework in paragraph 263 of SPP (CD004).

Ensuring that the vulnerability of the land use is appropriate for the location and degree of flood risk is also an adaptation measure that will help make future development resilient to a changing climate. This accords with the high level sustainability principle in SPP (para 29) (CD004) that states policies and decisions should support climate change adaptation, including taking account of flood risk. Local authorities also have a duty under the Climate Change (Scotland) Act 2009 (CD025) to contribute to the delivery of the Climate Change Adaptation Programme (May 2014) (RD052). This programme identifies the integration of climate change adaptation into planning processes and decisions as a strategic principle.

Cemetery Search Area Isla Road

Lisa Cardno (0599/01/016) - Considers there to be lack of evidence and clarity of the details of the cemetery to support its inclusion.

SNH (0353/01/023) - Do not recommend this area: The construction of the Cross Tay Link Road will introduce significant change to the rural landscape character which forms the setting of Perth. The proposed green belt between the settlement boundary and the Cross Tay Link Road will be smaller, and will play a key role in providing a quality rural setting to Perth. The search area is located in this area, and would further introduce a more urban character with potential loss of rural quality. It would also further fragment the rural buffer between Perth Gannochy area and Scone/Scone Palace grounds. The rural qualities along the river corridor are also high and there is a popular walkway along the river.

<p>Scone Estate (0614/01/003) - Would welcome discussions with the Council on this proposal but have concerns about its location opposite the entrance to Scone Palace and as such they consider it might detract from the visitor experience. They would like to know more about the design, land required, infrastructure requirements and landscape impacts so an informed position can be taken. They are also interested in possibility of green burial site which could be in same location as the cemetery. They would like to work together to try and establish if there is a suitable site on Scone Estate land which could be evaluated against the option on the west side of Perth.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>Archaeology</u></p> <p>Perth and Kinross Heritage Trust (0272/01/11) - Seeks site requirements for H1, E38, OP2, OP4, and OP9 to reflect the likelihood of them requiring archaeological investigation.</p> <p><u>H1 Scott Street/Charles Street</u></p> <p>SEPA (0742/01/107 + 0742/02/023) - Please refer to the common SEPA position as set out in under the sub heading 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4.</p> <p><u>H3 Gannochy Road</u></p> <p>Frances Hobbs (0152/01/008), Neil Myles (0153/01/008), John Brian Milarvie (0171/01/008), Peter and Vanessa Shand (0226/01/008), J D McKerracher (0245/01/009), Scone Community Council (0265/01/009), John W Rogers (0304/01/009), Mr and Mrs Short (0382/01/005), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/005), David F Lewington (0486/01/005), Lisa Cardno (0599/01/009), James Thow (0668/01/008), Jennifer Thow (0669/01/008), Martin R W Rhodes (0675/01/003), Hazel MacKinnon (0705/01/009), George Connolly (0712/01/009), Eric Ogilvy (0713/01/009), Stewart McCowan (0714/01/009), Angela McCowan (0715/01/009), Gladys Ogilvy (0716/01/009), Graham Ogilvie (0717/01/009), Tracy Ogilvie (0718/01/009), Shona Cowie (0719/01/009), Paul Cowie (0720/01/009), David Roy (0730/01/009), Greer Crighton (0731/01/009), Brian Hood (0732/01/009), Gaynor Hood (0733/01/009), Philip Crighton (0734/01/009) - No specific change sought but they support the comments regarding Bridgend air pollution and many of the respondents trust that this will be developed into a full policy.</p> <p><u>H71 Newton Farm</u></p> <p>Robert Reid 1999 Discretionary Trust (0192/01/001) - Seeks revised allocation for mixed uses for housing and retail. The requirements associated with the site should require satisfactory studies on retail impact, the sequential test and transportation.</p> <p>SEPA (0742/01/110) - Seeks a change that a Flood Risk Assessment (FRA) be included as a site specific developer requirement and supports the developer requirement regarding an energy statement.</p> <p><u>H319 Ruthvenfield</u></p> <p>The Fenton 2016 and the Simon Fenton Discretionary Trusts (0145/01/001), Mr and Mrs</p>

Mackintosh (0179/01/001) - Support the allocation.

Stephen and Victoria Walker (0108/01/001), Ryan Porteous (0038/01/001), Gary Wright (0181/01/001), Murray Flett (0595/01/001) - Seek removal of the allocation. Murray Flett (0595/01/001): also seeks protection of woodland.

SEPA (0742/01/097) - Please refer to the SEPA position as set out in under the sub heading 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4.

SNH (0353/04/001) - Modify the Site Specific Developer Requirements for Site H319 to include the following criteria:

- Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay SAC.
- Where the development of the site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay SAC.

E1 The Triangle

Go Americano Ltd (0618/01/001) - Seeks the use classification of E1 to be extended to include ancillary employment uses (including food and drink).

SEPA (0742/01/030) - Support the developer requirement for a Flood Risk Assessment and Drainage Impact Assessment.

E2 Broxden

The John Dewar Lamberkin Trust (0532/05/004) - No specific change sought, but the JDLT seek site specific developer requirements to promote broad employment uses not restricted to solely class 4.

E3 Arran Road

Louise Crawford (0026/01/001) - No specific change sought, but considers ample screening is needed.

SEPA (0742/01/031) - Supports the developer requirement for a flood risk assessment.

E38 Ruthvenfield Road

Rossco Properties (0120/002/001) - No specific change sought, but seeks greater flexibility on uses beyond class 4, 5 and 6 to include limited retail, class 3/takeaway, hotel, and motor sales uses.

SEPA (0742/01/041) - SEPA support the developer requirement for a Flood Risk Assessment.

E165 Cherrybank

D King Properties (Scotland) Ltd (0461/02/001) - Seeks amendment to a mixed uses designation including scope for housing, hotel, care home, and non-residential institutions

Hansteen Land Ltd (0494/01/001) - Seeks amendment to a mixed uses or residential allocation or alternatively to include as white land

SEPA (0742/01/102) - SEPA seek a developer requirement for a Flood Risk Assessment

E340 Broxden

The John Dewar Lamberkin Trust and Craigrossie Properties (No.1) (0588/01/001) - Seek E340 to be rezoned from the consented class 4 employment land to residential use for a capacity of circa 50 mixed tenure residential homes.

SEPA (0742/01/103) - SEPA seek a developer requirement for a Flood Risk Assessment

MU171 Perth Quarry

SNH (0353/01/026) - Add developer requirements:

- i) "A revised landscape and visual appraisal of the proposed layout, existing or proposed topography, woodland screening and impact on views to ensure the layout retains the current screening of the quarry scar and mitigates new development proposed in the north of the site."
- ii) "Provide a robust landscape framework informed by the appraisal and reinstatement of native woodland in the southern half of the site to enhance biodiversity and habitats."

MU331 Perth Railway Station and PH2O

Colin Murray (0037/01/003 + 0037/02/001) - No specific change sought but seeks retention of children's play area and car parking facilities.

T & E Young (0213/01/01) - No specific change sought but seeks retention of trees between the railway line and Glover Street and is concerned about their inclusion within the allocation.

Iona MacGregor (0707/01/001) - Seeks removal of the allocation

Network Rail (0509/01/006) - No specific change sought.

MU336 Murray Royal Hospital

Frances Hobbs (0152/01/008), Neil Myles (0153/01/008), John Brian Milarvie (0171/01/008), Peter and Vanessa Shand (0226/01/008), J D McKerracher (0245/01/009), Scone Community Council (0265/01/009), John W Rogers (0304/01/09), Mr and Mrs Short (0382/01/005), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/005), David F Lewington (0486/01/005), Lisa Cardno (0599/01/009), James Thow (0668/01/008), Jennifer Thow (0669/01/008), Martin R W Rhodes (0675/01/003), Hazel MacKinnon (0705/01/009), Gerard Connolly (0712/01/009), Eric Ogilvy (0713/01/009), Stewart McCowan (0714/01/009), Angela McCowan (0715/01/009), Gladys Ogilvy (0716/01/009), Graham Ogilvie (0717/01/009), Tracy Ogilvie (0718/01/009), Shona Cowie (0719/01/009), Paul Cowie (0720/01/009), David Roy (0730/01/009), Greer Crichton (0731/01/009), Brian

Hood (0732/01/009), Gaynor Hood (0733/01/009), Philip Crighton (0734/01/009) - No specific change sought, but support the comments regarding Bridgend air pollution and many of the respondents trust that this will be developed into a full policy.

Matthew Lonergan (0319/01/001) - No specific change sought.

Rivertree Residential (0356/01/001) - Seeks to remove from the site specific development requirements "only the conversion of the Listed Buildings will be allowed to be occupied prior to the opening of the Cross Tay Link Road."

Tim Kendrick and Jane Spiers (0641/01/001) - No specific change sought, but considered that they seek to remove from the site specific development requirements "only the conversion of the Listed Buildings will be allowed to be occupied prior to the opening of the Cross Tay Link Road." and they seek identification of a new build estimate significantly lower than the 70 properties.

MU337 Hillside Hospital

King James VI Golf Club (0131/01/003 + 0131/02/001) - King James 6 golf club support allocation, with either temporary/permanent public parking.

SEPA (0742/01/117) - Seek a change that a Flood Risk Assessment (FRA) be included as a site specific developer requirement.

OP2 Thimblerow

Colin Murray (0037/02/008) - No specific change sought, but concerned about loss of parking

SEPA (0742/01/069) - SEPA support the developer requirement for a Flood Risk Assessment

OP4 Mill Street (south side)

Colin Murray (0037/02/003) - No specific change sought.

SEPA (0742/01/068) - SEPA support the developer requirement for a Flood Risk Assessment

OP8 Friarton Road

Sally Doig (0125/01/001) - No specific change sought but concerned about potential impact on residential amenity.

OP9 Bus Station, Leonard Street

Colin Murray (0037/01/002 + 0037/02/002) - Seeks removal of allocation

John Meiklem (0043/01/002), PKC Tenants association (0701/01/001) - No specific change sought

Bus 'Y' Bites (0704/01/001) - Seeks allocation to require improvement of bus station and remove suggestion of relocation.

OP175 City Hall

SEPA (0742/01/115) - Seeks inclusion of a developer requirement to include mitigation measures for land behind Flood Protection Scheme.

St Johns Kirk (0426/01/001) - No specific change sought.

OP338 St John's School, Stormont Street

SEPA (0742/1/23+113) - Seek inclusion of a developer requirement to include mitigation measures for land behind Flood Protection Scheme.

SEPA (0742/1/114) - SEPA seek a developer requirement for a Flood Risk Assessment.

Cemetery Search Areas

SNH (0353/01/023) - SNH do not recommend the Isla Road Search area but if selected SNH recommend a landscape master plan to maximise the integration with green networks and redefine the rural edge.

Lisa Cardno (0599/01/016) - No specific change sought

Scone Estate (0614/01/03) - Seek removal of this search area. They express some concerns about potential impact on Scone Palace visitor experience and would like to consider other options within their estate.

Summary of responses (including reasons) by planning authority:

Archaeology

Perth and Kinross Heritage Trust (0272/01/011) - This is a matter that can be picked up at the planning application stage as the Policy 26: Scheduled Monuments and Non-Designated Archaeology covers it (CD052, p40).

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification H1, E38, OP2, OP4, OP9 to require archaeological investigation the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

H1 Scott Street/Charles Street

SEPA (0742/01/107 + 0742/02/023) - This same issue also comes up in relation to allocations H319 Ruthvenfield and MU73 Almond Valley so a common summary of SEPA's position, and response to it is given under the sub heading below 'Land allocations defended by appropriate flood protection schemes' in the Policy 50 New Development and Flooding Schedule 4.

H3 Gannochy Road

Frances Hobbs (0152/01/008), Neil Myles (0153/01/008), John Brian Milarvie (0171/01/008), Peter and Vanessa Shand (0226/01/008), J D McKerracher (0245/01/009), Scone Community Council (0265/01/009), John W Rogers (0304/01/009), Mr and Mrs

Short (0382/01/005), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/005), David F Lewington (0486/01/005), Lisa Cardno (0599/01/009), James Thow (0668/01/008), Jennifer Thow (0669/01/008), Martin R W Rhodes (0675/01/003), Hazel Mackinnon (0705/01/009), Gerard Connolly (0712/01/009), Eric Ogilvy (0713/01/009), Stewart McCowan (0714/01/009), Angela McCowan (0715/01/009), Gladys Ogilvy (0716/01/009), Graham Ogilvie (0717/01/009), Tracy Ogilvie (0718/01/009), Shona Cowie (0719/01/009), Paul Cowie (0720/01/009), David Roy (0730/01/009), Greer Crighton (0731/01/009), Brian Hood (0732/01/009), Gaynor Hood (0733/01/009), Philip Crighton (0734/01/009) - The supportive comments are noted. Whilst there is no site specific air pollution policy proposed, there are policies: Policy 55: Air Quality Management Areas (CD052, p85), and Policy 58 Transport Standards and Accessibility Requirements (CD052, p93-95), which provide appropriate policy context on these matters.

No modification is proposed to the Plan.

H71 Newton Farm

Robert Reid 1999 Discretionary Trust (0192/01/001) - It is noted that the objector mentions a small convenience store but proposes a 2,000-2,500 square metres food store. With regard to the potential for a small convenience store there is already a small newsagent nearby on the junction of Crieff Road, and Tulloch Terrace, also within close walking distance are the large Tesco superstore on Crieff Road, and the Tulloch Square Cooperative. There are sufficient neighbourhood retail facilities to serve this area. The Tulloch square centre is only marginally viable so would benefit from the support of additional residents using its facilities. There are also local facilities nearby on Garth Avenue, where there is a local newsagents, and Letham Climate Challenge (which was given a peppercorn rental agreement by the Council due to limited commercial demand). Between these neighbourhood centres and the Tesco on Crieff Road there are appropriate accessible local shops and facilities within the area.

In terms of the larger proposal the Perth and Kinross Town Centre and Retail Study 2016 (CD215) states "In terms of the distribution of potential opportunities for new store development in the Perth sub area, it is reasonable to consider that Scone is a possible location for new store development to serve the local population. For example, there would be capacity to support the existing supermarket consent at Scone, or an alternative proposal, such as a discount food store." The study also refers to the St Catherine's opportunity with permission 11/01971/MPO (CD221, p70) being granted for a modification to the original planning obligation to allow for a full scale food store (3,350sqm) to be located within the retail park. These opportunities are sequentially preferable to this proposal. It is noted that the Reporter considering the current Perth and Kinross LDP concluded that (CD015, p402): 'The effect of potentially permitting retail development in this location, which is not within a defined centre, would be to circumvent the sequential approach to site selection as it would permit development solely on the basis of there being demonstrated capacity, without considering whether that need could be satisfied by developing a sequentially preferable site.' There has been no change to suggest that this site should be allocated now as there are still sequentially preferable opportunities.

No modification is proposed to the Plan.

SEPA (0742/01/110) - With regards to Flood Risk Assessment (FRA) it is stated that the masterplan should be informed by FRA to identify which areas are suitable for development so no change is required.

No modification is proposed to the Plan.

H319 Ruthvenfield

The Fenton 2016 and the Simon Fenton Discretionary Trusts (0145/01/001), Mr and Mrs Mackintosh (0179/01/001), Stephen and Victoria Watkins (0108/01/001), Ryan Porteous (0038/01/001), Gary Wright (0181/01/001), Murray Flett (0595/01/001) - Since it is now clear that the CTLR cannot provide a direct access into the site this western area of the existing LDP E38 is no longer considered to be effective or suitable as an employment allocation. The CTLR sits at a higher level removing frontage potential, whilst the revised access arrangements from Ruthvenfield Road would be unsuitable for employment uses.

The reallocation of this land H319 as a housing allocation is considered appropriate. There is a need for a choice of housing allocations to be identified in the Perth area. Whilst there is no need to identify this allocation in terms of housing land supply numbers, it is appropriate to have a range of smaller and larger sites. This potential allocation along with all suggested development sites were subject to Strategic Environmental Assessment (SEA, p181-194). This SEA assessment (CD075 p181-194) considers not just environmental considerations but social and economic factors and through this assessment process the site was identified as a suitable site for residential development subject to the identified site specific developer requirements.

Planning permission 10/00233/FLL was granted on part of this allocation and this permission has started so it will not lapse. The permitted layout (CD220) allowed for a safeguarding zone for the gas main demonstrating that this does not predicate against development.

There would be a change to the character and amenity of H319, however this area is identified in the existing LDP for employment uses, and the impact on amenity and character of the area would be less if it is allocated for residential. Also there will be a fundamental change to the character of this wider area with the Almond Valley MU73 development and the adjacent CTLR. It would not make sense to leave this land as agricultural land surrounded by development. Indeed the viability of a small isolated agricultural unit in this location is questionable. This proposed development would bring about some change in character however the majority of the amenity trees/ woodland, and a setback from and protection of the attractive green corridor along the Lade would be retained and integrated into any future proposal. There are site specific developer requirements for the green corridor, and trees and woodland that would need to be addressed when/if any planning applications come forward here.

With respect to land subject to the 08/00253/OUT planning application which indicatively showed 17 house plots (CD219) this proposal's appeal for non-determination was dismissed. It was considered unacceptable due to timing (uncertainty surrounding nearby Almond Valley proposal) and due to its woodland impact. However the Council agrees with the Reporter's conclusion to (CD015) 'not rule out the possibility of part of the appeal site being developed for housing in the future'. The 08/00253/OUT proposal of 17 homes within this partially wooded site was not acceptable however there is likely to be some limited scope for development within this area subject to a tree survey and access considerations. For example in 2013 an application for erection of 2 houses 13/01022/AML (CD224) within this site was permitted (CD225). Retention of the full conifer tree line that currently separates Ruthvenmill view from the rest of this allocation is not desirable. The scope for limited development with access linkages provided to the wider site should be considered

as part of a wider masterplan.

Concern about impact on property price is not in itself a planning consideration. Impact on residential amenity is relevant but this can be addressed by securing an appropriate design and layout at the planning application stage (as required by the Council's Policy 1 Placemaking) (CD052, p19-20), whilst construction/ noise impacts can be controlled through condition/s on any planning permission. Whilst recognising that this area will form part of the urban area appropriate light installations will be considered at the planning application stage with consideration of Policy 53: Nuisance from Artificial Light and Light Pollution (CD052, p84). With regard to the traffic impact of the proposal the traffic modelling report (CD216) does not indicate any network capacity issues whilst detailed transport and access arrangements will be assessed further at the masterplanning/ planning application stage. Multiple vehicle access points will be sought due to the size of the site, and the access points indicated on the site drawing are considered appropriate whilst others could emerge through the masterplanning process.

It is recognised that flood risk is an issue and this is addressed through the site specific developer requirement for a FRA and Drainage Impact Assessment (DIA) at the planning application stage. In addition to river flood risk there may be surface water drainage concerns to be addressed. This FRA and DIA assessment could limit the developable areas and the proposal will not be allowed to increase the probability of flooding elsewhere.

SEPA (0742/1/23 + 0742/02/023) - In response to SEPA concerns regarding flood risk this same issue also comes up in relation to allocations H1 Scott Street/Charles Street, and MU73 Almond Valley so a common summary of SEPA's position and response to it is given under the sub heading below 'Land allocations defended by appropriate flood protection schemes' in the Policy 50 New Development and Flooding Schedule 4.

No modification is proposed to the Plan.

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

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements.

E1 The Triangle

Go Americano Ltd (0618/01/991) - The 16/01124/FLL coffee shop proposal (CD229) was recommended for refusal by the planning officer as it was considered contrary to the LDP. The review was upheld by the local review body and there is now a coffee shop here. However it is inappropriate to change this allocation as it concerns more than this individual plot and the strategy for car sales uses remains. There is scope to permit appropriate food and drink proposals in accordance with LDP2 policy 7 and specifically criteria (e) 'Proposals for service facilities (should exclude retail and commercial facilities over 100 m2) and should serve the business and industrial area rather than draw outside trade and cumulatively should not equal more than 15% of the allocated employment area.' The planning officer concern with this particular proposal was that there are already

adequate local facilities of this nature nearby and this shop by its size (180 m2 of class 3 floorspace) and by its location adjacent to the Inveralmond roundabout it is designed to draw outside trade rather than service existing trade.

No modification is proposed to the Plan.

SEPA (0742/01/030) - SEPA's comments regarding the uses proposed are noted.

E2 Broxden

The John Dewar Lamberkin Trust (0532/05/004) - This allocation is identified for core employment uses. The planning permission 12/01692/IPM currently limits the use of this land to class 4 (CD223). Policy 7 Employment and Mixed Use Areas identifies more flexibility in terms of acceptable uses on core employment sites. The proposed alteration to this policy in LDP2 has created two classifications of employment land, one is strategic/core business and industrial land, and the second is general business and industrial land with potential for mixed uses. The location of this site within a TAYplan tier 1 settlement, its high amenity, it's a strategic location for transport (near park and ride, adjacent major bus routes, and giving easy access to/from: A90 Dundee, M90 Edinburgh & Fife, A9 Glasgow & Stirling, A85 Crieff, and A9 Inverness) and the limited supply of serviced land available locally made this a core site with less flexibility encouraged over uses. However within core sites it is not just class 4 uses but also class 5 and 6 that are encouraged and criteria (d) ancillary retail, (e) service facilities and (f) waste management also allow appropriate exceptions. It is considered that this provides an appropriate flexibility on uses whilst ensuring there are suitable opportunities for class 4, 5 and 6 uses. This is not to say that there will not be potential for some further flexibility on uses on a case by case basis at the planning application stage, this is what happened when planning permission was granted at another part of Broxden for a Greene King restaurant, and for the Broxden dentist centre.

No modification is proposed to the Plan.

E3 Arran Road

Louise Crawford (0026/01/001) - Protecting the amenity of nearby residential areas is important and is a consideration covered by Policy 1 Placemaking (CD052, p19-20). Any screening measures required to protect residential amenity are a detailed matter which will be addressed at the planning application stage.

No modification is proposed to the Plan.

SEPA (0742/01/031) - SEPA's comments regarding the uses proposed are noted.

No modification is proposed to the Plan

E38 Ruthvenfield Road

Rossco Properties (0120/02/001) - This allocation is identified for core employment uses. Policy 7 Employment and Mixed Use Areas (CD052, p25) identifies some flexibility in terms of acceptable uses on core employment sites beyond class 4, 5 and 6. The proposed alteration to this policy in LDP2 has created two classifications of employment land, one is strategic/core business and industrial land, and the second is general business and

industrial land with potential for mixed uses. The location of this site within a TAYplan tier 1 settlement (CD022, p8), its high amenity, it's a strategic location for transport (adjacent to new Cross Tay Link road giving easy access to/from: A90 Dundee, M90 Edinburgh & Fife, A9 Glasgow & Stirling, A85 Crieff, and A9 Inverness) and the limited supply of serviced land available locally, made this a core site with less flexibility over uses. Within core sites it is not just class 4 uses but class 5 and 6 that are encouraged and Policy 7A Business and Industrial criteria (d) ancillary retail, (e) service facilities and (f) waste management allows appropriate exceptions. It is considered that this provides an appropriate level of flexibility on uses whilst ensuring there are suitable opportunities for class 4, 5 and 6 uses. It will provide limited opportunities for ancillary retail, whilst hotel development is not considered to be an appropriate use within the core employment areas but is a possibility within general employment areas.

The adjacent developed Inveralmond industrial estate has become more mixed use with some trade retail. There are no significant opportunities remaining within the existing estate and its identification as employment uses (general) reflects its current composition and amenity. This new employment land allocation has potential to be a more focussed, high amenity class 4, 5, 6 estate. The E38 employment land is proposed to be pragmatically reduced from LDP1 for access and viability reasons (LDP2 H319 allocation) so there is a need to ensure sufficient opportunities for the core class 4, 5 and 6 uses remain. The Council considers that there is a market for the uses identified and resists residential uses here. It is noted that there has been healthy interest from traditional class 4, 5 and 6 employers as evidenced by the Council's enquiry information (some of this information is confidential but can be provided to the Reporter on request). This allocation therefore needs to be a core employment allocation. This is not to say that there will not be potential for some further flexibility on uses on a case by case basis at the planning application stage which is what happened when planning permission was granted at another part of Broxden for a Greene King restaurant, and for the Broxden dentist centre.

No modification is proposed to the Plan. However if the Reporter is minded to accept a modification to allow motor sales on another employment site beyond E1 (which now has no remaining opportunities with planning consents in place across the whole site) the Council would be comfortable with allowing some motor sales along the Ruthvenfield road frontage. This is in preference to E2, as E38 has the better frontage opportunity. This potential change would not have any implications for any other aspect of the plan.

SEPA (0742/01/041) - SEPA's comments regarding the uses proposed are noted.

E165 Cherrybank

D King Properties (Scotland) Ltd (0461/02/001), Hansteen Land Ltd (0494/01/001) - This allocation of land south of Necessity Brae is identified for core employment uses, hotel and non-residential institutions. Policy 7 Employment and Mixed Use Areas (CD052, p25) identifies some additional flexibility in terms of acceptable uses on core employment sites beyond class 4, 5 and 6, however residential uses are resisted. This site forms the southern part of the existing LDP1 MU1 mixed uses area. It is a sustainable site for employment uses with very good public transport provision including dedicated bus services to the adjacent Aviva.

Other areas within the LDP1 MU1 allocation were identified for housing and for employment uses. The other part of this LDP1 mixed use area 14/00269/AMM proposal was approved and developed solely for residential (CD228) on adjacent land north of

Necessity Brae. This was considered to be a partial policy departure. In the committee report it was considered that, 'The broader objectives of the policy can however still be satisfied by the redevelopment of the remaining 2.44 Ha' (now identified as E165) 'of the in principle consent site boundaries for compatible mixed use projects, offsetting the single residential element currently under consideration. By virtue of the overall site layout therefore, this proposal remains proportionate and justifiable in the wider site context in satisfying Policy ED1B'. The policy statement submitted with the planning application 14/00269/AMM (CD227, p5) also acknowledged for E165 that: 'For the avoidance of doubt it is acknowledged that in planning terms the site to the south of Necessity Brae would not be acceptable for further residential development in order to comply with the terms of Policy ED1B in relation to establishing an appropriate mix of uses' and then goes on to say: 'When fully completed the site as approved through the previous outline application would constitute a sustainable mixed use development incorporating a range of potentially compatible uses including residential, office and a hotel. This would contribute to the viability and vitality of this part of the City and is deemed compatible with Perth and Kinross LDP Policy PM1B.'

This proposal for residential uses/mixed uses does not meet with the current LDP1 requirement for a mix of uses within this area of the MU1 allocation. It does not sufficiently add to the vitality and viability of the city and it conflicts with the landowner's commitment given when granted their planning application 14/00269/AMM (CD226) partial policy departure planning permission. It is noted that there was a pre application enquiry for a care home and residential/serviced apartments in 2016. Whilst there is a surplus of existing care home beds there is opportunity for a new care home with the different offering this could provide. This pre application enquiry was supported by a letter from a care home operator who considered there was capacity for a facility. The Council's response was favourable for the care home element but considered the residential/serviced apartments did not meet with the LDP requirement for a mix of uses within this area of the MU1 allocation, or sufficiently add to the vitality and viability of the city. This indicates there is potential care home demand.

The market for employment uses is not generally as financially lucrative or as quick to generate returns as residential uses are. Since for a landowner, employment use allocations are less desirable if they are ultimately allowed to develop them for residential uses then there could become a perverse incentive not to develop them and to hold out for residential uses in the longer term. A strategic corporate group comprising Economic Development, Planning, Property Services, Finance and Legal has been established with the remit to review the overall supply and demand of business land and premises and optimise opportunities. The Council is interested in taking a more proactive role in working with developers to help them deliver employment sites (such as a joint venture) or to purchase and service employment sites. This is set out in the Strategic Policy and Resources Committee report, 29 November 2017, Commercial Property Investment Programme - Progress update and revised Programme (CD212).

The Council considers that there is a market for the uses identified and resists residential uses here. It is noted that there has been healthy interest from traditional class 4, 5 and 6 employers as evidenced by the Council's enquiry information (some of this information is confidential but can be provided to the Reporter on request). The Council's Team Leader Estates and Commercial Investment met with Hansteen on the Thursday 1st June 2017 to discuss progress. The meeting record (CD214) highlights the valuation issue, with the Council considering Handsteen's expected sale value of £1 million to be 'highly optimistic'

No modification is proposed to the Plan.

SEPA (0742/01/102) - With regard to flood risk the SEA site assessment (CD076, p7-8) does not indicate there is a flood risk issue on this site. On checking the SEPA mapping layers the only flood risk is adjacent to the site where there is a surface water risk relating to the burn (which lies at a lower level) and to the extent of the existing ponds adjacent to the site. Having checked with the Council's flood team this site does not require a FRA just DIA/SuD's. There is no need to stipulate a DIA on its own since this is required by policy and is required of every allocation in the Plan and is not site specific.

No modification is proposed to the Plan.

E340 Broxden

The John Dewar Lamberkin Trust and Craigrossie Properties (No.1) (0588/01/001) - The Council resist the proposed change of use to residential. There is a 18/00480/FLL planning application (CD236) currently under consideration for 48 homes on this site. This application is contrary to the existing LDP and the proposed LDP2 and is premature to this issue of changing it from employment to housing land being considered through this Examination. The Council is seeking the withdrawal of this planning application but will refuse it under delegated powers if it is not withdrawn.

It should be noted that E2 is a 4 hectare employment land allocation not the 6 hectares stated. The scope for further employment sites to be designated in the Perth area is limited and a lot of the allocated land is not yet serviced and much of it will be delivered over the longer term within the Strategic Development Areas. This emphasises the need to ensure the delivery of this employment land which was masterplanned with cross funding provided by the adjacent residential development. There is a condition for phased release of employment land (CD223, p2) in the planning permission for the wider site 12/01692/IPM which secures this phase 2 of the business land development to be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4. This should be delivered soon and will be an important contribution of serviced and effective employment land in Perth.

The Housing Background Paper (CD018) was prepared alongside the Proposed LDP and was approved by the Council in November 2017 and this shows a significant surplus in housing land supply in the Perth Housing Market Area. There are sufficient short term deliverable housing sites of a range of size within Perth and there is no need for additional residential allocation. Significant progress has been made within the Strategic Development Areas - in principle planning permissions have been secured for Almond Valley (up to 1,500 new homes) and for Bertha Park (3,000 plus homes). There is also full planning permission secured for phase 1 at Bertha Park (1061 homes) with construction underway. There are windfall developments underway at Muirton (203 homes) and Tulloch (26 homes) whilst MU1 Broxden phase 3 (70 homes) are all currently under construction and land West of Woodlands gained detailed permission in April 2018 (46 homes). Half of the H3 Gannochy (68-96 homes) allocation secured detailed planning permission for 48 homes in November 2017. In principle permission was granted January 2018 for the former auction mart site within MU70 Perth West (up to 270 homes). At MU336 Murray Royal Hospital there is a detailed application for the listed building conversion (to form 58 flats) and an in principle planning application for new build is currently under consideration. Also there are further residential allocations H319 Ruthvenfield (115-153 homes), MU71 Perth Quarry (112-175 homes), and MU337 Hillside Hospital (61 + homes) identified in LDP2,

whilst H71 Newton Farm (72 -110 homes) is carried forward from LDP1.

This allocation for employment uses is suitable, appropriate residential amenity can be maintained for adjoining eastern residential areas through: landscaping (as per the approved masterplan layout); and the types of employment uses approved and as necessary restrictions on noise, lighting and operating hours. Any development proposal will be guided using the principles set out in Policy 7A (business and industrial) which indicates that (CD052, p25) 'Proposals should not detract from the amenity of adjoining, especially residential areas', and Policy 53 Nuisance from Artificial Light and Light Pollution (CD052, p84), and Policy 54 Noise Pollution (CD052, p84). There are plenty of employment uses which would be compatible with nearby residential development and also employment proposals which could be successfully accommodated on a sloping site.

The market for employment uses is not generally as financially lucrative or as quick to generate returns as residential uses are. Since employment use allocations are less desirable for a landowner if they are ultimately allowed to change to residential uses then there is a perverse incentive not to develop them, and to hold out for residential uses in the longer term. This should be resisted. The Council considers that there is a market for the uses identified and resists residential uses here. It is noted that there has been healthy interest from traditional class 4, 5 and 6 employers as evidenced by the Council's enquiry information (some of this information is confidential but can be provided to the Reporter on request). If there has been limited interest thus far this should change when there are serviced sites available. A strategic corporate group comprising Economic Development, Planning, Property Services, Finance and Legal has been established with the remit to review the overall supply and demand of business land and premises and optimise opportunities. The Council is interested in taking a more proactive role in working with developers to help them deliver employment sites (such as a joint venture) or to purchase and service employment sites. This is set out in the Strategic Policy and Resources Committee report, 29 November 2017, Commercial Property Investment Programme - Progress update and revised Programme (CD212).

With regard to the Costar report (CD213) this only includes class 4 uses whereas the allocation also includes class 5 and 6. The Council can also make some observations on this report. Much of the office stock included in it is older and not fit for purpose to attract high value jobs and occupiers. It appears there is little modern stock that would be appropriate for company Headquarters with good transport connectivity. Only Earn House at Broxden and Inveralmond Business Centre would appear to fit this criteria and the report indicates availability of 22,500 sq. ft. and 1,508 sq. ft. in these buildings respectively. More specifically:

The floorspace is comprised of 38 properties:

- Of these 9 are not in Perth but other settlements including Kinross, Blairgowrie, Aberuthven and more rural locations
- The report includes 4 non-Class 4 (office) properties (variety of former retail/shops, warehouse etc.)
- There are only 9 modern purpose built offices in the provision of which 4 are out with Perth City
- A significant number of the properties (14) are converted townhouse properties which often have restrictive cellular layouts whereas modern agile ways of working usually favour open plan large floor plate buildings
- 3 of the entries within the report are no longer available.

No modification is proposed to the Plan.

SEPA (0742/01/103) - With regards to the SEPA sought requirement for a FRA, there is already an in principle planning permission 12/01692/IPM (CD223) for the wider site which has an approved FRA and drainage strategy. However it is acknowledged that due to the age of this FRA an update of this would be required for any future planning applications.

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

MU171 Perth Quarry

SNH (0353/01/026) - SNH suggest an additional requirement (i) "A revised landscape and visual appraisal of the proposed layout, existing or proposed topography, woodland screening and impact on views to ensure the layout retains the current screening of the quarry scar and mitigates new development proposed in the north of the site." This requirement could clarify the requirement for further LVIA work.

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

SNH also suggest an additional requirement (ii) "Provide a robust landscape framework informed by the appraisal and reinstatement of native woodland in the southern half of the site to enhance biodiversity and habitats." The current developer requirements state housing/employment uses should be contained on lower ground, and should not constitute more than roughly a third of the site, and there is also a requirement for a tree survey. Then the specification of the masterplan requirements includes a requirement for a phased restoration programme and landscape management plan to maximise the potential to enhance biodiversity and protect habitats. There is also a site drawing which shows existing woodland and the proposed landscape area or physical landscape works. This SNH suggested requirement does not appear to add anything additional and so is resisted.

No modification is proposed to the Plan.

MU331 Perth Railway Station and PH2O

Colin Murray (0037/01/003 + 0037/02/001) - It is agreed that there should be no downgrading of the existing play facilities here and that parking will need to be integrated into any proposal. For any planning application coming forward Policy 14A Open Space Retention and Provision (CD052, p32-33), and Policy 58 Transport Standards and Accessibility requirements would apply and require this (CD052, p93-95). However if the Reporter is so minded a site specific developer requirement could be added to clarify that the play area facility should be retained or replaced by one of comparable or better benefit.

T & E Young (0213/01/001), Iona MacGregor (0707/01/001) - The woodland to the rear of Glover Street does provide amenity and helps buffer the railway line for the adjacent residential areas. This woodland already has some policy protection through policies 1B Placemaking (CD052, 19-20) and 38B Trees, Woodland and Development (CD052, p65). It would be difficult to precisely map the extent and exclude just the woodland from the allocation and depending on the proposal that comes forward it might be acceptable for

there to be some loss of woodland. This issue is best considered at the masterplanning planning application stage. With regard to archaeology there is a site specific developer requirement for an archaeological survey as there is a non-designated asset (Glover Street Works/distillery record), this will require the survey and recording of what is found but it will not predicate against development.

Network Rail (0509/01/006) - Network Rail's support for this allocation is noted.

Responding to comments regarding developer contributions The Developer Contributions and Affordable Housing Supplementary Guidance (CD021) will be reviewed to take account of the new Local Development Plan. Through this Local Development Plan the Council is committing to the preparation of a comprehensive Transport Strategy which will consider all aspects of the Transport Network. This is considered in the schedule 4, 4 Policy 5 Infrastructure contributions.

No modification is proposed to the Plan

MU336 Murray Royal Hospital

Frances Hobbs (0152/01/008), Neil Myles (0153/01/008), John Brian Milarvie (0171/01/008), Peter and Vanessa Shand (0226/01/008), J D McKerracher (0245/01/009), Scone Community Council (0265/01/009), John W Rogers (0304/01/009), Mr and Mrs Short (0382/01/005), Mr and Mrs Stewart Reith (0389/01/004), Jeffrey Rowlinson (0485/01/005), David F Lewington (0486/01/005), Lisa Cardno (0599/01/009), James Thow (0668/01/008), Jennifer Thow (0669/01/008), Martin R W Rhodes (0675/01/008), Hazel MacKinnon (07051/01/009), Gerard Connolly (0712/01/009), Eric Ogilvy (0713/01/009), Stewart McCowan (0714/01/009), Angela McCowan (0715/01/009), Gladys Ogilvy (0716/01/009), Graham Ogilvie (0717/01/009), Tracy Ogilvie (0718/01/009), Shona Cowie (0719/01/009), Paul Cowie (0720/01/009), David Roy (0730/01/009), Greer Crighton (0731/01/009), Brian Hood (0732/01/009), Gaynor Hood (0733/01/009), Philip Crighton (0734/01/009) - The supportive comments are noted. Whilst there is no site specific air pollution policy proposed, there are policies: Policy 55: Air Quality Management Areas (CD052, p85), and Policy 58 Transport Standards and Accessibility Requirements (CD052, p93-95), which provide appropriate policy context on these matters.

No modification is proposed to the Plan

Matthew Lonergan (0319/01/001, Rivertree Residential (0356/01/001), Tim Kendrick and Jane Spiers (0641/01/001) - There are planning applications (18/00094/IPM) (CD232) for new build residential in principle and (18/00408/FLM) (CD235) for change of use, alteration, selected demolition and conversion of the main listed hospital buildings to form 58 flats currently under consideration. The 18/00094/IPM Development Plan consultation response (CD231) to the new build residential planning application raises issues, principally with: the lack of a full masterplan; impact on trees, open space protection and provision; lack of evidence to determine the minimum enabling development; and that the indicative layout does not show good connectivity. However the Development Plan team do not consider these planning applications to be premature because they could potentially be considered under the existing LDP1 general policies. Also some of these issues have been flagged up but will be picked up again in the detailed application/s for new build residential. SPP paragraph 34 says (CD004, p11), "Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan." These proposals would not prejudice the emerging plan as the LDP1 RD1 Residential Areas policy (CD014, p30) applies on the majority of the site and this gives a favourable context subject to the proposal being compatible with the

character and amenity of the area. These issues and others particularly in relation to traffic and transport are being considered as part of the development management process of determining these planning applications.

The Council's Traffic modelling (CD216) shows there are existing traffic issues relating to this part of the city and a suitable Transport Assessment is required alongside planning applications to help determine the phasing and any mitigation measures. This modelling work indicates that there will be capacity released when the CTRL is in place so the allocation is appropriate and if required phasing can be appropriately conditioned in any permission. The phasing and timing of this allocation, alongside the CTRL, requiring only listed buildings to be occupied before the CTRL complete, will be treated as a material consideration in determining the planning applications. This requirement was a Council decision and should be retained to limit the traffic impact of the proposal prior to the CTRL. The Council does not agree with Rivertree developments that there are no capacity issues. The applicant's Transport Assessment (TA) (CD233) for both applications was subject to a rigorous audit process, which included being assessed using the Perth Traffic model and being independently reviewed by Systra Ltd, as well as being audited internally by Transport Planning. Responding to the Murray Royal Hospital planning applications Transport Planning (CD234) are of the opinion that these applications are premature, pending the completion of the CTRL programme.

Unfortunately, the TA which was provided by the applicant's consultants was not of the standard that the Council would expect in terms of robustness for an application of this nature. It should also be noted that the Council in order to check the actual, current conditions at the Bridgend junction commissioned a full set of new traffic counts and queue length surveys. Once the CTRL programme has been completed, Transport Planning would be of the opinion that due to the relief that would be afforded to the Bridgend junction that this site would be a reasonable site for redevelopment. However, in terms of the current planning applications Transport Planning 'object to this proposal as it is contrary to policy TA1B (CD234, p34), in the adopted 2014 Local Development Plan in that the TA fails to demonstrate that the proposals would not have a detrimental effect on the local transport network.' Ultimately in the case of the planning application for the listed building conversion the Council will need to consider and balance the impact on the road network and the benefit of getting the listed building converted before its condition deteriorates further. Also the applicant may amend their planning application/s to propose a phased approach and be able to show an acceptable impact on the road network with a limited amount of the development allowed prior to the CTRL completion. However these issues are still to be resolved.

No modification is proposed to the Plan

Tim Kendrick and Jane Spiers (0641/01/001) - Identifying a capacity for the site, although somewhat clearer with the planning applications submitted and the conversion being identified for 58 units is still too difficult to determine without a full masterplan and possibly a financial appraisal to determine the minimum enabling development with regard to the listed buildings. This is an issue best determined through the masterplanning and planning application process.

No modification is proposed to the Plan

MU337 Hillside Hospital

King James VI Golf Club (0131/01/003 + 0131/02/001) - The temporary or long term use of this site for public parking cannot be required of the landowner, there are adequate public parking opportunities nearby associated to the Bellwood Riverside park, and at the South Inch whilst nearby residents cannot expect provision here. There will also be new parking associated to the park and ride at Walnut Grove. Also an access for a public carpark here would be too intensive in terms of traffic impact. With consideration against Policy 58 Transport Standards and Accessibility Requirements of the Plan (CD052, p93-95), appropriate parking levels associated to any development proposal will be required if and when a proposal comes forward to the planning application stage.

SEPA (0742/01/117) - Seek a change that a Flood Risk Assessment (FRA) be included as a site specific developer requirement. The site itself does not lie within any of the SEPA's mapped flood risk areas, or historic flood extents. It does lie close to them but the sloping nature of the site suggests that this precautionary approach is over onerous. Having checked this with the Council's Flood team they have confirmed that the site lies above the 200 year plus climate change level. Top of gate level on the opposite bank is 6.61m AOD (Shore Road viewing platform) so adding 1m for climate change gives a minimum level of 7.61m AOD. This site lies almost exclusively at more than 10 m AOD (MD201) and a FRA is not required.

No modification is proposed to the Plan

OP2 Thimble Row

Colin Murray (0037/02/004) - It is accepted that the car park is important to maintain the vitality and viability of the city centre and an element of car parking will need to be provided in any redevelopment proposals. There is a site specific developer requirement for any 'Scheme to incorporate 200 spaces minimum public car parking' which ensures an appropriate retention of car parking on this site. Also elsewhere in the city under Policy 58B (CD052, p93-95) the Plan identifies important existing transport infrastructure and encourages the retention and improvement of these facilities.

No modification is proposed to the Plan

SEPA (0742/01/069) - With regard to SEPA's support of the site specific developer requirement, due to SEPA's position on 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4, this support merits further consideration. There is a small eastern area of this site which benefits from protection from the FPS so SEPA's interpretation of this developer requirement and how it should be applied is different from the Council's.

No modification is proposed to the Plan. However if the Reporter agrees with the Council in terms of its position about development on land defended by appropriate FPS then the following site requirement could be amended for greater clarity. It could be amended to read as follows, 'Flood Risk Assessment and Drainage Impact Assessment required which will define the developable area of the site and which ensures that (taking account of FPS) no built development takes place on the functional flood plain. Areas protected by the FPS should be subject to appropriate mitigation measures: including water resistance, and water resilience measures and evacuation procedures.'

OP4 Mill Street (south side)

Colin Murray (0037/02/003) - It is noted that the Banks warehouse no longer exists. In terms of car parking the Council has recently invested significant resources in improving the streetscape of Mill Street and it is hoped that this improved amenity may encourage better utilisation of the backs of these buildings to create a more vibrant and attractive frontage for Mill Street. Under Policy 58B (CD052, p93-95) the Plan identifies important existing transport infrastructure and encourages the retention and improvement of these facilities. This carpark is not of strategic importance and elsewhere within the city centre there is sufficient protection of car parking.

SEPA (0742/01/068) - With regards to SEPA's comment regarding the vulnerability of the proposed uses this allocation is not specifically promoting housing. However for the reasons given in the response under the sub heading below 'Land allocations defended by appropriate flood defence schemes' in the Policy 50 New Development and Flooding Schedule 4 the restriction on housing is nevertheless resisted.

No modification is proposed to the Plan

OP8 Friarton Road

Sally Doig (0125/01/001) - There are sites adjoining OP8 that are used for specialist industrial processes with health and safety consultation zones applicable to them which if proposed on OP8 would not be compatible to nearby residential neighbours. Any development proposal on OP8 will be guided using the principles set out in Policy 7A (business and industrial) (CD052, p25) which indicates that 'Proposals should not detract from the amenity of adjoining, especially residential areas', and Policy 53 Nuisance from Artificial Light and Light Pollution (CD052, p84), and Policy 54 Noise Pollution (CD052, p84). Also there is a site specific requirement for 'Landscaping improvements to southern and western edges of site' which will provide a buffer to the nearby residential areas.

No modification is proposed to the Plan

OP9 Bus Station, Leonard Street

Colin Murray (0037/01/002 + 0037/02/002), John Meiklem (0043/01/002), Perth and Kinross Council Tenants' Organisation (0701/01/001) - Perth and Kinross Council in conjunction with Network Rail and ScotRail have been progressing long-term plans for a major revision to Perth's main rail and bus stations. Network Rail has identified as an outcome of the Scotland Route Study (SRS) (CD218) that there is a benefit in remodelling the Perth Station rail network prior to future modernisation such as electrification of the Perth to Inverness route. As well as a review of the railway infrastructure around Perth Station, there is opportunity to offer significant improvements to the Perth Rail Station passenger experience by improving the wider public realm and connections to Perth city centre as well as integration with the bus station located nearby. The potential co-location of the bus and rail station would be to the advantage of Perth and the travelling public. The project would provide an integrated transport interchange, better parking, offer an improved passenger experience and a much enhanced visitor arrival in Perth City centre.

This opportunity allocation for the bus station site in the Perth and Kinross Proposed LDP 2 seeks to carry forward the existing opportunity allocation of the Perth and Kinross LDP 1 (CD014, p81). Without knowing yet what future plans there will be (if any) for the bus station the LDP simply tries to be as flexible as possible in providing a framework to

encourage all suitable options. If the bus station is relocated it is considered an appropriate site for a variety of city centre uses including housing, hotel, leisure, office. The desire to retain the café is understandable but it is not appropriate for the LDP to seek to protect individual businesses. The merits of any proposal for the bus station should be considered as a whole if and when a proposal comes forward.

The Council owns this allocation and will investigate legal title restrictions and act accordingly at the appropriate time if/when proposal/s are brought forward. This site lies in close proximity to the South Inch park which has one of Perth's best play areas. The initial view is that these titles are unlikely to provide any significant barrier to bringing forward development. There are a lot of different titles involved at the bus station and they should be considered together rather than piecemeal so it is inappropriate to incur legal fees before a scheme is in the offing.

No modification is proposed to the Plan

OP175 City Hall

St John's Kirk of Perth (0426/01/001) - The use of pavement areas is supported subject to conditions, Policy 10 Town and neighbourhood centres says 'the use of pavement areas for restaurant/café/bar uses will also be acceptable in the prime retail area provided such uses do not adversely affect pedestrian flows and fit with design guidance and service access'. If there is an issue with pedestrian flows this can be considered through the planning application process and potentially managed by roads/traffic management order and permissive rights.

No modification is proposed to the Plan

SEPA (0742/02/023 +0742/01/115) - The site is not protected by the FPS; it does not lie within the 1 in 1,000 year flood risk extent or the historic flood extents.

No modification is proposed to the Plan. However if the Reporter considered it would make the position clearer the Council would not object to site specific developer requirements for a, 'Topographical flood level of site to compare to flood levels and ensure this is on higher ground' and a 'Flood Action Plan to ensure during flood conditions nobody becomes surrounded by flood water.'

OP338 St John's School, Stormont Street

SEPA (0742/01/114) - With regards to the SEPA sought requirement for a FRA and to include mitigation measures for land behind Flood Protection Scheme the site gained detailed planning permission 17/01280/FLL (CD230) on the 31st of August 2017 for the conversion of the school to provide a creative exchange to provide studios for artists and office spaces for creative space and a café. There was no FRA as the flood scheme is in place, and no objection from the Council's flood team.

No modification is proposed to the Plan as there is already planning permission. However if the Reporter considered it appropriate the Council would not object to a site specific developer requirement that 'Development should be subject to appropriate mitigation measures: including water resistance, and water resilience measures and evacuation procedures.'

Cemetery Search Area Isla Road

Lisa Cardno (0599/01/016), SNH (0353/01/023), Scone Estate (0614/01/003) - There is currently an identified need for a new cemetery within the Perth area as Wellshill Cemetery will reach capacity in the next 20 years. A site of circa 8 hectares is likely to be required to serve the Perth area. Two potential areas of search were identified in the Main Issues Report (MIR) (CD046, p40-41), one at Isla Road and the other at Perth West. Whilst Isla Road was the preferred option in the MIR, investigations are not well enough advanced on the assessment of ground conditions to determine if the land is suitable for cemetery use. Also reliance on the developer to open up access provision at Perth West means it is not suitable as a sole search area. As a result, both locations were identified within the Proposed Plan as areas of search for cemetery provision. Please refer to the Perth Strategic Development Areas schedule 4 for consideration of the Perth West alternative.

The Isla Road search area location was chosen to have good proximity to Perth to function as a cemetery for Perth. A SEA assessment was carried out which assesses the merits of the proposal (CD075, p432- 443). The site lies directly across Isla Road from the existing bus stops for Scone Palace (and these are served by regular stagecoach bus service 3 which arrives directly from the city centre, and the 58 service which arrives via Scone). The search location of the cemetery is suitably close to the inner green belt boundary and could potentially round-off the north eastern edge of Perth and prevent future development encroaching into this sensitive area of Green Belt. The cemetery provision when taken forward would have a design and layout which minimises impact on the green belt and the Scone Palace entrance, please see the visualisations the Council had prepared (CD211). It is considered that a cemetery use is a compatible use for the green belt and is specified under Policy 41 Greenbelt category (f) (CD052, p70) as essential infrastructure, whilst it maintains a recreational function. The landscape impact could be minimised to maintain the rural character retaining and protecting important trees and woodland to the south and providing appropriate boundary treatments. Recreational access would also be maintained and opportunities should be explored to connect to the core path network to the south and east.

No modification is proposed to the Plan

Reporter's conclusions:

Archaeology

1. Perth and Kinross Heritage Trust have identified allocations H1, E38, OP2, OP4 and OP9 as areas of archaeological potential. I consider that it would be appropriate to refer to these matters in the developer requirements to ensure that they are robust.

H1 Scott Street/Charles Street

2. This former Co-op building is a large 4 storey block with commercial uses at ground floor level and a car park to the rear. Consent was granted in 2016 for a change of use from a shop to student accommodation on the upper three floors. The Scottish Environment Protection Agency has requested that this allocation be deleted because it is allocated for housing within the area protected by the Perth Flood Protection Scheme. I am mindful that at Issue 21, following requests for additional information and responses from the council, Scottish Government and Scottish Environment Protection Agency (FIR 5 & FIR 6) it is considered that the proposed plan is consistent with the National Planning

Framework and the strategic development plan. In addition, that it accords with the provisions of the Scottish Planning Policy and reflects the Scottish Government's planning advice on flood risk. The council also advises that the standard of protection accorded by the Perth Flood Protection Scheme is 1 in 250 years plus freeboard of 300-400 mm.

3. The allocation has been rolled forward from the adopted local development plan. Development could be carried out in accordance with the extant permission as long as it is commenced before 3 years from the 14 July 2016. I note that neither the planning conditions, nor the informatives, related to flood risk. The developer requirements for site H1 in the proposed plan go further. A Drainage Impact Assessment and Flood Risk Assessment are required. In view of the location of site H1 within the area protected by the Perth Flood Protection Scheme appropriate mitigation measures will be necessary including water resistance, water resilience and evacuation procedures. Whilst I note the principles referred to by the Scottish Environment Protection Agency, the council is confident that the proposed mitigation is appropriate. I consider an approach based upon mitigation would be acceptable as long as these measures are put in place in a robust manner. On that basis the allocation should not be deleted. No modification.

H3 Gannochy Road

4. Part of this site gained detailed planning permission for 48 homes in November 2017 and development is in progress. In relation to air pollution problems at Bridgend, Perth is designated as an Air Quality Management Area and subject to Policy 55 of the proposed plan. The policy includes a restriction on development that may adversely affect air quality in an area where pollutant concentrations are in excess of national air quality objectives. There is a presumption against locating development catering for sensitive receptors in areas where they may be exposed to elevated pollution levels. Policy 58 Transport Standards and Accessibility Requirements seeks, amongst other things, that the aim of all development should be to reduce travel demand by car, and to ensure a realistic choice of access and travel modes is available. Although there is no site specific air pollution policy for Bridgend, the issue is clearly recognised by the council. I consider that the policies in the proposed plan, including our recommendations for Policy 55 regarding supplementary guidance for air quality, are sufficient to ensure that the matter is taken into account when assessing any development proposals which are of relevance. No modification.

H71 Newton Farm

5. The Perth & Kinross Town Centre and Retail Study 2016 considered spare retail capacity. It concluded that the Perth sub area offers the most capacity to support additional convenience floorspace over the next ten years. This could service an additional mid-size supermarket or discount food store developments and other small store developments or extensions to the existing stores. However, the 2016 study did identify Scone as a possible location where there was an existing supermarket consent. There is also the possibility of a food store being located in the St Catherine's retail park, having regard to a previous consent.

6. Policy 13 of the proposed plan sets out the sequential approach for retail facilities. Scottish Planning Policy makes it clear that development plans should adopt a sequential town centre first approach and requires that locations are considered in an order of preference. A 2,000 to 2,500 square metres food store would not in my opinion constitute a small convenience store. I accept that the location would be in an area of mixed uses opposite the Crieff Retail Centre, next to a new roundabout and with opportunities for

public transport. No detailed reports covering the sequential test, retail impact or transportation have been submitted with the representation, despite these matters having been highlighted in discussions by the council. There is a convenience store at the Tulloch Square neighbourhood centre which could serve the Newton Farm development and a Tesco superstore at Crieff Road. The area already has facilities for the community and, according to the council, the sites at Scone and St Catherine's retail park would be sequentially preferable opportunities when compared to the siting of a convenience store at Newton Farm. The reporter in the previous local development plan examination indicated that the effect of potentially permitting retail development in this location, which is not within a defined centre, would be to circumvent the sequential approach to site selection as it would permit development solely on the basis of there being demonstrated capacity, without considering whether that need could be met by developing a sequentially preferable site. I consider that there have been no material changes in circumstances since that finding and despite the operator interest, I consider that site H71 should remain as a housing allocation.

6. The developer requirements for the site include a master plan which should be informed by a flood risk assessment which will identify which areas of the site are suitable for development. I consider, therefore, that this meets the Scottish Environment Protection Agency's requirement for a flood risk assessment. No modification.

H319 Ruthvenfield

7. This allocation is shown as part housing (H73) and part employment land in the adopted local development plan. The change to housing is a result of access not being available from the recently constructed link road. Part of the allocation has extant permission for the erection of 12 dwellings. The proposed layout for that site allows a safeguarding zone for the existing gas main.

8. Development of the allocation would be subject to a master plan. This would need to respect the character of the area, with existing dwellings near the boundary, existing tree cover and the green corridor of the town's lade. These matters are covered in the developer requirements. The nature of the local road network of Ruthvenfield Road and Castle Brae will require careful consideration of the means of access and the capacity of the site in terms of housing numbers. In this regard, the developer requirements include multiple vehicular accesses to the road network. In respect of residential amenity issues such as lighting, construction noise and disruption, there would be an opportunity for local residents to make representations in respect of any planning applications that may be submitted for the site, as part of normal development management procedures.

9. I agree with Scottish Natural Heritage that the developer requirements should be expanded to protect the watercourse and ensure no adverse impacts on the River Tay Special Area of Conservation.

10. The Scottish Environment Protection Agency require that the layout of this site is informed by a flood risk assessment to avoid highly vulnerable development in the natural functional flood plain, otherwise the proposed allocation would be contrary to its guidance for areas protected by a flood protection scheme. I am mindful that at Issue 21, following further requests for additional information and responses from the council, Scottish Government and Scottish Environment Protection Agency (FIR 5 & FIR 6) it is considered that the proposed plan is consistent with the National Planning Framework and the strategic development plan. In addition, that it accords with the provisions of the Scottish

Planning Policy and reflects the Scottish Government's planning advice on flood risk.

11. The developer requirements include a flood risk assessment and drainage impact assessment. They add that areas protected by the flood protection schemes should be subject to appropriate mitigation measures: including water resistance, and water resilience measures and evacuation procedures. The Scottish Environment Protection Agency has requested that there should be a requirement that development avoids the 0.5% annual estimated probability flood plain of the lade and removal of the text requiring mitigation measures. However, the stated requirements in the proposed plan should ensure that the flood risk assessment informs the layout and that appropriate flood mitigation measures would be in place. A 6m buffer strip is required next to the open watercourse and green corridors along the lade. Details of any areas where development should be prohibited may be resolved at the planning application stage when the results of the assessments are known. The council advises that the delivery of the site would not be prejudiced by its approach in relation to flooding, but it would just limit areas that would be undevelopable. Whilst I note the principles referred to by the Scottish Environment Protection Agency, the council is confident that the proposed mitigation is appropriate. I consider an approach based upon mitigation would be acceptable as long as these measures are put in place in a robust manner. On that basis the allocation should not be deleted. No modification.

E1 The Triangle

12. This Motor Mile allocation is now occupied by car sales units and a Starbucks drive through unit, which was allowed on appeal to the local review body. Proposed plan Policy 7A(e) allows service facilities such as food and drink use within business and industrial areas, subject to certain restrictions. The policy excludes retail and commercial facilities over 100 square metres in size. It indicates that any facilities must serve the business and industrial area rather than draw outside trade and cumulatively should not equal more than 15% of the allocated employment area. I consider that it would be inappropriate to include a specific reference to food and drink uses for this site, which is allocated for car sales only, as this may encourage applications for further such facilities, in conflict with development plan policy. No modification.

E2 Broxden

13. The planning permission for this core employment allocation limits the land use to Class 4 in line with its strategic location. However, Policy 7A of the proposed plan advises that areas identified as core business and industrial land should be retained for Class 4, 5 and 6 uses, unless certain criteria apply. Proposals for retail facilities will not be acceptable unless they are ancillary to an acceptable use on the site. The policy excludes retail and commercial facilities over 100 square metres in size. It indicates that any facilities must serve the business and industrial area rather than draw outside trade and cumulatively should not equal more than 15% of the allocated employment area regarding service facilities. Proposals for waste management facilities can be considered to be acceptable subject to detailed site specific considerations. Any applications for uses outwith Class 4 would be a matter for the council to determine having regard to Policy 7A and all other material considerations. I consider that sufficient flexibility is already included in the proposed plan policies. No modification.

E3 Arran Road

14. Residential development lies adjacent to the southern boundary of this employment uses allocation. There is existing industrial development near the dwellings, with the bulk of the undeveloped land to the rear, I consider that it would be appropriate to add landscape proposals to the developer requirements, in view of comments regarding the visual impact of previous development for neighbouring residents.

E38 Ruthvenfield Road

15. This site is next to the Inveralmond industrial estate and the new approach to Bertha Park. It has good accessibility to the road network making it an ideal location for core employment uses. At over 23 hectares it could potentially accommodate some major companies requiring a large site. I consider that this site should remain as a location for core employment uses. Policy 7A of the proposed plan advises that areas identified as core business and industrial land should be retained for class 4, 5 and 6 uses, unless certain criteria apply. Proposals for retail facilities will not be acceptable unless they are ancillary to an acceptable use on the site. The policy excludes retail and commercial facilities over 100 square metres in size. It indicates that any facilities must serve the business and industrial area rather than draw outside trade and cumulatively should not equal more than 15% of the allocated employment area regarding service facilities. In view of the opportunities provided by its location I consider that there should be no greater flexibility on core employment uses beyond Class 4,5 and 6 and the exceptions specified in Policy 7A.

16. Although there are motor sales uses within Inveralmond Industrial Estate, and the council has suggested such a possible use, I consider that such uses would normally have a significant amount of car storage space and more intensive employment uses would be preferable on this strategic core site. Whether further trade counter use or a hotel would be acceptable would be a matter for the council to determine having regard to Policy 7A and any other material considerations. No modification.

E165 Cherrybank

17. The site is the southern part of a mixed use allocation as defined by the current local development plan. The council has explained that the land north of Necessity Brae was developed purely for residential purposes, as a partial policy departure. Although the site has been vacant for several years and marketed in line with a previous outline permission, I consider that there should be no change to the proposed uses of core employment, hotel and non-residential institutions and it should not be designated as a mixed use site as suggested. This is because of the planning history of the wider mixed use allocation and the need to achieve an overall sustainable form of development. Moreover, there is potential to attract a quality development next to the existing Aviva site.

18. The site has good public transport connections and is capable of providing new employment opportunities, rather than adding to the area of new residential development or providing a care home. At present there is no shortfall of housing land within the Perth Housing Market Area and housing growth will need to be balanced by an appropriate supply of available employment land. I agree with the Scottish Environment Protection Agency that a Flood Risk Assessment should be included in the developer requirements. No modification.

E340 Broxden

19. Site E340 is allocated for core employment uses. I note that an application for 48 homes was withdrawn after the council advised that it would be refused. Through master planning, the employment land was intended to be cross-funded by adjacent residential development. There is a requirement for phased release of employment land under the planning permission for the wider site to secure that phase 2 of the business land development is fully serviced before 50% of the phase 4 dwellings are occupied.

20. The submitted Costar information is primarily based upon class 4 uses, some of which, according to the council, are either outside Perth, converted townhouses or not now available and only 5 are modern purpose built offices within Perth. In contrast site E40 would provide an opportunity for new Class 4,5 and 6 uses, ultimately upon a serviced site. Although the site would be next to new residential development the developer requirements include the provision of a landscape framework which would allow mitigation of any potential detrimental effects from co-locating employment uses.

21. I consider that this site is required in order to assist in an adequate supply of core employment land in the proposed plan area and there is no need at present for additional housing land within the Perth Housing Market Area. The site has an approved flood risk assessment and drainage strategy as part of permission in principle for a wider area. I consider that the flood risk assessment will need updating and that should be added to the developer requirements as requested by the Scottish Environment Protection Agency.

MU171 Perth Quarry

22. Perth Quarry is allocated for 112-175 homes, plus leisure and recreational uses and/or employment uses. The site is well screened from the A912 and Gleneagles Road because of the sloping quarry sides and tree cover. In terms of developer requirements, I consider that it would be sufficient to modify the existing landscape framework requirement to ensure that screening is retained for its visual amenity and wildlife habitat benefits, rather than requiring a further landscape and visual impact assessment to be carried out. Other developer requirements are sufficient to ensure that biodiversity and habitats are protected and/or enhanced.

MU331 Perth Railway Station and PH20

23. The council has the view that there should be no downgrading of the existing play facilities at the site and that parking space will need to be integrated in any proposal. Policy 14A of the proposed plan generally resists the loss of areas of open space. However, I consider that for avoidance of doubt the developer requirements should include a reference to the retention or improvement of play facilities. Policy 58B(c) requires development proposals to incorporate appropriate levels of parking provision and it is not necessary to add to the developer requirements in this respect.

24. Policy 38B of the proposed plan includes a presumption in favour of protecting woodland resources and that tree surveys should accompany relevant planning applications. However, in view of representations regarding tree cover with its wildlife and screening benefits at allocation MU331, I consider that a tree survey should be included in the developer requirements to inform master planning. The developer requirements respect the historic buildings and their setting and include a requirement for an archaeological survey for the Glover Street Works/distillery record. The matter of

infrastructure contributions is dealt with in the schedule 4, issue 4: Policy 5 Infrastructure Contributions.

MU336 Murray Royal Hospital

25. The Murray Royal Hospital site is defined as unallocated within the settlement boundary in the adopted local development plan and subject to Policy RD1 Residential areas. In relation to air pollution problems at Bridgend, Perth is designated as an Air Quality Management Area and subject to Policy 55 of the proposed plan. The policy includes a restriction on development that may adversely affect air quality in an area where pollutant concentrations are in excess of national air quality objectives. There is a presumption against locating development catering for sensitive receptors in areas where they may be exposed to elevated pollution levels. Policy 58 Transport Standards and Accessibility Requirements seeks, amongst other things, that the aim of all development should be to reduce travel demand by car, and to ensure a realistic choice of access and travel modes is available.

26. In terms of the effect on congestion in the peak periods at West Bridge Street, the developer requirements include a Masterplan setting out the phasing, delivery strategy and comprehensive development of the whole site. This is to be informed by a Transport Assessment including for the sensitive phasing of the site and taking into account other committed development feeding into the Bridgend area. There is concern that delay in new build development on the site could lead to continued planning blight. I consider that a balance is required between the need to ensure that the listed buildings do not deteriorate and that the level of traffic generation is acceptable in terms of the impact on the local road network and impact upon air pollution levels. This balance, and the phasing of development, would be informed through the requirement for a Transport Assessment as mentioned above. For that reason, and on the basis of the information before me, I consider that the restriction that only the conversion of the listed buildings will be allowed to be occupied prior to the opening of the Cross Tay Link Road, is not currently justified and should be removed. The capacity for the site will depend upon the outcome of master planning and planning applications for the site, having regard to traffic generation and any justification for enabling development associated with the conversion of the listed buildings. I have therefore recommended that the Transport Assessment and Masterplan should inform the level of development which would be permitted on the site prior to the opening of the Cross Tay Link Road. A planning application and listed building consent application affecting this site are currently the subject of appeal.

MU337 Hillside Hospital

27. The King James VI Golf Club sought temporary use of this allocation for its members prior to development. This is a matter that could be determined through a planning application, rather than by modifying the proposed allocation for residential and hotel use.

28. The Scottish Environment Protection Agency has confirmed in response to my request for additional information (FIR 15) that the site is located at an elevation significantly above the 1 in 200 year flood level, there is no culvert below the site and no need for a flood risk assessment. No modification.

OP2 Thimblorow

29. This sloping area of central car park is proposed for 62+ homes, retail, leisure and a

car park. Policy 58B(c) of the proposed plan requires development proposals to incorporate appropriate levels of parking provision. The developer requirements include 200 spaces minimum public car parking, indicating that a significant number of spaces will be retained to serve the city centre.

30. The Scottish Environment Protection Agency identifies, in accordance with the strategic environment assessment for the proposed plan that this area/part of this area is at flood risk. A small eastern area of the site benefits from protection from the Perth Flood Protection Scheme. I agree with the council that the developer requirements should be amended to reflect this.

OP4 Mill Street (south side)

31. The opportunity site is allocated for “development which improves or creates Mill Street frontage”. It is an area where improvements have been implemented, such as new paving. I agree with the council that the car park cannot be considered to be of strategic importance because of its size and location.

32. The Scottish Environment Protection Agency has no objection to proposals for least vulnerable uses such as shops, offices, restaurants and industry. The council resists the exclusion of housing from the proposal. I am mindful that at Issue 21, following requests for additional information and responses from the council, Scottish Government and Scottish Environment Protection Agency (FIR 5 & FIR 6), it is considered that the proposed plan is consistent with the National Planning Framework and the strategic development plan. In addition, that it accords with the provisions of Scottish Planning Policy and reflects the Scottish Government’s planning advice on flood risk. The developer requirements include a drainage impact assessment, flood risk assessment and mitigation measures. They add that areas protected by the Flood Protection Schemes should be subject to appropriate mitigation measures: including water resistance, and water resilience measures and evacuation procedures. These requirements should ensure that the flood risk assessment informs the layout and type of development and that appropriate flood mitigation measures would be in place. Details of acceptable land uses may also be resolved at the planning application stage when the results of the assessments are known. I consider an approach based upon mitigation would be acceptable as long as these measures are put in place in a robust manner. On that basis no modification is recommended.

OP8 Friarton Road

33. Allocation OP8 is proposed for core employment uses and would extend the existing industrial area. The residential properties are generally at a higher level, with some backing on to currently open land. In terms of protecting the living conditions of existing residents there is a developer requirement for landscaping improvements to the southern and western edges of the site, but inevitably, some greenspace will be lost.

34. Any detailed proposals would have to be assessed against Policy 7A(a) of the proposed plan which indicates that development proposals must be compatible with surrounding land uses. Policy 54 also advises that there will be a presumption against the siting of development proposals which will generate high levels of noise near to sensitive land uses, such as housing. Local residents would have the opportunity to comment on any future planning applications as part of normal development management procedures. No modification.

OP9 Bus Station Leonard Street

35. Perth Bus Station is located relatively close to the railway station on the opposite side of Leonard Street. Through its Scotland Route Study, Network Rail has identified a benefit in re-modelling Perth Railway Station. This opportunity seeks to integrate the bus station with the rail station and provide better links for passengers. The allocation mentions that housing, hotel, leisure or office uses would be possible if an alternative location is found for the bus station.

36. A substantial petition has been submitted with 257 signatures from the location of Bus'Y'bite café and 178 signatures from the shop of R S McColl which seeks to keep and improve the bus station where it is and retain its facilities. The site has been brought forward from the proposal in the adopted local development plan and I see no land use planning reason to delete it. Allocation OP9 provides an opportunity to relocate the bus station if overall public benefits can be achieved, having regard to the issues raised in representations, including the lack of parking in the area and the facilities for the public that are provided and valued at the current bus station site. The council advises that it owns the bus station site. However, matters of legal titles are not for resolution as part of this examination. No modification.

OP175 City Hall

37. An application for alterations to the City Hall and part change of use from Class 11 (Assembly and Leisure) to Class 3 (Food and Drink) and associated streetscape works was approved by the council in January 2019. I note that St John's Kirk of Perth had the opportunity to make representations on the application. The Scottish Environment Protection Agency's Land Use Vulnerability Guidance identifies that least vulnerable uses which includes assembly and leisure are acceptable where the standard of protection is equal or greater than 1 in 200 year (0.5% Annual Estimated Probability). The information provided clarifies that the Perth Flood Protection Scheme affords this standard of protection and therefore it has no objection to the proposed development at the site. It submits that the developer requirements should be expanded to identify that areas behind the flood protection scheme should incorporate appropriate mitigation measures as it accords with the risk framework in Scottish Planning Policy. The council advises that the site is not protected by the flood protection scheme and suggests that a topographic survey is needed. In view of the representation from the Scottish Environment Protection Agency and the council's response I consider that additional developer requirements are necessary to check site levels and to require appropriate flood mitigation measures.

OP338 St John's School, Stormont Street

38. The site was granted permission in August 2017 for the conversion of the school to provide a creative exchange to provide studios for artists and office spaces for creative space and a café and work is underway. The site is within the flood plain but protected by the Perth Flood Protection Scheme. The Scottish Environment Protection Agency believes that a precautionary approach should be taken to proposed allocations in areas protected by a flood protection scheme, even those designed to the appropriate standard. It advises that part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed. In view of the representation from the Scottish Environment

Protection Agency I consider that an additional developer requirement for a flood risk assessment and flood mitigation measures would be appropriate.

Cemetery Search Area Isla Road

39. Two cemetery search areas are included for Perth, the other being at MU70 Perth West. The site would be located in the green belt opposite the entrance to Scone Palace. It would have good public transport connections and the council considers that it could round off the north-eastern edge of Perth and prevent further development encroaching into what it describes as a sensitive area of Green Belt. Any proposal emerging during the proposed plan period would have to be the subject of a planning application and public consultation. No modification is recommended at this stage because the site is only the subject of investigation rather than being a specific allocation. I note that the proposal would be in the vicinity of the palace as a major tourist attraction and agree that it should not detract from it as an asset, nor impede the operations of the estate. Other preferable options may be available, including sites in the vicinity, or elsewhere, which may not be in a sensitive green belt location. I accept that it may be included as a cemetery search location at the present time.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 269 (site H1), page 279 (site E38), page 280 (site OP2 and site OP4) and page 281 (site OP9) add a further bullet point:

“Area of archaeological potential, investigation required”.

2. On page 271 add two further bullet points to say:

“Construction method statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation”.

“Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation”.

3. On page 272 (site MU331) add a bullet point to say:

“Existing play facility to be retained or replaced by one of comparable or improved benefit”.

4. On page 272 (site MU331) add a further bullet point to say:

“Tree survey to inform masterplan proposals”.

5. On page 273 (MU336) delete the second bullet point regarding the conversion of the listed buildings and replace with the following:

“The Transport Assessment and Masterplan will inform the level of development which would be permitted on the site prior to the opening of the Cross Tay Link Road”.

6. On page 277 modify the fifth bullet point to say:

“A robust landscape framework maximising the potential to enhance biodiversity, protection of habitats, and retention and enhancement of woodland screening”.

7. On page 278 (site E165) add a further bullet point to say:

“Flood risk assessment”.

8. On page 278 (site E340) add a further bullet point to say “Updated flood risk assessment”.

9. On page 279 (site E3) add a further bullet point to say:

“Landscape proposals to reduce the visual impact of development for any neighbouring residential properties”.

10. On page 280 (site OP2) amend the fifth developer requirement to read:

“Flood Risk Assessment and Drainage Impact Assessment required which will define the developable area of the site and which ensures that (taking account of Flood Protection Scheme) no built development takes place on the functional flood plain. Areas protected by the Flood Protection Scheme should be subject to appropriate mitigation measures: including water resistance, and water resilience measures and evacuation procedures”.

11. On page 281 (site OP175) add a further bullet point to say:

“Development should be subject to flood mitigation measures. Topographic flood level of site to compare to flood levels and ensure this is on higher ground. Flood Action Plan to ensure during flood conditions nobody becomes surrounded by flood water”.

12. On page 281 (site OP338) add a further bullet point to say:

“Development should include a flood risk assessment and appropriate mitigation measures: including water resistance, and water resilience measures and evacuation procedures.”

Issue 28	Perth City New Sites	
Development plan reference:	Perth Area, p249- 281	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynne Palmer (0040) John Meiklem (0043) King James VI Golf Club (0131) Ian Tod and Robin Tod (0239) Mr and Mrs Tom Flett (0468) ABP Development (0567) MacPherson Ltd of Aberlour (MacPherson Ltd) (0569) Gloag Investments (0590) Mr & Mrs Scott (0598/04, 0598/06) James Ewan & Fraser Niven (0613) Mr and Mrs M Lewin (0657)		
Provision of the development plan to which the issue relates:	Perth Area	
Planning authority's summary of the representation(s):		
<u>6 Milne Street</u> Lynne Palmer (0040/01/002) - Proposes demolition of single storey building at 6 Milne St, Perth owned by the Council and that the land is used more effectively for housing/social housing. This single storey building lies between 3 storey tenements and a similar scale of replacement building is considered to be better in placemaking terms. <u>Relocation of the bus station</u> Lynne Palmer (0040/01/007) - Considers that premises occupied by Farquhar & Sons along with an area of the car park behind the Station hotel would offer a good location for relocating the bus station (also suggests part of the Station Hotel carpark could be used). Concerned that the inner ring road is poorly aligned here and seeks roundabout provision as part of this proposal. <u>South of the M9</u> John Meiklem (0043/01/001) - Proposes that land near Aviva, beyond the M9 along Necessity Brae would be a good location for a high end financial institution, and it would provide good employment. <u>Access improvements</u> King James VI Golf Club (0131/01/004) - Comments seek improvement to access to Moncrieffe Island at the Tay St end; mentions work planned for steps leading to Moncrieffe		

Island from the Railway steps, refers to potential improvements connecting Moncrieffe Island with the Norrie Miller Walk, and notes that a new bridge is not identified across the Tay.

Mount Tabor Road

Ian and Robin Tod (0239/01/001) - Provides details on site features and its context and refers to the site history. The site has had 3 planning applications for housing, the latest 16/02094/fll was refused for 4 reasons with concerns raised in relation to loss of open space, surface water drainage and the potential for overlooking.

It is proposed that land at Mount Tabor Road H169 (MD091) should be identified as a housing allocation or it should not be identified as open space for the following reasons:

- it is no longer used as a paddock
- It is fringed by trees other than the Muirhall Road site which has an open aspect
- It is an effective site when considered against the 7 criteria of PAN2/2010 (CD040):
 - it is in 1 ownership
 - there are no significant physical issues
 - access could be provided on the south side of Muirhall Road (as accepted in previous planning application 16/02094/FLL) (CD269)
 - it is well located – particularly for bus services
 - a suitable surface water drainage scheme can be designed
 - there are no contamination issues
 - its development does not need public money to be spent
 - it is a desirable, marketable site, nearby land has been sold for development, and there is developer interest
 - there are no known infrastructure deficiencies and a further study will consider availability and capacity of all utilities
- a detailed ecological study can be carried out, but initial investigations show no protected species and the trees fringing the site can be retained whilst 1 central tree is nearing end of its life
- although there is need to protect setting of listed Gean Cottage which lies outwith the site the previous scheme was not specifically refused based upon impact on this suggesting a suitably designed development is achievable
- in terms of open space, the previous LDP reporter concluded (CD015, p413): “There is no persuasive evidence to support the allocation of this sensitive site for housing within the plan. Any proposal for the development of this small plot of greenfield land can be readily considered at the development management stage within the framework provided by the policies of the Proposed Plan.” However subsequent application decision proves that the issue of the zoning is best considered in the LDP as the open space zoning is used as an excuse. It is not clear why it is considered open space or part of a green corridor as is suggested. There is lack open space audit to clarify why it ought to remain. It is not available for formal or informal recreation, and in terms of visual amenity there is no reason why it could be designed and landscaped in such a way that there is still a perception of openness with retention of the trees and some planting.

Tarsappie

Gloag Investments (0590/01/001) - Land at Tarsappie H320 (MD094), for Perth proposed for exclusion from the Perth City greenbelt and inclusion within the settlement envelope. The land was promoted at the “call for sites” and Main Issues Report (MIR) stages in the

Plan. It is proposed that the revised settlement envelope will achieve a defensible greenbelt boundary whilst allowing for future, small scale development which can meet local needs and provide a short-term housing within the City without impacting upon strategic allocations. The site has the potential to accommodate a modest (4-6) residential properties that will not affect the amenity of adjoining properties. Providing some room for future development along the eastern side of the City of Perth is considered to be consistent with the principles of greenbelts as defined in the Scottish Planning Policy (CD006, p15-16), by allowing for the expansion of the City without impacting upon the long-term function of the greenbelt.

Town and neighbourhood centre

ABP Development (0567/01/001) - Seeks reallocation of land R323 (MD102) from a commercial centre to a town and neighbourhood centre. They refer to their previous submission at Call for Sites stage and the Council's response to it (CD284, p4). They disagree with the Council's assertion that the proposal would be contrary to SPP Town Centre First principle as SPP8 (CD286) promotes the network of centres in which the individual role of each centre supports and is supported by the role of other centres. Considers that under LDP Policy RC1 (CD014, p256 and 271) and Proposed Plan Policy 10 (CD052, p29) there are policy controls in place in relation to neighbourhood centres to prevent new development within them threatening the vitality of town centres in line with SPP8 (CD286). Considers that the proximity to Tesco Superstore fails to appreciate the different provision that can be accommodated such as restaurants, cafes, travel agents, launderettes, estate agents, leisure facilities, bars, hairdressers and small offices. These tend to be small scale and encourage business start-ups and create employment. These uses are not generally found in commercial centres. There are substantial areas of existing and proposed new housing (H71) (CD052 p256 +270) for which commercial facilities on Rannoch Road are beyond easy active travel distance almost 1 km walking/driving distance. Also the site is physically separated from commercial, agricultural and sport/recreation uses to the north and west.

A neighbourhood centre here would complement the larger commercial centres uses to the north and west and provide an appropriate transition between residential on Strathtay Road and large scale commercial uses. There are site constraints which do not favour commercial centre uses, with the existing building not readily lending itself to conversion. The site is much smaller than surrounding commercial centre plots (Tesco Extra, B+Q and car dealership). Due to site access development would likely need to provide building frontage to Strathtay Road and a large scale commercial centre would likely adversely juxtapose with established residential dwellings. Access would almost certainly need to be from Strathtay Road as Crieff Road is an A road and the site is beside an existing roundabout junction. Traffic movements associated with a neighbourhood centre would be more appropriate than a commercial centre. These issues make it impractical, unviable and unneighbourly and the designation sought is considered the most conducive to facilitating redevelopment of the site.

Land east of Corsiehill Road

Mr & Mrs Scott (0598/04/001) - Seeks the inclusion of H354 (MD096), 3 ha of land east of Corsiehill Road within the settlement boundary as a development site for the following reasons:

- Its size and proximity to housing means it is of limited agricultural use
- It is accessed via an existing access road

- It is bounded by a row houses to the north and west and established woodland to the south and east
- The woodland would provide a natural and definitive settlement edge
- Corsiehill is expanding with 2 houses under construction so it is considered to make sense to extend the settlement boundary to include Corsiehill and the potential development site
- New houses would be contemporary and respect their woodland surroundings
- It is important to allow for expansion on the east side of the city where there has been limited development
- The site is developable and is without site constraints and unlike large sites is not reliant on infrastructure upgrades prior to commencement of house building
- SPP encourages developing housing adjacent to settlements (CD004, p13) “using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores.”

Ruthvenfield

Mr and Mrs M Flett (0468/01/001) - Seeks the H173 extension (MD093) to the south of the H319 site (CD052, p258) for the following reasons and submit maps to show the site in relation to the Cross Tay Link Road project:

- They have discussed access over the mill lade with the landowners of H319 and consider access achievable
- They need land allocated now to prevent future access issues
- Considers the steep escarpment would make a defensible southern boundary
- Newly installed road infrastructure will provide link to proposed site
- The site is level; and
- It is within walking distance of Ruthvenfield primary school and will be near the new High School at Bertha Park

James Ewan & Fraser Niven (0613/01/001) - Supports the designation of land as open space for scheduled monument index 3630 and Huntingtower Castle which are excellent amenity assets and it also recognises their setting.

Compound site at Huntingtower

Mr & Mrs Scott (0598/06/01) - Seeks allocation of H170 (MD092) 1.6 ha temporary compound being used for the construction of Phase 1 of the CTRL for permanent employment use and inclusion of this site within the settlement boundary. This land is due to be reinstated as agricultural land when it is vacated in a couple of years. There has been interest from businesses to rent the site afterwards and the client's preference is to retain the compound site. States that it is a predominantly commercial area bounded to the east by the CLTR and to the south by the A85 and that it is compatible with neighbouring land uses. Considers there to be a shortage of available compound/yard space, and that a permanent site would generate economic benefits.

Considers that this proposal is in accordance with the LDP which allocates a wide range of sites for employment, promotes sustainable employment areas linked to residential areas and public transport, takes a hierarchical approach to employment land, and promotes sites that allow existing businesses to expand and new ones to establish. Considers that Scottish Government encourages reuse of brownfield land, that there is limited brownfield land in Perth, that its reinstatement is not environmentally beneficial, and that it would put

pressure on greenfield and prime agricultural land. Furthermore government encourages a flexible approach to ensure economic opportunities can be realised and LDPs locating development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours, or the strategic road network.

James Ewan & Fraser Niven (0613/01/001) - Supports the designation of land as open space for scheduled monument index 3630 and Huntingtower Castle which are excellent amenity assets and it also recognises their setting.

Land east of College Mill Road, Almondbank

MacPherson Ltd of Aberdour (MacPherson Ltd) (0569/01/001) - Seeks allocation H353 for residential uses of 6.4 hectares of land east of College Mill Road (MD095) for up to 100 homes the site which was developed during World War II as the Ministry of Defence (MOD) site for the manufacture and maintenance of aeroplane parts/engines.

The site lies adjacent to the Almond Valley MU73 allocation. Planning permission in principle was granted in September 2017 for the adjacent MU73 and the approved masterplan 15/01157/IPM (CD189) illustrates how the Almond Valley residential development will border the College Mill Road site to the north, south and east.

Further details of the 8 main buildings onsite and their history are provided. The representation seeks a residential allocation.

Considers the location of such industrial uses is better located adjacent and accessible to the major road network away from residential properties. Considers this proposal a natural extension of Almondbank village. They have prepared two concept masterplans (RD050) and a transport appraisal (CD278) to illustrate how such a proposal could help meet short to medium term housing delivery.

They detail the planning history including the Perth Area Local Plan (1995) (CD138) where the site with a field to the south was identified as an opportunity site for 150 homes, and Draft Perth Local Plan (December 2004) (CD263, p78-79), where the site along with the field to the south, was identified for a total of 250 houses. This Draft Plan was abandoned before adoption. The site lies within the settlement boundary of the existing LDP and the Proposed LDP2 with identification of part of the site as a waste management area. It is considered that in May 2014 confirmation was provided through a pre application enquiry response (RD051) that residential development is acceptable in principle. However a formal residential allocation would give greater comfort and certainty to the landowner.

Two Preliminary Concept Masterplans (PCM) (one based on the MU73 Flood Risk Assessment (FRA) and the other SEPA indicative flood risk areas have been prepared to illustrate how the site might be developed subject to a full set of assessments being undertaken. In the case of MU73 Kaya Consulting prepared a FRA (March 2015) to inform the proposals there. The figures and conclusions produced by Kaya Consulting were formally accepted by both SEPA and the Council. The Almondbank Flood Protection Scheme is currently ongoing and in relation to the College Mill Road site, the existing flooding embankment to the south is to be replaced and extended, with new flood walls located to the south west and south east along the River Almond. These improvements will help lessen the impact of future flood events on the College Mill Road site. Considers that the detailed FRA prepared for the Almond Valley planning application shows a smaller

area affected by flooding and that this has been accepted by the Council and SEPA.

Pedestrian access to Almondbank is proposed by a staggered path through the woodland linking up with Lumsden Crescent. The land to the north incorporates an area of open space within the approved Almond Valley residential scheme. Discussions with the neighbouring landowner have confirmed that the proposed path is acceptable in principle. An area of proposed community woodland to the south approved as part of the approved Almond Valley residential scheme could act as an attractive area of open space for the College Mill Road site. In terms of cultural heritage, they mention that a scheduled monument (a prehistoric domestic and defensive fort) is located to the north of the site within the existing woodland. Any future planning application would undertake a detailed archaeological assessment to assess if mitigation measures are required.

SWECO undertook a supporting Transport Appraisal (CD278) in January 2018. Detailed findings are outlined in their submission but the key finding is that a development of circa 100 residential units could be accommodated on the site. It is stated that the existing site access on College Mill Road, with associated verge maintenance can achieve the design standards identified within Designing Streets. It is also considered that the existing priority junction access will have sufficient capacity to serve the development, subject to a detailed junction capacity assessment. It is not anticipated that there will be a requirement for any major infrastructure intervention in contrast to infrastructure investment required for other allocated schemes.

Open space north of East Drive

Mr and Mrs M Lewin (0657/01/001) - Seeks removal of this 0.4 hectare of land H355 (MD097) from open space to identify it as white land suitable for residential use. This land is considered to be suitable for residential use for the following reasons:

- It is not used for recreation and has been identified as open space for amenity value
- Considers the tightly wooded conifer trees need to be felled, submitting photos to support this
- Felling is considered to improve residential amenity (reduce overshadowing and improve daylight) for housing on other side of East Drive
- The site is adjacent to housing on the north south and east boundaries
- It could be a windfall site
- There would be no significant impact on the open space resource within the area with a significant area of open space within Almondbank to the south
- East Drive is a suitable access

West of County place

Mr and Mrs M Lewin (0657/02/001+ 002) - Seeks inclusion of H356 (MD098), 2 hectares of land within their ownership as being within the settlement boundary suitable for residential use. This land is considered to be suitable for residential use for the following reasons:

- It has strong defensible boundaries to the north and west
- Is a logical extension to housing adjacent County Plan
- It would not take the western boundary any further west
- It is considered to offer strong containment and to not compromise the green belt which acts to contain urban sprawl
- It would not be a significant loss of farm land
- It would provide a windfall opportunity of less than 20 homes (and the Council's

housing study acknowledges the importance of windfall 'the contributions since 2013 has been consistently been above 50%. LDP2, however, will continue that conservative estimate that 10% of the housing land requirement will be met from windfall sites')

- Vehicle access could be made from the hammerhead at County Plan and from the southern boundary west of Sparrow road

Modifications sought by those submitting representations:

6 Milne Street

Lynne Palmer (0040/01/002) - No specific change sought.

Relocation of the bus station

Lynne Palmer (0040/01/007) - No specific change sought.

South of the M9

John Meiklem (0043/01/001) - No specific change sought.

Access improvements

King James VI Golf Club (0131/01/004) - No specific change sought but seeks improvements to the access at Tay St from Moncrieffe Island, connection from Moncrieffe Island with the Norrie Miller Walk, steps leading to Moncrieffe Island from the Railway steps.

Mount Tabor Road

Ian and Robin Tod (0239/01/001) - Seeks H169 at Mount Tabor Road to be identified as a housing allocation or not be identified as open space.

Tarsappie

Gloag Investments (0590/01/001) - Seeks land at Tarsappie H320, Perth to be excluded from the Perth City greenbelt and included within the settlement envelope.

Town and neighbourhood centre

ABP Development (0567/01/001) - Seeks reallocation of land R323 from a commercial centre to a town and neighbourhood centre.

Land east of Corsiehill Road

Mr & Mrs Scott (0598/04/001) - Seeks the inclusion of H354, land east of Corsiehill Road within the settlement boundary.

Ruthvenfield

Mr and Mrs Tom Flett (0468/01/001) - Seeks inclusion of H173 as an extension of the H319 site.

<p>James Ewan & Fraser Niven (0613/01/001) - Supports its identification as open space.</p> <p><u>Compound site at Huntingtower</u></p> <p>Mr & Mrs Scott (0598/06/001) - Seeks allocation of H170 as a temporary compound for the construction of Phase 1 of the CTLR for employment use and inclusion within the settlement boundary.</p> <p>James Ewan & Fraser Niven (0613/01/001) - Supports its identification as open space.</p> <p><u>Land east of College Mill Road, Almondbank</u></p> <p>MacPherson Ltd of Aberlour (MacPherson Ltd) (0569/01/001) - Seeks allocation of H353 for residential uses of 6.4 hectares of land east of east College Mill Road.</p> <p><u>Open space north of East Drive</u></p> <p>Mr and Mrs M Lewin (0657/01/001) - Seeks removal of H355 from open space to identify it as suitable for residential use.</p> <p><u>West of County place</u></p> <p>Mr and Mrs M Lewin (0657/02/001+002) - Seeks inclusion of H356 within the settlement boundary suitable for residential use.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>6 Milne Street</u></p> <p>Lynne Palmer (0040/01/002) - In the Strategic Housing Investment Plan 2017/18 – 2021/22 there is a proposal for demolition of 6 Milne Street and replacement with 8 homes (CD287, p16) with a start date anticipated 2018. The Proposed LDP2 will not prevent this proposal from coming forward. The scale and nature of the proposal means it can be taken forward and assessed on its merits against LDP2 policies as a planning application. It does not require an allocation in the LDP2.</p> <p>No modification is proposed to the Plan.</p> <p><u>Relocation of the bus station</u></p> <p>Lynne Palmer (0040/01/007) - There is no firm proposal at the moment for relocation of the bus station but its potential relocation is a possibility as acknowledged by its allocation as an opportunity site for redevelopment. The Proposed LDP2 would not prevent a proposal for its relocation coming forward but at this stage there is no proposal or land earmarked for this purpose and this site is unlikely to be big enough. If a proposal comes forward it will be considered on its merits against the policies, vision and strategy of LDP2.</p> <p>No modification is proposed to the Plan.</p> <p><u>South of the M9</u></p> <p>John Meiklem (0043/01/001) - There has been no developer/landowner interest in this</p>

proposal. The Proposed LDP2 has sufficient employment sites allocated. This was not a proposal suggested through any of the earlier consultation stages of the LDP2 preparation. This may be considered in a future review of the LDP if there is landowner interest however it lies within the greenbelt, and there are significant landscape and visual sensitives and accessibility issues.

No modification is proposed to the Plan.

Access improvements

King James VI Golf Club (0131/01/004) - The proposals mentioned would not necessarily need to be identified in the Local Development Plan 2, as they can be considered on their merits as planning applications, but in terms of future potential actions/delivery of these access projects these comments have been passed onto Community Greenspace. There is no proposal within the life of this Local Development Plan.

No modification is proposed to the Plan.

Mount Tabor Road

Ian and Robin Tod (0239/01/001) - The proposal to reallocate H169 (MD091) open space land at Mount Tabor road is resisted. The SEA (CD075, p251-261) raised significant issues. Also while the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation.

The Plan does not exclusively protect publically accessible open spaces; some sites are protected as they contribute to the character of the area or provide a breathing space in the urban fabric. It is a sensitive site due to the impact its development would have on the open space network, rural character of the area, and on the setting of the B listed Gean cottage. The site lies immediately to the north and east of Gean Cottage which is B listed and the childhood home of Sir Patrick Geddes. Taking away the open space designation would open up the whole area for development. This is not advisable as it would affect the setting of Gean cottage and would have a significant impact on the character of this area, this amenity space, and the green network.

In general, the value of an overarching Open Space Audit & Strategy is acknowledged however the Council does not have resources allocated for this exercise at the moment. However this site has been identified as open space for over 20 years. This open space contributes to the network of open space which leads up out of Perth onto Kinnoull Hill and Sidlaws and it is visible and contributes significantly to the character of the area. This issue was considered at Examination stage of the previous LDP. The Reporter agreed with the Council and concluded (CD015, p413), "There is no persuasive evidence to support the allocation of this sensitive site for housing within the plan. Any proposal for the development of this small plot of greenfield land can be readily considered at the development management stage within the framework provided by the policies of the Proposed Plan."

There have been three planning applications for 6 houses, and formation of a community garden on this site since 2016, one was withdrawn and two have been refused with the last one having its review dismissed by the Local Review Body. There were 11 valid letters of representation objecting to the most recent planning application including one from

Bridgend, Gannochy and Kinnoull Community Council. For the most recent of these planning applications the Development Plan response (CD271, p2) concluded that, 'Part b of CF1 identifies that open space can be a recreational or amenity resource. It is also noted that the size of the community garden/allotments is 30% of the site. Referring to criteria (b) the proposed development is not on a minor part of the site and as already mentioned it will have some negative impacts on the amenity of this area and on the network of open spaces.' It goes on to add 'It is understood that there is some demand for allotments but the demand for the community garden proposal is less clear as is the long term viability of the proposed maintenance arrangements. There is a need to demonstrate there is clear community support for this proposal and to ensure that it will be maintained and managed by the community in the longer term. I do not feel this has been demonstrated in this application.' The proposed means of maintaining the community garden through charges levied on the proposed new houses raised some concerns in relation to the long term maintenance of the site and that it would be likely to lead to it being considered as private ground. Community Greenspace officers considered at just 25 square metres the allotment sizes were very small, with the normal standard recognised size for one allotment plot being 250 square metres. They also highlighted that there are also other sites within Perth with very small waiting lists.

It is considered that the open space allocation should remain as taking it away would open up the whole area for development and it could set a precedent on other open space allocations. As per the LDP1 Reporter's conclusion there is scope to consider a proposal within the framework provided by the policies of the Plan. The Plan framework allows for a proposal on a minor part of the site and this is something none of the planning applications to date have proposed. The planning applications that have been pursued have not been in accordance with the Development Plan (as detailed in the paragraph above) and would have had a significant impact on the open space and amenity.

No modification is proposed to the Plan.

Tarsappie

Gloag Investments (0590/01/001) - While the proposal H320 (MD094) was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation. This group has not been defined as a settlement in the existing LDP and is resisted. The Reporter agreed with the Council when this issue was considered through LDP1 Examination. The area is a part of highly prominent steeply sloping hillside which rises up from the river to a ribbon of 1940's style houses which extend along the north side of the Rhynd Road. The site is very open and prominent from the M90, the Friarton Bridge, the railway, the sailing club and the river as well as from the road network at Walnut Grove and from Kinnoull Hill. The area is identified as Green Belt. Policy 1 of TAYplan approved October 2017 (CD022, p8) indicates that preservation of the setting of Perth is one of the purposes of the Green Belt. The proposed development of this area would damage the integrity of the green belt and adversely affect the setting of the city. The site is very open and any development will be visually prominent.

No modification is proposed to the Plan.

Town and neighbourhood centre

ABP Development (0567/01/001) - Reallocation of this site R323 (MD102) on Strathtay

Road from a commercial to a town and neighbourhood centre is resisted. While the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation. This site is owned by the Council and is leased to Kalvec Ltd. The user clause in the lease is for a distribution depot. No consent has been sought for this proposed change and it's within the Council's Estate's team control to withhold consent for an alternative proposal. The Council would not want to undermine the other neighbourhood centres so the Council is not supportive of this proposal.

There are a range of local facilities and centres nearby which provide appropriate provision for the local communities. Although the Tesco on Crieff Road would not provide the full range of provision and services that can be accommodated in these centres it is a Tesco extra and includes a café, Timpsons, and a Vision Express. There is also the Council's Tulloch square neighbourhood centre nearby. This would serve the new residential development at H71 Newton Farm (within 600 m), and contains a range of services. Tulloch square centre is only marginally viable so would benefit from the support of additional residents using its facilities. There are also local facilities (less than 400m away) on Garth Avenue, where there is a local newsagents, and Letham Climate Challenge (which was given a peppercorn rental agreement by the Council due to limited commercial demand). Between the Rannoch Road, Garth Avenue, Tulloch square, and the Tesco on Crieff Road there are appropriate accessible local shops and facilities within the area. Given the local neighbourhood shops already available, the scale of the site proposed, and the limited demand/viability for buildings within existing neighbourhood centres nearby this proposal is resisted.

There is also a need to retain appropriate commercial centre opportunities. Located adjacent to an area of predicted substantial population growth suggests there is potential for increase in retail/leisure/commercial floorspace and enhanced community functions in this commercial centre. Picking up on concerns about effectiveness and adverse amenity, the rest of the commercial centre south of the Crieff Road is also directly adjacent to a residential area and is successful. Nissan motors and Nationwide Crash Repair Centre are already accessed from Strathtay Road, and the road is capable of servicing an appropriate commercial proposal. With regards to the site size this site is commensurate with many of the others here including the Nissan garage and the Nationwide Crash Repair Centre. The most likely/appropriate use of this site would be either for bulky good retail or for a car showroom as part of the commercial centre.

It is an appropriate and effective site for commercial uses, and there are already sufficient local neighbourhood facilities. Therefore this proposal is resisted.

No modification is proposed to the Plan.

Ruthvenfield

Mr and Mrs Tom Flett (0468/01/001), James Ewan & Fraser Niven (0613/01/001) - This H173 (MD093) proposal is resisted. While the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation. The SEA (CD075, p302-315) raised significant issues. The whole site lies within the Ancient woodlands inventory. The Scottish Government Policy of Control of Woodland Removal references the UK Forestry Standard and the National Inventory of Woodlands and Trees (CD07, p19) combined which identifies the woodland as being 'The part of woods and forests where the

ecological condition is, or will be, strongly influenced by the tree canopy. This embraces land under stands of trees with a canopy cover of at least 20%, or having the potential to achieve this, including integral open space, and including felled areas that are awaiting restocking. The minimum area is 0.1 hectares.' Whilst this site is not treed it is all within the defined woodland (as confirmed by the inventory boundary) and its development would have an ecological impact on the woodland.

There is possibly not sufficient land on this site to provide adequate setback from the trees for safety (with a depth of less than 40 metres between the canopies north and south at the widest points). The larger the tree the greater the separation required, particularly when located to the south of a building and there are very large trees to the south of this site. As well as safety issues because there are large trees to the south this would cause restricted sunlight issues and shading by trees. Where trees restrict views/shade properties/restrict sunlight/ represent a safety concern, there is often pressure to remove, or continually trim back foliage to maintain or enhance a view and this would be a concern for the trees to the north and south. Removal of trees to the north would have an impact on the quality and value of the wider landscape and the amenity of the lade/ancient woodland. Pressure to remove trees would have a negative impact on the setting of Huntingtower castle. Mitigation of the shading/safety issues and restricted outlook of this site would result in unacceptable impacts on inventory woodland, its amenity and biodiversity value and would result in fragmentation of the habitat. Alternatively if daylight and shading issues were not mitigated then the residents of the housing would suffer in terms of solar gain and providing sufficient amenity.

In terms of access the two suggestions are an access from the north across the mill lade from H319 (which would be undesirable for the impact it would have on the landscape and amenity of this area) whilst access from the west looks difficult to achieve due to the proliferation of existing junctions here and private garden ground involved. In addition to woodland habitat impacts the amenity of new housing here would be compromised by its vicinity to the new slip, its lack of outlook and shading.

No modification is proposed to the Plan.

Land east of Corsiehill Road

Mr & Mrs Scott (0598/04/001) - This H354 (MD096) proposal is resisted. The SEA (CD277) raises significant issues. The importance Kinnoull Hill to the setting of the city has been recognised by its designation within a local landscape designated area in Proposed LDP2. The importance of the hill to the setting of the city can be seen from a wide range of locations throughout the city and in particular from, the south inch, the footpaths on Tay street especially between the railway bridge and the Queen's Bridge, the viewing platform on Tay Street at the east end of High Street and the car park on Moncrieffe Hill.

This site is one of the transitional paddock areas with extensive woodland on its east and south boundaries. Though these areas are screened from long distance views they are important parts of the local landscape and contribute significantly to the overall character of the area. If housing were allowed it would destroy the patchwork nature of the area which makes it so attractive. Core paths run on the edges of the area which give access to the Kinnoull Hill and Deuchny Wood the site is highly visible to walkers using these routes. The site has a history of refusals for housing development on the grounds of the impact on the AGLV and was the subject of the Perth Area Local Plan Inquiry where the reporter did not support the development of the site. Through the Examination of LDP1 the Reporter

also did not support the site or the other proposals in this area and concluded, 'they are poorly related to the established built form of this edge of the city and, if developed, would have the appearance on an urban encroachment into the landscape setting of the city.'

This proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation and in any case is considered unsuitable.

No modification is proposed to the Plan.

Compound site at Huntingtower

Mr & Mrs Scott (0598/06/01); James Ewan & Fraser Niven (0613/01/001) - This H170 (MD095) proposal is resisted. The SEA (CD274) raised significant issues. Also this proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation.

Also it is not considered a suitable proposal. The temporary compound is acceptable due to its proximity to this key roads infrastructure junction improvement to the A85 and A9. However the impact a permanent compound would have on the setting and views towards the Huntingtower Castle Scheduled Monument would be unacceptable and could not be controlled through design and layout. This is a sensitive site in landscape and visual terms and a long term compound or employment uses would be significantly detrimental. This site and this view of the castle from the A85 are extremely important to the setting of the castle and so the site should be reinstated as agricultural land after its use as a temporary compound and it should remain protected in LDP2 as amenity greenspace.

There are sufficient employment allocations identified in Perth in the Proposed LDP2 to meet needs. Some of the employment land has requirement for servicing tied to the delivery of housing land and it provides an effective supply. The Council's Transport Planning have significant concerns regarding this proposal's potential impact on the proper operation of the existing traffic control at both the slip and the old Pert Mart, as well as the junction separation distance from the slip itself. It is also unclear whether Transport Scotland would accept a permanent access here onto the A85 so close to the new slip.

No modification is proposed to the Plan.

Land east of College Mill Road, Almondbank

MacPherson Ltd of Aberlour (MacPherson Ltd) (0569/01/001) - This H353 (MD095) proposal is resisted. This proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation. There is no requirement to identify any more housing land within the Perth Housing Market Area with a healthy surplus and flexibility.

The SEA (CD276) raises significant issues. There was a pre application response to a proposal here which did raise some of the potential issues namely access, contaminated land and flood risk but it considered that residential would be acceptable in principle. This response does not indicate the scale of residential development that would be appropriate or whether it would be a viable site. The LDP residential areas policy (CD014, p31) states there is a presumption against 'Changes away from ancillary uses such as employment land' and that this, 'will be resisted unless there is demonstrable market evidence that the

existing use is no longer viable as a commercial venture or community-run enterprise.' Also no information has been submitted to demonstrate that the existing use is no longer viable so the principle of a change of use is not established. With regard to the impact on the LDP waste management designation; this refers to its previous use as a waste transfer station for metal and other special waste use which ceased in 2010. SEPA have confirmed these licenses have been surrendered and contamination has been removed.

There are significant concerns about the effectiveness and deliverability of this proposal due to the access difficulties, and there may also be issues of contamination. These concerns are not adequately addressed in the submission. There are issues with the Transport Appraisal submitted (CD278). The Transport Appraisal does not contain the information to audit the Trip Rate Information Computer System (TRICs) applied to the development to establish trip generation. Traffic counts on Main Street/College Mill Road would be needed to determine impact of traffic increase. The time of peak am/pm trip generation is also not given. It also refers to a detailed junction capacity assessment of College Mill Road onto Main Street which has not been carried out yet. There are significant concerns about this junction and visibility splays of 2.4m x 43m would be required onto Main Street. The site would undoubtedly benefit from a second access bridge. The Perth Area Local Plan (1995) (CD138) indicated this as an opportunity site with the likely necessity of a new bridge, whilst the Perth Draft Area Local Plan 2004 (CD263, p78-79) required a new bridge. Also currently there are no footways along the private College Mill Road and it does not achieve the street hierarchy set out in Designing Streets which questions its adoptability. Impact on the National Cycle Route (NCR) 77 has also not been assessed. With the increase in traffic due to the proposed development this is likely to have a negative impact on its use, as there are no off road facilities on College Mill Road. A link path to Lumsden Crescent of at least 3m would benefit cycle movements.

Notwithstanding the Council's views, SEPA object to residential development within the pre defended 1 in 200 year risk area which is likely to limit the extent of the possible developable area. However the detailed FRA for the Almond Valley planning application which included a pre defended 1 in 200 year risk map does indicate that just a small area of the site would be affected by flood risk. There would also be a need to protect broadleaf semi natural woodland to the north of the site and along the riverside.

With the uncertainties that surround the suitability, deliverability and effectiveness of this proposal and the lack of consultation and engagement it would be inappropriate to add this site at this late stage of the process. As previously acknowledged through the pre application advice in 2015 this would not preclude a developer from taking forward a proposal but the first consideration would be whether they could demonstrate that the existing use is no longer viable.

No modification is proposed to the Plan.

Open space north of East Drive

Mr and Mrs M Lewin (0657/01/001) - This H355 (MD097) proposal is resisted. This proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation.

The SEA (CD279) raises significant issues. This proposal is in any case considered unsuitable as it would involve loss of existing LDP, and Proposed LDP2 open space. This site is valued amenity woodland. This conifer woodland has high amenity and character.

The spacing of the trees does not appear to be an issue but if there are issues these could be addressed through woodland management or replanting. The proposed loss of this woodland would not meet with the principles of Policy 38B Trees, Woodland and Development (CD052, p66) and the Scottish Government's Policy on Control of Woodland Removal (CD007, p6-8) which only allows woodland removal where it would achieve significant and clearly defined additional public benefits. There is no requirement to identify housing land in this location so there is no significant public benefit and no compensatory planting has been identified either.

The woodland largely lies largely to the north of residential properties with some further residential properties to the west, and the woodland only truly lies south of one property (2A Scroogiehill Road which has a large garden with the house lying 25m + from the edge of the woodland). The amenity/sunlight/shading/safety impacts for existing residents from this woodland are minimal.

No modification is proposed to the Plan.

West of County Place

Mr and Mrs M Lewin (0657/02/001+002) - This H356 (MD098) proposal is resisted. This proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation.

The SEA (CD280) raises some issues. The site lies within the greenbelt and lies beyond the existing built up area. It would impact on the greenbelt, however in landscape and visual terms if the western boundary was strengthened by further planting this site could offer good visual and landscape containment. However, it lies within the greenbelt and any changes should be consulted on before a change is considered. In terms of access County Place is single track road and is without any pavement provision. Sparrow road is a private access road which is part of the core path network and at its junction with Scroogiehill Road has a pinch point between properties Horse Mill, and 20 Scroogiehill Road. Both these properties provide significant character and amenity. Use of Sparrow road as a vehicular access would therefore be resisted. There is no evidence that a satisfactory and safe vehicular and pedestrian access could be provided. The Council were not seeking new sites to be submitted at this stage in the Plan preparation and the necessary details have not been submitted to clarify the proposal, or identify suitable and deliverable access solutions.

The scale of the site at 2 hectares is too large to be included within the settlement boundary without an allocation. If this site is considered in a future LDP review it would allow for details of the access and planting, and a possible amendment to the green belt to be consulted on and for public feedback and stakeholder engagement to inform the decision.

No modification is proposed to the Plan.

Reporter's conclusions:

6 Milne Street

1. This is a small site which I consider does not necessitate a separate allocation in the proposed plan. Any redevelopment may be considered through the development

management process, including matters such as respecting the building line, height, elevation details, sensitive integration and effective use of the site. The council has advised that consent was granted in May 2019 for the demolition of an existing vacant former church building. The council returned an application for the erection of 8 flats at the site because it was considered to be permitted development. No modification.

Relocation of the bus station

2. Regarding the suggestion for a bus/train station facility, opportunity OP9 seeks to integrate the bus station with the rail station and provide better links for passengers. The allocation detail in the proposed plan mentions that housing, hotel, leisure or office uses would be possible if an alternative location is found for the bus station. Whether other property and land would be suitable for transport uses near the Station Hotel would be a matter for further investigation by the council in association with mixed use allocation MU331, based upon Perth railway station, rather than inclusion as an amendment in the proposed plan. Any implications for the ring road would also need to be considered. No modification.

South of the M9

3. The representation describes the land as “the area across the bypass from Aviva”, with access from Necessity Brae, and “to southwest of E615 across A9”. This area of flat agricultural land is within the open countryside. The council advises that there has been no interest from developers or the landowner in developing the land. It is also in the green belt where restrictions on development apply in accordance with policy 41 of the proposed plan.

4. Development at this location would represent a significant incursion into the open countryside. Built development would also be unduly prominent when viewed from the higher part of Necessity Brae at the approach to the city. The land was not included in early stages of plan preparation and has not been the subject of public consultation. Sufficient other land in the proposed plan area is allocated for employment uses should there be development interest from financial institutions. No modification.

Access improvements

5. The representation seeks improved access to Montcrieffe Island from Tay Street and connection to Norrie Miller Walk to make the most of the assets of allotments, golf and opportunities for walking. I consider that these are matters which would require further investigation by the council. The evidence submitted does not justify their inclusion in the proposed plan at this stage. No modification.

Mount Tabor Road H169

6. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. The land subject to the representation is located to the south of the Murray Royal Hospital site MU336 and allocated as open space in the proposed plan. The pasture land, along with the rest of the open space allocation, provides a visual break from the residential

development that has taken place in the wider surrounding area.

7. Housing development would detract from the rural character of the area and green network provided by the open space allocation. Although the site may not contain protected species, in general, green networks can also provide habitat and corridors for wildlife within urban areas. The land is bounded to the west by a core path but is not available for public access. It is contended to be effective and free of constraints. Nevertheless, it is a prominent green space when viewed from near the properties of The Corner House and Tabor at Muirhall Road.

8. Despite the existence of some tree and shrub boundary vegetation, any intensive development of the site would have an adverse effect on the setting of the category B listed Gean Cottage, which was the childhood home of Sir Patrick Geddes. Potential still exists for re-use of the land as a paddock and it has been allocated as an open space for several years, although not included in an open space audit. The site was not taken forward to the Main Issues Report stage and the proposed change of this part of the open space allocation was not the subject of full public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at Mount Tabor Road is not currently justified. No modification.

Tarsappie H320

9. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. The representation seeks exclusion of land from the green belt between Rhynd Road and the M90 with a view to providing 4-6 dwellings. The site is part of a hillside that slopes down to the M90 and provides views towards Perth and Kinnoul Hill. Any development at the land would be prominent in the landscape and visible from a wide area.

10. Tarsappie consists of mainly ribbon development at this location and is not recognised as a settlement in the proposed plan. The green belt boundary is robust and follows Tarsappie Road. I consider that there would be no benefit from providing a different green belt boundary at this location through an incursion into the agricultural land. The proposal would conflict with Policy 1D of TAYplan: Green Belts and Policy 41 Green Belt of the proposed plan which, amongst other things, seek to preserve the setting of Perth.

11. The representation advises that the site would allow for future, small scale development which can meet local needs and provide short term housing within the city without impacting upon strategic allocations. However, no detailed evidence has been provided to demonstrate that there is any particular local need at this sensitive location.

12. The site was not taken forward to the Main Issues Report stage and was not the subject of full public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at Tarsappie is not currently justified. No modification.

Town and neighbourhood centre R323

13. The representation seeks reallocation of this developed site from commercial use to a town and neighbourhood centre. In the vicinity there is a Tesco store on Crieff Road and the Tulloch Square neighbourhood centre. The council considers that the existing neighbourhood centre would serve the new residential development at Newton Farm (H71) and that this would help the viability of Tulloch Square. Scottish Planning Policy indicates that development plans should adopt a sequential town centre first approach, and that planning authorities should be flexible and realistic in applying the sequential approach to ensure that different uses are developed in the most appropriate locations.

14. I recognise that the building has constraints in terms of conversion opportunities and that policy controls may be placed on town and neighbourhood centres. Details of surrounding development have been submitted, but there is no quantitative retail impact assessment to clearly demonstrate that the proposal would complement existing facilities or have no significant adverse effect on their vitality or viability.

15. I consider that the site is an appropriate location for a commercial use and that there is no evidence to suggest that there is a shortfall in local centres and facilities in the wider area to meet the needs of the local community. Whilst additional housing development in the vicinity of the site would be likely to favour retail uses it could also benefit commercial uses at the site, some of which have been suggested by the council. The site proposal was not taken forward to the Main Issues Report stage and consequently was not the subject of full public consultation. No modification.

Land East of Corsiehill Road H354

16. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. The site is located at the lower slope of Kinnoul Hill and is within a local landscape designated area. It comprises rough grassland with woodland to the south and east and a loose grouping of houses to the north and west. The representation seeks to extend the settlement boundary for Perth to encompass the site.

17. The land is typical of the fields that occur between development and woodland at this part of Kinnoul Hill. Although the site is relatively well contained by the woodland, the dwellings near its boundary are sporadic in nature. Any formalised housing layout would be out of character and would detract from the rural setting of Kinnoul Hill and its landscape designation in a locality that is popular for outdoor recreation. The site was not considered during the proposed plan preparation stages including the Main Issues Report stage and has not been subject to full public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land east of Corsiehill Road is not justified. No modification.

Ruthvenfield H173

18. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing

Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. The proposal is to extend housing allocation H319 by providing access over the town's lade to the land at Ruthvenfield. The site that has been proposed is part of a network of land and woodland that is associated with the town's lade. I agree that the steep escarpment at the site would make a defensible boundary for allocation H319 and that the location would allow good access to Ruthvenfield Primary School and the proposed High School at Bertha Park.

19. The site adjoins tree cover on the escarpment which is included in the ancient woodland inventory and there are trees next to the lade. It is possible that much of the tree cover along the lade could be retained initially, but there would be pressure to remove or cut back trees where any future residents of any new build dwellings experienced overshadowing and/or loss of outlook. A footpath that may be accessed from Castle Brae follows the opposite bank of the lade from the site until it enters a culvert associated with the new road. The land subject to this representation and the lade with its tree lined banks forms a pleasant setting for users of this footpath.

20. Any loss of tree cover, providing vehicular access via a new bridge over the lade and developing the land would have an adverse effect on the setting and appearance of the route of the lade and the footpath. There would also be loss of habitat for its associated wildlife in what is a relatively self-contained area of scrubland which would currently experience little disruption or disturbance. The site was not taken forward to the Main Issues Report stage and was not the subject of full public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at Ruthvenfield is not justified. No modification.

Compound site at Huntingtower H170

21. The site at Huntingtower is a temporary compound created because of its proximity to the junction improvements for the A85 and A9. It is outside the settlement boundary in the adopted local development plan and due to be re-instated for agricultural use after its temporary compound period. The council has advised that an application for a change of use from construction compound to vehicle sales and display area, siting of reception/sales office building, formation of parking areas and associated works was refused permission in November 2018 and dismissed on appeal by the Local Review Body.

22. Any development on this site, such as the proposed employment use, would harm the setting of Huntingtower castle when viewed from the A85 Crieff Road near its junction with the A9. It would constitute an unduly prominent incursion into the swathe of open space that has been allocated in the proposed plan to protect the sensitive heritage assets and their setting. I consider that adequate employment land has been allocated in the proposed plan and there is no need for this additional site. No modification.

Land east of College Mill Road, Almondbank H353

23. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification

to allocate further sites for housing within the Greater Perth Housing Market Area. The site is within an area of unallocated land within the settlement boundary in the proposed plan and indicated as a waste management site. It includes around 6.4 hectares of former Ministry of Defence industrial buildings. The representation seeks a residential allocation for around 100 dwellings as an extension to Almondbank village. The Council advised in 2014 that “the development of the entire site for residential would be acceptable in principle however consideration of the access (which may need to be significantly upgraded), potential contaminated land and the consideration of flood risk of the site (a Flood Risk Assessment may be required)”.

24. The current representation includes a Transport Assessment which concluded that the site is very well located in relation to the active and public transport provision and that the existing access and road network would be adequate for the nature and level of development proposed. The council has advised that it would require further details, including traffic information to inform the Trip Rate Computer Information Computer system (TRICS), a detailed capacity assessment of the College Mill Road/Main Street junction and the possibility of a second access bridge. The site is currently used by heavy goods vehicles which have to pass through the narrow road of Main Street. I consider that this is a factor that would need to be taken into account in any assessment of an alternative use. The representation advises that no development would be proposed in identified flood zones and further flood defence work is proposed for the River Almond.

25. This is a brownfield site with potential for residential development. However, there are outstanding issues, including any market evidence to demonstrate that the existing use is no longer viable and that the site would meet the effectiveness tests. The land was not included in early stages of plan preparation and has not been the subject of public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land east of College Mill Road is not currently justified. No modification.

Open space north of East Drive H355

26. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. The representation seeks around 0.4 hectares of land to be defined as white land for future residential use rather than as open space in the proposed plan. Access would be by the existing route of East Drive. The open space designation has been carried forward from the current local development plan and is part of a narrow linear area of open space to the south that adjoins residential development at the edge of the settlement of Almondbank. The land is occupied by conifer trees which the appellant advises need felling.

27. Loss of the woodland would conflict with Policy 38B Trees, Woodland and Development and the Scottish Government’s Policy on Control of Woodland Removal which has a presumption against woodland removal unless there are significant and clearly defined public benefits. The woodland lies to the north of residential development at MacKenzie Drive and therefore it would cause minimal loss of sunlight. However, loss of the woodland could improve daylight levels for these neighbouring dwellings. There would be a radical change to the outlook for these neighbours and the rural setting if the site was

developed for housing. I consider that any public benefits from the proposal would be outweighed by the loss of woodland and the conflict with development plan and national planning policy. In addition, no compensatory planting has been identified. The land was not included in early stages of plan preparation and has not been the subject of public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land north of East Drive is not justified. No modification.

West of County Place H356

28. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. The representation requests around 2 hectares of land to be defined as white land for future residential use rather than green belt in the proposed plan. The land is located at the western edge of Almondbank, with the green belt having a robust boundary, mainly at the rear of existing housing development. It is pasture land with screen planting to the north, which could be increased to provide additional containment. Access along the southern boundary to the west of Sparrow Wood does not appear to be desirable because of the narrow width of the existing road between Horse Mill and No. 20 Scroogiehill Road. County Place lacks footways and no detailed assessment has been submitted to clearly demonstrate that vehicular access would be suitable by these routes.

29. I agree with the council that a site of the size proposed and within the green belt would require to be considered as a local development plan allocation. Designation as white land to allow a potential windfall development would therefore be inappropriate. The land provides a countryside setting for a number of dwellings that back on to it along County Place and Scroogiehill. I consider that there is no compelling evidence to demonstrate that the site would be effective and no convincing reason to allocate the site for housing at present. The land was not included in early stages of plan preparation and has not been the subject of public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land west of County Place is not justified. No modification.

Reporter's recommendations:

No modifications.

Issue 29	Perth Core Settlements	
Development plan reference:	Balbeggie, pages 121-2 Bridge of Earn/Oudendarde, pages 144-7 Luncarty pages 236-238 Methven, page 242 Perth Airport, pages 280-1 Scone, pages 293-296 Stanley, pages 301-5	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<div> <div> <p>Michelle Gillies (0036)</p> <p>Tayside & Central Scotland Transport Partnership (TACTRAN) (0057)</p> <p>John Fowlie (0047)</p> <p>David Dykes (0086)</p> <p>Ian Stephens (0090)</p> <p>David Gordon (0130)</p> <p>Ishbel MacKinnon (0136)</p> <p>Ian & Fiona Heywood (0144)</p> <p>Mr & Mrs Fleming (0150)</p> <p>Frances Hobbs (0152)</p> <p>Neil Myles (0153)</p> <p>Archibald McHardy (0156)</p> <p>John Brian Milarvie (0171)</p> <p>Moira & Alastair Bulcraig (0185)</p> <p>Shell UK Ltd (0195)</p> <p>E G Lamont (0207)</p> <p>J Lamont (0208)</p> <p>Linda Simpson (0222)</p> <p>Sheena Thom (0224)</p> <p>Peter & Vanessa Shand (0226)</p> <p>Morag Craig (0233)</p> <p>Morris Leslie Group (0241)</p> <p>J D McKerracher (0245)</p> <p>Bobbie Stibbles (0247)</p> <p>Rachel Moir (0264)</p> <p>Scone Community Council (0265)</p> <p>Perth & Kinross Heritage Trust (0272)</p> <p>Mr & Mrs J McLaren (0282)</p> <p>Alison Peters-Waistell (0288)</p> <p>John W Rogers (0304)</p> <p>Malcolm Cameron (0324)</p> <p>Alastair Bews (0366)</p> <p>Brenda Elizabeth Bews (0367)</p> <p>Mr & Mrs Short (0382)</p> <p>Mr & Mrs Stewart Reith (0389)</p> <p>Edwin & Irene Barclay (0394)</p> <p>Janet Ramsey (0406)</p> <p>E S Wells (0409)</p> </div> <div> <p>David Fenner (0593)</p> <p>Lisa Cardno (0599)</p> <p>Rosalind Vallance (0606)</p> <p>James Vallance (0612)</p> <p>Scone Estate (0614)</p> <p>Louise Moir (0615)</p> <p>A Robb (0619)</p> <p>Fiona Black (0617)</p> <p>A & J Stephen Limited (0622)</p> <p>Laura Simpson (0631)</p> <p>I Brown (0637)</p> <p>Margaret & Graeme Irvine (0642)</p> <p>Mr & Mrs P Sloan (0655/01 & 0655/02)</p> <p>Bruce Burns (0663/01)</p> <p>Clare & Ian Nicol (0665)</p> <p>James Thow (0668)</p> <p>Jennifer Thow (0669)</p> <p>Douglas A Sutherland (0670)</p> <p>Martin RW Rhodes (0675)</p> <p>M Moir (0677)</p> <p>Helen Moir (0678)</p> <p>William JM Craig (0682)</p> <p>Mandy Maier (0683)</p> <p>Andrew Bruce (0684)</p> <p>T J Lamb (0685)</p> <p>J Wheeler (0686)</p> <p>Ross Cuthbertson (0687)</p> <p>S Goodacre (0688)</p> <p>H Goodacre (0689)</p> <p>John & Lynn Kendal (0690)</p> <p>Joaquin & Nidia Puga (0691)</p> <p>Suzanne Whyte (0692)</p> <p>M Burke (0693)</p> <p>Mary F B Christie (0694)</p> <p>G Collins (0695)</p> <p>Catriona Shand (0696)</p> <p>Jane Crawford (0697)</p> <p>Lesley Baird (0698)</p> <p>Luncarty, Redgorton and Moneydie</p> </div> </div>		

<p>Alistair Godfrey (0410) Harris and Sheldon (0518) Frank Stevenson (0422) Ian Fairley (0427) George Black (0428) Moirra Andrew & William Hadden (0432) June Dunn (0442) Gordon & Elaine Bannerman (0450) D King Properties Ltd (0461/03) Woodland Trust Scotland (0462) Vilma Dovidaityte (0469) Norah Stewart (0471) C M Evans (0474) Jill Guthrie (0477) William Stewart (0478) John & Janet Greaves (0479) Ian Stratton (0480) Jeffery Rowlingson (0485) David F Lewington (0486) Lorna Nicoll (0503) Jill Belch & Lucy Vanderham (0505) Network Rail (0509) Janis Walker (0511) Susan Duncan (0527) Lorna Wallace (0531) Andrew & Margaret Manson (0533) William Glen & Sons (0564) Clare Lee (0565) James Nicol (0568)</p>	<p>Community Council (0703) Hazel MacKinnon (0705) John Armstrong (0710) Catherine Armstrong (0711) Gerald Connolly (0712) Eric Ogilvy (0713) Stewart McCowan (0714) Angela McCowan (0715) Gladys Ogilvy (0716) Graham Ogilvie (0717) Tracy Ogilvie (0718) Shona Cowie (0719) Paul Cowie (0720) S Coyle (0721) Fiona Coyle (0722) Douglas Marshall (0723) Susan Patterson (0724) Alexander Haggart (0725) Lucy Haggart (0726) Richard Hamilton (0727) Michelle Hamilton (0728) Ray Bell (0729) David Roy (0730) Greer Crighton (0731) Brian Hood (0732) Gaynor Hood (0733) Phillip Crighton (0734) Ian & Helen Burnett (0740) Scottish Environmental Protection Agency (SEPA) (0742/01)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>Perth Core Settlements (outwith Perth) including Balbeggie, Bridge of Earn/Oudenarde, Luncarty, Methven, Perth Airport, Scone, Stanley.</p>
<p>Planning authority's summary of the representation(s):</p>	
<p><u>Balbeggie</u></p> <p><u>Housing Allocation H13</u></p> <p>Archibald McHardy (0156/01/001) - Supports the site allocation. In particular, McHarvey supports the Site Specific Developer Requirements that access to the site should be from both the A94 and St Martins Road and the indicative route of said access is shown on the plan. The respondent's property fronts the A94 Perth road and states a willingness to work with the owner of the remainder of Site H13 to bring this site to fruition. Our client wishes it noted that his property is currently, and has always been, served by a private drainage system. The septic tank is within the boundaries of his property but the soakaway leads northwards along the west edge of Site H13. The route of this drainage system will be unaffected according to the site drawing indicative landscaping proposals and developable areas.</p>	

Morris Leslie Group (0241/03/001) - Supports the continued allocation of this site, but request that the 'Site Specific Developer Requirements' be slightly altered, as follows. Deletion of the reference to "phased development linked to expansion of primary school capacity in this or adjacent catchment". There is no mention of any current capacity issue with Balbeggie Primary School in the Plan, and anyway, if there were, then that issue will come out once an application is submitted. Deletion of the reference to "road and access improvements to the satisfaction of the Council as Roads Authority". Any consequent improvements necessary to facilitate development, and that are reasonably related to it, will come out of undertaking a 'Transport Assessment', so there is no reason to include this comment, at this stage. Amendment of the reference to providing "access from the A94 Perth Road and St Martins Road" to make it clear that access can be taken from both roads, but that only one is necessary to allow the development to start, and for units to be completed, with the exact number accessible from each road to be determined by a Transport Assessment. The following revised wording would be appropriate: "Provide access from the A94 Perth Road and/or from St Martins Road, subject to the findings of a Transport Assessment". Amendment to the reference to "Path links through site from village to the core path network", to make it clear that this is one link only, and that it need only be provided on a phased basis, as the site is developed. The following revised wording would be appropriate: "A path link through the site from the village to the core path network is to be completed on a phased basis".

SEPA (0742/01/043) - Supports the developer requirement for a Flood Risk Assessment as it accords with the authority's duties under The Planning etc. (Scotland) Act 2006 (CD036) to ensure that development plans contribute to sustainable development.

Margaret & Graeme Irvine (0642/01/001) - Objects to the site because they feel that before any development starts the third crossing over the Tay must be completed. Not approved but completed. They consider that this will prevent further pollution and traffic congestion in Scone, Bridgend and the Atholl Street area, which currently is one of the most polluted streets in the country. They also consider that are that the current sewage system is at full capacity. If more dwellings are added to this system without further expansion, they are concerned that this may lead to pollution of the area surrounding the treatment site and may well lead to environmental health issues. Finally they are concerned that the local primary school can cope with the additional school role generated by the housing.

Bridge of Earn/Oudenarde

Infrastructure & Services

Edwin & Irene Barclay (0394/01/002) - Express concerns about the infrastructure of Bridge of Earn to support any further development in addition to the proposed development at Oudenarde, particularly the impact on medical services in the village.

Site - H14

Bobbie Stibbles (0247/01/001), Edwin & Irene Barclay (0394/01/001) - Object to Site H14 on the basis of development causing additional flooding and drainage impacts in the surrounding area, including impacts on own properties. Edwin & Irene Barclay (0394/01/001) also object on the basis of the impact of additional houses on vehicle and pedestrian network, and suggest adequate parking would have to be incorporated in to any new housing development.

D King Properties Ltd (0461/03/002) - Support the re-allocation of Site H14 however request that the capacity and landscaped edge as shown on page 145 of the Proposed Plan is amended to reflect the position established at the adjacent H72 site, based on the following points:

- As detailed planning permission for site H72 has been granted, it would therefore be appropriate for the approach established for site H72 to be followed through to Site H14 in terms of rationalising the southern boundary of the village.
- Indicative capacity for Site H14 should be increased from '67-104' units to '105 to 170 units' to match the densities approved on Site H72.
- Site H14 boundary should also be extended (site ref H411 (MD146)) to the south to tie in with the new settlement edge established at site H72 and the landscaped edge is adjusted accordingly.
- Bridge of Earn Settlement Map should also be amended to reflect the adjusted boundaries for site H14.
- Option agreement recently concluded with site owners and formal planning application to be submitted for Site H14 in 2018. Approach for the development of the H14 site will follow the principles established on the adjacent H72 site which has already been granted planning permission. Therefore consider it would be appropriate for the densities and landscape structure for both of the sites to be consistent, to ensure the development of the village to the south is implemented in a well-designed and coordinated manner.

Site – H72

D King Properties Ltd (0461/03/001) - Support the retained allocation of Site H72 in the Proposed Plan with associated increased capacity range and amended landscaped edge which reflects the detailed planning permission granted (15/02176/FLM). The site is expected to commence on site in early 2018 [construction started on site early 2018]. D King Properties Ltd also seek changes to Site H72 to make reference to the detailed planning permission. Specifically, a Site Specific Developer Requirements is sought on page 147 advising that: 'Detailed Planning Permission for the development of this site was granted in November 2017 (15/02176/FLM) with work anticipated to commence in early 2018 by Ogilvie Homes.' This change is considered to ensure that the LDP takes full account of the detailed planning permission in place for the site and thereby ensure the allocation is up-to-date when the replacement LDP is adopted.

Site – H15 (Oudenarde)

TACTRAN (0057/01/021) - Note the developer requirement for a potential new railway station for Site H15 and highlight the requirement for the transport appraisal is contained in Project R5.5 within the Regional Transport Strategy Delivery Plan (CD262) and involves a range of partners. No specific changes are sought.

Shell UK Limited (0195/01/003) - Seeks minor amendments to the Oudenarde Site Requirements and accompanying layout plan to ensure appropriate recognition is made of the pipelines crossing the site.

Network Rail (0509/01/007) - Note that land has been set aside in the Oudenarde Masterplan area for a rail halt facility and that a strategic transport and economic appraisal for the station will be required. Network Rail is happy to work with promoters of new stations and provide support in the preparation of proposals. No specific changes are sought.

SEPA (0742/01/044) - Supports the requirement for the Oudenarde Housing Allocation H15 to investigate the feasibility of a heat network using renewable or low carbon energy sources to be submitted.

Luncarty

Luncarty South MU27

John Fowlie (0047/01/001); Ian & Fiona Heywood (0144/01/001); Moira & Alastair Bulcraig (0185/01/001); Alison Peters-Waistell (0288/01/001); Janet Ramsey (0406/01/001); Alisdair Godfrey (0410/01/018); Frank Stevenson (0422/01/002); George Black (0428/01/001); Lorna Nicoll (0503/01/001); Susan Duncan (0527/01/003); Lorna Wallace (0531/01/001); Clare Lee (0565/01/001); David Fenner (0593/01/001); A Robb (0619/01/001); I Brown (0637/01/001); Bruce Burns (0663/01/003 & 004); Luncarty, Redgorton and Moneydie Community Council (0703/01/002) - All objecting to the site for one or more of the following reasons:

- There are a range of issues regarding road access. A number of people have stated concern regarding access into the site and the modifications that will be required to the existing road network, particularly the A9 realignment and the CTRL. They raise the need for integration into the wider road network and the need for a southern access point into the site. Some responses state that the A9 can often be gridlocked at peak times particularly when getting closer to Perth and raise concerns over the generation of pollution. There are also worries regarding the local minor roads and the impact of more traffic on them as well as construction traffic. Local junctions should also be upgraded as they will not cope with further traffic.
- There are a number of people concerned with active travel issues. Cycle paths, core paths and rights of way should remain rural in nature. There is concern over the lack of public transport to Luncarty. Some have also stated that the current footways are not complete within Luncarty. Pedestrian access for residents between Luncarty and Redgorton is also considered inadequate at the A9 flyover due to lack of footways and increasing traffic.
- Several responses raise concerns regarding the housing density of the site and the impact that this will have on Luncarty. They note that the density range has increased from LDP1 to LDP2. Some consider the housing need is met at Bertha Park. They are worried that the timeframe is long term and this could involve years of construction traffic, particularly for the residents of Scarf Road and Fairview. Some state that the new development should be in keeping with the village ensuring the style and location does not impact on existing properties. The risk of coalescence with Perth is also a concern and one respondent requests that the site should be changed to Green Belt to ensure separation from Perth.
- Many voice concerns over the impact on existing village facilities, including the primary school, recreational facilities, shops and the NHS surgery. They state that there is no employment locally and people will need to travel to Perth. They raise issues with the lack of detail regarding the proposed area of employment land and its location. Some state that there are currently no suitable commercial premises proposed.
- Some residents state that the site will require planting to adjoining housing areas at an early stage to create a screen. They raise concerns over the loss of green areas around Luncarty and state that topography would be difficult to develop.
- There are a number of representations that raise concerns regarding the impact development will have on the environment and biodiversity. They also highlight the loss of agricultural land. There are concerns regarding potential flooding next to the

River Tay. There is also a comment requesting that soils should not be removed from site when under construction.

- Some respondents are concerned about the site of an ancient battleground at Denmarkfield. There is also concern over 'Turnagain Hillock' which is considered a significantly important historical and landscape feature for the community that they would like to remain intact.

A & J Stephen Limited (0622/01/010) - Supports the current allocation MU27 Luncarty South, which remains an effective site within the Perth Core Area; and the recognition within the Proposed Plan that the site is capable of delivering at least 589 - 760 houses and 5ha of employment land.

SEPA (0742/01/065) - Support the developer requirement for a Flood Risk Assessment as it accords with the authority's duties under The Planning etc. (Scotland) Act 2006 (CD036) to ensure that development plans contribute to sustainable development.

Methven

New Sites

A & J Stephen Limited (0622/01/011) - Seeks to change the Plan to identify a new residential allocation (site ref: H418 (MD161)) at Methven as phase 1 of a longer term development area, based on the following points:

- The proposal would comprise a small central development of between 10-15 cottage and flatted dwellings, promoting an inclusive approach to community planning and incorporating a new village green at its core, and identification of future strategic phases beyond.
- Phase 1 proposals formulated to provide a village square, an ambitious yet deliverable feature framed with high quality architecture.
- In accordance with TAYplan's spatial strategy (CD022), Methven falls within the Perth Tier 1 Principal Settlement and therefore has the potential to accommodate additional development over the plan period. Methven should therefore be considered for strategic housing land and mixed use allocation and therefore do not agree with Plan's lack of allocation at Methven.
- Current supply from consented development at Drumgrain Avenue is not large enough to satisfy TAYplan's locational and strategic housing requirements.
- Various sites suggested as part of last LDP review to the north of settlement, which were considered unacceptably prominent, a position supported by A & J Stephen.
- Subject land and land beyond to the south both considered at the previous LDP Examination (CD015) although not considered at MIR stage and not subject to SEA. The Reporter considered the site inappropriate to allocate however the Reporter did recognise the opportunity for a large mixed use development in the core area which complied with TAYplan policy. This TAYplan policy context still exists and is therefore an opportunity to utilise this context to identify an appropriate level of additional allocation in a sustainable Tier 1 settlement location outwith greenbelt.
- Proposal is considered to comply with Placemaking Policies 1A, 1B and 1C by virtue of the design, layout, form, and siting of the designed development and its positive relationship with the surrounding built and natural environment.
- To facilitate a high quality designed development, a masterplan will be prepared to take in to account the larger area of growth, which will involve extensive consultation and design based workshops which should be held during the preparation of the next LDP. The opportunity should be taken through LDP2 to identify first phase of

development and allow context of village green to be set.

- Subject land is effective and deliverable as there is a willing landowner and developer. There are no technical or environmental constraints to its development, through an appropriate access onto the A85 Crieff Road. This access and adjoining two houses are in the control of the landowner/developer and present opportunity to create new focal point for the village.
- The previous Perth Area Local Plan (CD138) identified the subject land and land to the south as the future direction for growth of the settlement and the strategic opportunity has been presented through previous and current TAYplan (CD022) to plan for its delivery through a first phase development and longer term strategic masterplanning. This would allow for appropriate placemaking short term and appropriate strategic expansion long term.
- Site lies on the A85 with good connections to employment opportunities, access to bus routes to and from Perth and beyond, and bus stops and local facilities within walking distance of the site.

Mr & Mrs P Sloan (0655/01/001 & 0655/02/001) - Have submitted two separate representations seeking to change the plan to allocate either proposal to identify an area of existing farmland to the north of Methven to be included in the settlement boundary as 'white land' suitable for residential use.

The first site (0655/01/001) which extends to approximately 0.84ha (site ref: H412 (MD160)) is promoted for the following reasons:

- Proposed extension is directly adjacent to the existing northern boundary of Methven and in terms of site configuration the proposal constitutes a logical extension of the existing building line to the west of the site and is at a similar elevation. Proposal will be acceptable in terms of visual impact and will not encroach above the 95m contour line and would therefore not adversely affect the setting of the village and would be in accordance with the Perth Landscape Capacity Study (CD047).
- Based on housing density and surrounding pattern of development, site could accommodate approximately 10 units. In terms of housing supply the proposed site as white land within settlement boundary would function as a windfall site providing less than 20 units and therefore would make important contribution to housing land supply. Provision of windfall sites is considered important within the context of Council's Housing Study for Proposed Plan (CD018).
- Access to the site will be via an existing access off Strathview Place and proposed access is sufficiently wide to accommodate the proposed site and provide a safe access for all users in accordance with roads design guidelines; contrary to Council's site assessment findings.

The second site (0655/02/001) which extends to approximately 3.8ha (site ref: H221 (MD159)) and is wholly inclusive of the first site is promoted for the following reasons:

- Proposal is directly adjacent to the existing northern boundary of the settlement
- Site could be developed as a windfall site for 20 houses based on surrounding density and would make a contribution to housing land supply, the important contribution of which is emphasized in LDP2.
- Settlement falls within Perth Core area and therefore should be considered for further development.
- Site has a dedicated access and an appropriate relationship to the settlement, and

is of a scale capable of delivery within the short/medium term.

- Site can be suitably contained within an enhanced landscape setting taking due cognisance of the existing woodland and improving links to it as well enhancing field boundaries.
- Site will not give rise to significant visual impacts due to its location and in particular the northern backdrop.
- Site would add choice and variety of homes to the area to support identified community needs and is fully in compliance with sustainability criteria of TAYplan (CD022) and emerging LDP spatial strategies.
- Site is well served by existing public transport and links to the wider area, and would not give rise to any significant negative transport issues. Site access from Strathview Place considered to be acceptable to serve the development and in line with roads design guidelines.

Perth Airport

Settlement Summary

Morris Leslie Group (0241/04/002) - Delete - "A more holistic approach to Masterplanning the whole area is desirable in the long-term to ensure compatible uses." Replace with - "A Masterplanning exercise is required to ascertain the appropriate future for the Airport and adjoining land. This document, once finalised, will be approved as supplementary guidance by the Council, and will be an important material consideration in the determination of any future planning applications. The Masterplan will consider the appropriate uses at Perth Airport, additional development that could take place both within the Airport, and on adjoining land, and the infrastructure required to deliver that." If the Council do not wish to go that far, then the following wording, whilst less binding, would be preferred to no change at all. The Council has a history of producing Development Briefs for major sites, and so such an approach could be applied to Perth Airport. Replace with "A Development Brief will be prepared for Perth Airport and adjoining land, which will consider the appropriate uses at Perth Airport, additional development that could take place both within the Airport, and on adjoining land, and the infrastructure required to deliver that".

Employment safeguarded site

Morris Leslie Group (0241/04/001) - The Employment Safeguarding zoning for the site has proved problematic for Morris Leslie. It recently led to Perth and Kinross Council planning officers refusing planning permission for the conversion of the Destiny Building within the Airport to residential use. The Local Review Statement prepared in relation to that decision is attached (RD005), as is the Decision of the Perth and Kinross Local Review Body (CD171) (LRB) overturning that decision and granting planning permission. That decision was reached once the LRB councillors had visited the Airport, and understood the context of the Destiny building in an area of the Airport where residential is the prevailing (i.e. main) use. That decision, it is suggested, represents a reasonable response to the current circumstances at the Airport, where residential use is an important component, and the Airport is more a mixed use location, in some respects more akin to a settlement, than being purely a business park/industrial estate, as the Employment Safeguarding zoning suggests. For that reason, it is suggested that the Airport should instead be retained with its own page in the Plan, but whilst being defined by a boundary, as currently, should either be identified as a mixed use area, or, if that is not a zoning used in the Plan, then as 'white land', so that any future planning applications do not face the same issue as that at the Destiny Building, and are simply considered against general policies in the Plan.

Site allocation MU3

SEPA (0742/01/105) - A potential flood risk has been identified at this site. As such, part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed. The inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process.

SEPA (0742/01/106) - The site is a former military airfield and although SEPA are not aware of any measured radioactive contaminants on the site or any documentary evidence to suggest that radioactive contaminants may be present. However, given the site's former use as military airfield radium 226 may be present due to its use in aircraft dials during WWII. We therefore recommend that a developer requirement is attached which addresses this issue.

Scone

Settlement statement

David Dykes (0086/001/010) - Objects to sites having unrestrictive development.

Jeffery Rowlingson (0485/01/001) - Objects to the settlement statement because it does not reflect the existing facilities and community services. Consistent objections to pollution have been ignored.

Ian Stratton (0480/01/001) - Objects to the lack of community improvements proposed in Scone.

Moira Andrew & William Hadden (0432/01/001) - Supports the embargo on housing development in Scone.

Malcolm Cameron (0324/01/001); Moira Andrew & William Hadden (0432/01/002); June Dunn (0442/01/002) - All object to the development embargo only being in place until 2019.

Open Space

E G Lamont (0207/01/001); J Lamont (0208/01/001); Linda Simpson (0222/01/001); Morag Craig (0233/01/001); Rachel Moir (0264/01/001); Alastair Bews (0366/01/001); Brenda Elizabeth Bews (0367/01/001); Ian Fairley (0427/01/003); Louise Moir (0615/01/001); Fiona Black (0617/01/001); Laura Simpson (0631/01/001); M Moir (0677/01/001); Helen Moir (0678/01/001); William J M Craig (0682/01/001); Mandy Maier (0683/01/001); Andrew Bruce (0684/01/001); T J Lamb (0685/01/001); J Wheeler (0686/01/001); Ross Cuthbertson (0687/01/001); S Goodacre (0688/01/001); H Goodacre (0689/01/001); John & Lynn Kendal (0690/01/001); Joaquin & Nidia Puga (0691/01/001); Suzanne Whyte (0692/01/001); M Burke (0693/01/001); Mary F B Christie (0694/01/001); G Collins (0695/01/001); Catriona Shand (0696/01/001); Jane Crawford (0697/01/001); Lesley Baird (0698/01/001); John Armstrong (0710/01/001); Catherine Armstrong (0711/01/001); S Coyle (0721/01/001); Fiona Coyle (0722/01/001); Douglas Marshall (0723/01/001); Susan

Patterson (0724/01/001); Alexander Haggart (0725/01/001); Lucy Haggart (0726/01/001); Richard Hamilton (0727/01/001); Michelle Hamilton (0728/01/001); Ray Bell (0729/01/001) - All support the retention of the Woollcombe Square amenity area, shown as an open space on map of p293 of the plan.

Scone Settlement Boundary

David Dykes (0086/01/001 & 008); David Gordon (0130/01/005); Mr & Mrs Fleming (0150/01/006); Frances Hobbs (0152/01/005); Neil Myles (0153/01/005); John Brian Milarvie (0171/01/005); Peter & Vanessa Shand (0226/01/005); J D McKerracher (0245/01/006); Scone Community Council (0265/01/006); John W Rogers (0304/01/006); Mr & Mrs Short (0382/01/003 & 11); Mr & Mrs Stewart Reith (0389/01/003); Ian Stratton (0480/01/001); Jeffery Rowlingson (0485/01/003); David F Lewington (0486/01/003); Lisa Cardno (0599/01/006); James Thow (0668/01/005); Jennifer Throw (0669/01/005); Martin R W Rhodes (0675/01/005); Hazel MacKinnon (0705/01/006); Gerald Connolly (0712/01/006); Eric Ogilvy (0713/01/006); Stewart McCowan (0714/01/006); Angela McCowan (0715/01/006); Gladys Ogilvy (0716/01/006); Graham Ogilvie (0717/01/006); Tracy Ogilvie (0718/01/006); Shona Cowie (0719/01/006); Paul Cowie (0720/01/006); David Roy (0730/01/006); Greer Crichton (0731/01/006); Brian Hood (0732/01/006); Gaynor Hood (0733/01/006); Phillip Crichton (0734/01/006) - All object to the settlement boundary change at the Scone North H29 site.

William Stewart (0478/01/001) - Objects to the settlement boundary at Newmains Steadings because it cuts through the through the garden area attached to the house.

David Dykes (0086/01/006 & 007); David Gordon (0130/01/005); Frances Hobbs (0152/01/005); Neil Myles (0153/01/005); John Brian Milarvie (0171/01/005); Peter & Vanessa Shand (0226/01/005); J D McKerracher (0245/01/006); Scone Community Council (0265/01/006); John W Rogers (0304/01/006); Mr & Mrs Short (0382/01/003); Mr & Mrs Stewart Reith (0389/01/003); Jeffery Rowlingson (0485/01/003); David Lewington (0486/01/003); Lisa Cardno (0599/01/006); James Thow (0668/01/005); Jennifer Throw (0669/01/005); Martin R W Rhodes (0675/01/004); Hazel MacKinnon (0705/01/005); Gerald Connolly (0712/01/005); Eric Ogilvy (0713/01/005); Stewart McCowan (0714/01/005); Angela McCowan (0715/01/005); Gladys Ogilvy (0716/01/005); Graham Ogilvie (0717/01/005); Tracy Ogilvie (0718/01/005); Shona Cowie (0719/01/005); Paul Cowie (0720/01/005); David Roy (0730/01/005); Greer Crichton (0731/01/005); Brian Hood (0732/01/005); Gaynor Hood (0733/01/005); Phillip Crichton (0734/01/005) - All support the settlement boundary preventing any more housing development in Scone.

William Glen & Sons (0564/01/001) - Proposes that the settlement boundary is extended to accommodate two sites: one at Balgarvie Farm and the Balgarvie Cottages (Site Reference: H372, Map: MD132) and one adjacent to the A94 for a mixed use development (Site Reference: MU373, Map: MD134).

Scone Estate (0614/01/002) - Objects to the settlement boundary as they dispute the inclusion of white land in the boundary to the south of MU4. They consider new sites for long term development should be formally identified and propose that an area to the south of Scone is included at Pictstonhill (Site Reference: H278, Map: MD131).

A & J Stephen Limited (0622/01/016); Gordon & Elaine Bannerman (0450/01/001); John & Janet Greaves (0479/01/001) - All suggest a change to the settlement boundary to accommodate the "Enhanced Western Gateway" to the village (Site Reference: H417,

Map: MD133).

Scone North Housing Site Allocation H29:

Principle of site

E S Wells (0409/01/001); Gordon & Elaine Bannerman (0450/01/001); Norah Stewart (0471/01/001); William Stewart (0478/01/002); John & Janet Greaves (0479/01/001); Rosalind Vallance (0606/01/001); James Vallance (0612/01/001); Clare & Ian Nicol (0665/01/001) - Object to the principle of the Scone North H29 housing site.

C M Evans (0474/01/002) - Objects to the site because of the impact on biodiversity and archaeology, which the respondent considers has not been fully investigated by the developer.

Perth & Kinross Heritage Trust (0272/01/009) - Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required.

Ian Fairley (0427/01/002) - Objects to the site and suggests that a much smaller allocation would be permissible.

A & J Stephen Limited (0622/01/016); Scone Estate (0614/01/001) - Support the allocation of H29.

Change of boundary

Mr & Mrs Fleming (0150/01/003) - Object to the Scone North H29 site boundary change in response to the planning approval because of the impact it might have on the woodland.

Mr & Mrs Fleming (0150/01/005); Neil Myles (0153/01/003); John Brian Milarvie (0171/01/003); Linda Simpson (0222/01/003); Fiona Black (0617/01/003); Laura Simpson (0631/01/003); James Thow (0668/01/003); Jennifer Thow (0669/01/003) - Support the boundary of the H29 site not being extended as proposed in the MIR.

A & J Stephen Limited (0622/01/016) - Seek to allocate an extra area of land to create an enhanced western gateway to Scone as an extension to the H29 site or as a standalone bespoke residential and open space allocation with an appropriate design brief. They consider that this will create an attractive entrance way and overcome the access issues associated with this area (Site Reference: H417, Map: MD133).

Gordon & Elaine Bannerman (0450/01/001); John & Janet Greaves (0479/01/001) - Support the developers' "Enhanced Western Gateway" to the village, which was displayed last year at a meeting in the church hall (CD243). It would benefit not just the residents of Harper Way and motorists and pedestrians using the current "back door" to Scone, but also villagers in general. They believe it would make the approach from the Blairgowrie road both safer and more attractive, creating a "hammerhead" at Harper Way and removing the bend and dangerous access to the cul-de-sac. This gateway proposal would also benefit householders in the proposed development to the north of Harper Way, especially if a pavement could link the edge of the village with the Blairgowrie road en route to the Isla Road in Perth.' Harper Way is a private and un-adopted road and it seems eminently sensible from a planning perspective to divert from the development plan to

include the "Enhanced Western Gateway" option (Site Reference: H417, Map: MD133).

Density range

A & J Stephen Limited (0622/01/016) - Propose that the number of units should be increased to 1000 at H29. They consider the current density low in comparison to other sites such as Bertha Park.

Developer requirements

David Dykes (0086/01/009); Mr & Mrs Fleming (0150/01/007); Frances Hobbs (0152/01/006); Neil Myles (0153/01/006); John Brian Milarvie (0171/01/006); Vanessa Shand (0226/01/006); J D McKerracher (0245/01/007); Scone Community Council (0265/01/007); John W Rogers (0304/01/007); Mr & Mrs Short (0382/01/009); Mr & Mrs Stewart Reith (0389/01/001); Moira Andrew & William Hadden (0432/01/003); Jeffery Rowlingson (0485/01/002); David F Lewington (0486/01/001); Jill Belch & Lucy Vanderham (0505/02/001); Andrew & Margaret Manson (0533/01/001); James Nicol (0568/01/001); Lisa Cardno (0599/01/007); James Thow (0668/01/006); Jennifer Throw (0669/01/006); Martin R W Rhodes (0675/01/006); Hazel MacKinnon (0705/01/007); Gerald Connolly (0712/01/007); Eric Ogilvy (0713/01/007); Stewart McCowan (0714/01/007); Angela McCowan (0715/01/007); Gladys Ogilvy (0716/01/007); Graham Ogilvie (0717/01/007); Tracy Ogilvie (0718/01/007); Shona Cowie (0719/01/007); Paul Cowie (0720/01/007); David Roy (0730/01/007); Greer Crighton (0731/01/007); Brian Hood (0732/01/007); Gaynor Hood (0733/01/007); Phillip Crighton (0734/01/007); SEPA (0742/01/108) - Object to the change of development requirements for this site. In particular, they would like to see the developer requirement regarding flooding that was in Perth & Kinross Local Development Plan Adopted (2014) (CD014) to be reinstated.

Ian Stratton (0480/01/003) - States it is not clear how the low carbon energy building to meet the lowering of carbon limits will be met.

Woodland Trust Scotland (0462/01/015) - Objects to this development as they have identified areas of long established LEPO ancient woodland which would be negatively affected by this development. They recommend a 50m buffer as a measure to elevate indirect impacts.

Site drawing of H29

Ian Stephens (0090/01/003) - Objects to the H29 site drawing and feels that the correct junction information should be provided for the CTRL.

David Dykes (0086/01/013); Scone Community Council (0265/01/010); Moira Andrew & William Hadden (0432/01/007); Jeffery Rowlingson (0485/01/002); David F Lewington (0486/01/001); Jill Belch & Lucy Vanderham (0505/01/001); Lisa Cardno (0599/01/013); Rosalind Vallance (0606/01/002); James Vallance (0612/01/002); Greer Crighton (0731/01/013); Brian Hood (0732/01/013); Gaynor Hood (0733/01/013); Phillip Crighton (0734/01/007); Ian & Helen Burnett (0740/01/001) - Object to the loss of greenspace removal along the southern boundary of the site on the site drawing. There is a lack of consistency between the site drawing and the Masterplan.

Mr & Mrs Fleming (0150/01/013); Andrew & Margaret Manson (0533/01/001) - Object to the unrestrictive development potential of the site and the loss of greenspace removal

along the southern boundary of the site on the site drawing. There is a lack of consistency between the site drawing and the Masterplan (CD172). They consider that the drainage, flooding and environmental issues have not been fully addressed through the Masterplanning process.

Access to the site

David Gordon (0130/01/004) - Objects to Scone North H29 site as the respondent considers it to be fundamentally unsuitable in terms of its road connections into the existing settlement and the CTRLR splitting the site. The respondent considers that the local resident's views were ignored.

Mr & Mrs Fleming (0150/01/003) - Raises concerns about access to the site and states it should not impact on Highfields Woods as it is an area of "delicate conservational fragility".

Ian Fairley (0427/01/002) - Considers that the Old Scone-New Scone Road are totally unsuited to traffic generated through construction.

Embargo on development of the site

June Dunn (0442/01/001) - Considers that no development should take place on the site until the CTRLR is completed. Any development work started before bridge completion can only increase traffic through Scone village & Bridgend which is already overburdened by local residential, agricultural and long distance HGV traffic. This could lead to heightened pollution and endanger the health of local residents. The respondent considers that allowing 100 units to be constructed prior to the CTRLR being committed is contradictory to the overall embargo and will be detrimental to the local community.

The Glebe School site OP22

Woodland Trust Scotland (0462/01/016) - Highlights the LEPO ancient woodland which is adjacent to the northern boundary of the site and emphasise the need to plan appropriate protection measures to avoid negative edge effects to the area of LEPO.

Sheena Thom (0224/01/002); Mr & Mrs J McLaren (0282/01/001); Jill Guthrie (0477/01/001); Janis Walker (0511/01/001); Douglas A Sutherland (0670/01/001) - Object to the site because of access issues, specifically in terms of increased traffic from Abbey Road, pedestrian access to the local walks, loss of recreational space, concern for the existing mature trees, the local school is at capacity and lack of parking within the area.

Mr & Mrs J McLaren (0282/01/001) - Objects to the increase in capacity of the site.

Sheena Thom (0224/01/002) - Considers that further clarity is required regarding the Site Specific Developer Requirements for Site OP22 as an 'Affordable housing site'. The respondent would like to know if the site will also accommodate market housing and an explanation as to the reason for this. Policy 20 of the proposed LDP provides that 'where practical, affordable housing should be integrated with and indistinguishable from market housing.' A range of housing tenures, including market share, should therefore be provided for within the site to cater for the diverse range of housing requirements in the area.

Angus Road site MU4

SEPA (0742/01/112) - Object to development requirements for this site and would like to see a Flood Risk Assessment.

Stanley

Woodland Trust Scotland (0462/01/017) - Notes that there is ancient semi natural woodland at the south of the settlement boundary. The respondent recommends that necessary measures are taken to designate this area and ensure they are not made available for development.

Vilma Dovidaityte (0469/01/002) - Raises concerns about the cumulative impact of development within the village on the following: the school capacity for the village and the potential closure of other schools in the area, the medical centre which the respondent considers is at capacity, the shopping facilities within the village and local public transport which is limited.

Housing site H30

David Fenner (0593/01/002) - Objects to more housing within the area due to traffic generation.

SEPA (0742/02/048) - Supports the developer requirement for a Flood Risk Assessment as it accords with the authority's duties under The Planning etc. (Scotland) Act 2006 (CD036) to ensure that development plans contribute to sustainable development.

Housing site H31

Michelle Gillies (0036/01/001); Ishbel MacKinnon (0136/01/001) - Support the proposed access route into the site as a better solution to the original one proposed in the planning application.

Vilma Dovidaityte (0469/01/001) - Objects to the site for the following reasons: sunlight and loss of privacy, relationship to nearby land uses, corrosion, landslide and River Tay contamination, sewage system and odour issues, floodrisk and drainage, air quality, dust and noise, traffic generation and local infrastructure.

Harris and Sheldon (0518/01/001) - Propose an extension to Site H31/change of use of Site H332 from greenspace to residential use. Site H332 should be included within the Proposed LDP 2 as an allocated site for housing, primarily because the Approved Masterplan for Stanley (17/00088/IPM) zones this site for housing (CD173). When compared to the approved Masterplan for Stanley, the Proposed LDP 2 shows a number of inconsistencies. It identifies Site H31 in a purple outline and shows the remainder of the site to be a mixture of both residential development and open/green space. The Proposed LDP 2 however, identifies Site H31 in red and the remainder of the site is identified as open/green space.

David Fenner (0593/01/002) - Objects to more housing within the area due to traffic generation.

SEPA (0742/02/048) - Supports the developer requirement for a Flood Risk Assessment

as it accords with the authority's duties under The Planning etc. (Scotland) Act 2006 (CD036) to ensure that development plans contribute to sustainable development.

Housing site H32

David Fenner (0593/01/002) - Objects to more housing within the area due to traffic generation.

Housing site H33

David Fenner (0593/01/002) - Objects to more housing within the area due to traffic generation.

Housing site H34

David Fenner (0593/01/002) - Objects to more housing within the area due to traffic generation.

Modifications sought by those submitting representations:

Balbeggie

Morris Leslie Group (0241/03/001) - Seeks a change to the 'Site Specific Developer Requirements' for H13 as follows: deletion of the reference to "phased development linked to expansion of primary school capacity in this or adjacent catchment".

Bridge of Earn/Oudenarde

Infrastructure & Services

Edwin & Irene Barclay (0394/01/002) - Express concerns about the infrastructure of Bridge of Earn to support any further development however no specific changes are sought.

Site – H14

Bobbie Stibbles (0247/01/001), Edwin & Irene Barclay (0394/01/001) - No specific changes are sought however concerns about the site allocation are identified.

D King Properties Ltd (0461/03/002) - Seeks the following changes are made to the Plan:

- Indicative capacity for Site H14 should be increased from '67-104' units to '105-170 units'.
- Site H14 boundary should be extended to the south to tie in with the new settlement edge established at site H72 and the landscaped edge adjusted accordingly (site ref: H411).
- Bridge of Earn Settlement Map should be amended to reflect the suggested adjusted boundaries for site H14.

Site - H72

D King Properties Ltd (0461/03/001) - Seeks a change to the Plan to add additional text in the Site Reference Box on page 147 above the Site Specific Developer Requirements stating that: 'Detailed Planning Permission for the development of this site was granted in

November 2017 (15/02176/FLM) with work anticipated to commence in early 2018 by Ogilvie Homes.'

Site – H15 (Oudenarde)

Shell UK Limited (0195/01/001) - Seeks the following changes are made to the Plan:

- Site Plan and Key on Page 146 of the Proposed Plan is amended to show the pipeline consultation zone that covers the south east section of the site.
- Additional bullet point to be added to the Site Specific Developer Requirements on Page 146 stating: 'The site lies within a HSE pipeline consultation zone as a number of oil and gas pipelines cross the site. Any development within these areas should comply with Policy 52.'

Luncarty

John Fowlie (0047/01/001); Moira & Alastair Bulcraig (0185/01/001); Ian & Fiona Heywood (0144/01/001); Alison Peters-Waistell (0288/01/001); Janet Ramsey (0406/01/001); Alisdair Godfrey (0410/01/018); Frank Stevenson (0422/01/002); George Black (0428/01/001); Lorna Nicoll (0503/01/001); Susan Duncan (0527/01/003); Lorna Wallace (0531/01/001); Clare Lee (0565/01/001); David Fenner (0593/01/001); A Robb (0619/01/001); I Brown (0637/01/001); Luncarty, Redgorton and Moneydie Community Council (0703/01/002); Bruce Burns (0663/01/003 & 004) - Do not seek a specific change but it is interpreted that they wish to see the deletion of MU27 site.

Methven

New Sites

A & J Stephen Limited (0622/01/011) - Seek a change the Plan to identify a new residential allocation (site ref: H418) to the south of the settlement boundary at Methven as phase 1 of a longer term development area.

Mr & Mrs P. Sloan (0655/01/001 & 0655/02/001) - Have submitted two separate representations to the Plan seeking the following changes to be made:

- Amend the settlement boundary to include an area of existing farmland (0.84ha) to the north of Methven to be included in the settlement boundary as 'white land' suitable for residential use (site ref: H412).
- Amend the settlement boundary to include an area of existing countryside (3.8ha) to the north of Methven to be included in the settlement boundary as 'white land' suitable for residential use (site ref: H221).

Perth Airport

Settlement Summary

Morris Leslie Group (0241/04/002) - Delete: "A more holistic approach to Masterplanning the whole area is desirable in the long-term to ensure compatible uses." Replace with: "A Masterplanning exercise is required to ascertain the appropriate future for the Airport and adjoining land. This document, once finalised, will be approved as supplementary guidance by the Council, and will be an important material consideration in the determination of any future planning applications. The Masterplan will consider the appropriate uses at Perth

Airport, additional development that could take place both within the Airport, and on adjoining land, and the infrastructure required to deliver that." Or replace with: "A Development Brief will be prepared for Perth Airport and adjoining land, which will consider the appropriate uses at Perth Airport, additional development that could take place both within the Airport, and on adjoining land, and the infrastructure required to deliver that".

Employment safeguarded site

Morris Leslie Group (0241/04/001) - The Employment Safeguarding zoning should either be identified as a mixed use area, or, if that is not a zoning used in the Plan, then as 'white land'.

Site allocation MU3

SEPA (0742/01/105) - Requires the inclusion of a developer requirement for a FRA.

SEPA (0742/01/106) - Recommend that a developer requirement is attached which addresses contamination issues.

Scone

Settlement boundary

David Dykes (0086/01/001 & 008); David Gordon (0130/01/005); Mr & Mrs Fleming (0150/01/006); Frances Hobbs (0152/01/005); Neil Myles (0153/01/005); John Brian Milarvie (0171/01/005); Peter & Vanessa Shand (0226/01/005); J D McKerracher (0245/01/006); Scone Community Council (0265/01/006); John W Rogers (0304/01/006); Mr & Mrs Short (0382/01/003 & 11); Mr & Mrs Stewart Reith (0389/01/003); Ian Stratton (0480/01/001); Jeffery Rowlingson (0485/01/003); David F Lewington (0486/01/003); Lisa Cardno (0599/01/006); James Thow (0668/01/005); Jennifer Throw (0669/01/005); Martin R W Rhodes (0675/01/005); Hazel MacKinnon (0705/01/006); Gerald Connolly (0712/01/006); Eric Ogilvy (0713/01/006); Stewart McCowan (0714/01/006); Angela McCowan (0715/01/006); Gladys Ogilvy (0716/01/006); Graham Ogilvie (0717/01/006); Tracy Ogilvie (0718/01/006); Shona Cowie (0719/01/006); Paul Cowie (0720/01/006); David Roy (0730/01/006); Greer Crighton (0731/01/006); Brian Hood (0732/01/006); Gaynor Hood (0733/01/006); Phillip Crighton (0734/01/006) - All wish to change the settlement boundary to the boundary shown in LDP1.

William Stewart (0478/01/001) - Would like the settlement boundary to incorporate his garden ground at Newmains Steading (Site Reference: H417).

William Glen & Sons (0564/01/001) - Proposes that the settlement boundary is extended to accommodate two sites: one at Balgarvie Farm and the Balgarvie Cottages (Site Reference: H372) and one adjacent to the A94 for a mixed use development (Site ref: MU373).

Scone Estate (PP0614) - Would like to see the inclusion of Pictstonhill site in the settlement boundary (Site Reference: H278).

A & J Stephen Limited (0622/01/016); Gordon & Elaine Bannerman (0450/01/001); John & Janet Greaves (0479/01/001) - All seek to extend the settlement boundary on the western edge (Site Reference: H371).

Site H29

Principle of site

E S Wells (0409/01/001); Gordon & Elaine Bannerman (0450/01/001); Norah Stewart (0471/01/001); William Stewart (0478/01/002); John & Janet Greaves (0479/01/001); Rosalind Vallance (0606/01/001); James Vallance (0612/01/001); Clare & Ian Nicol (0665/01/001) - Do not seek a specific change but it is interpreted that they wish to see the deletion of H29 site.

Ian Fairley (0427/01/002) - Would like to see a change to the size of the site but does not stipulate where this change would occur.

Perth & Kinross Heritage Trust (0272/01/009) - Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required.

Change of boundary

Mr & Mrs Fleming (0150/01/006) - Would like the site boundary changed to reflect the boundary shown in LDP1.

A & J Stephen Limited (0622/01/016); Gordon & Elaine Bannerman (0450/01/001); John & Janet Greaves (0479/01/001) - All seek to extend the allocation on the western edge.

Density range

A & J Stephen Limited (0622/01/016) - Propose that the number of units should be increased to 1000 at H29.

Developer requirements

David Dykes (0086/01/009); Mr & Mrs Fleming (0150/01/007); Frances Hobbs (0152/01/006); Neil Myles (0153/01/006); John Brian Milarvie (0171/01/006); Peter & Vanessa Shand (0226/01/006); J D McKerracher (0245/01/007); Scone Community Council (0265/01/007); John W Rogers (0304/01/007); Mr & Mrs Short (0382/01/009); Mr & Mrs Stewart Reith (0389/01/001); Moira Andrew & William Hadden (0432/01/003); Jeffery Rowlingson (0485/01/002); David F Lewington (0486/01/001); Jill Belch & Lucy Vanderham (0505/02/001); Andrew & Margaret Manson (0533/01/001); James Nicol (0568/01/001); Lisa Cardno (0599/001/007); James Thow (0668/01/006); Jennifer Throw (0669/01/006); Martin R W Rhodes (0675/01/006); Hazel MacKinnon (0705/01/007); Gerald Connolly (0712/01/007); Eric Ogilvy (0713/01/007); Stewart McCowan (0714/01/007); Angela McCowan (0715/01/007); Gladys Ogilvy (0716/01/007); Graham Ogilvie (0717/01/007); Tracy Ogilvie (0718/01/007); Shona Cowie (0719/01/007); Paul Cowie (0720/01/007); David Roy (0730/01/007); Greer Crighton (0731/01/007); Brian Hood (0732/01/007); Gaynor Hood (0733/01/007); Phillip Crighton (0734/01/007); SEPA (0742/01/108) - Would like to see the developer requirement regarding flooding that was in LDP1 to be reinstated.

Woodland Trust Scotland (0462/01/015) - Would like a 50m buffer as a measure to elevate indirect impacts on ancient woodland. Although this is not specified as a change to the developer requirements, it is interpreted that a change to the developer requirements would meet this recommendation.

Site drawing of H29

Ian Stephens (0090/01/003) - Would like to change the drawing to show the correct junction information for the CTRLR but does not specify where he considers this to be.

David Dykes (0086/01/013); Scone Community Council (0265/01/006); Moira Andrew & William Hadden (0432/01/007); Jeffery Rowlingson (0485/01/002); David F Lewington (0486/01/001); Jill Belch & Lucy Vanderham (0505/01/001); Lisa Cardno (0599/001/013); James Vallance (0612/01/001); Rosalind Vallance (0606/01/002); Greer Crighton (0731/01/013); Brian Hood (0732/01/013); Gaynor Hood (0733/01/013); Phillip Crighton (0734/01/007); Ian & Helen Burnett (0740/01/001) - Would like a change to the site drawing to reflect the developer's Masterplan in terms of the open space along the southern boundary of the site.

The Glebe School site OP22

Woodland Trust Scotland (0462/01/016) - Would like protection measures to avoid negative edge effects to the area of ancient woodland. Although this is not specified as a change to the developer requirements, it is interpreted that a change to the developer requirements would meet this recommendation.

Mr & Mrs J McLaren (0282/01/001); Jill Guthrie (0477/01/001); Sheena Thom (0224/01/002); Janis Walker (0511/01/001); Douglas A Sutherland (0670/01/001) - Do not seek a specific change but it is interpreted that they wish to see the deletion of Op22 site.

Mr & Mrs J McLaren (0282/01/001) - Would like to have the site capacity reduced although does not specify the number of units to change to.

Sheena Thom (0224/01/002) - Would like further clarity is required regarding the Site Specific Developer Requirements as an 'Affordable housing site'.

Angus Road site MU4

SEPA (0742/01/112) - Object to development requirements for this site and would like to see a Flood Risk Assessment.

Stanley

Woodland Trust Scotland (0462/01/017) - Would like the ancient woodland to be designated at the south of the settlement boundary and ensure it is not made available for development.

David Fenner (0593/01/002) - Does not seek a specific change but it is interpreted that he wishes to see the deletion of H30, H31, H32, H33 & H34 from the plan.

Vilma Dovidaityte (0469/01/001) - Does not seek a specific change but it is interpreted that he wishes to see the deletion of H31.

Harris and Sheldon (0518/01/001) - Propose an extension to Site H31 and a change of use from greenspace to residential use (Extended Site Reference: H332).

Summary of responses (including reasons) by planning authority:BalbeggieHousing Allocation H13

Morris Leslie Group (0241/03/001) - The site specific developer requirements have been written to highlight any identified or potential issues that might be on site or within the settlement. Whilst the school is currently not at capacity, it has a current occupancy of 53 with a capacity of 73 (PKC Schools Occupancy & Capacity Information, CD124). Any larger development within Balbeggie will need to be phased carefully to ensure that the school can cope with any consequent rise in pupil numbers. This is not a requirement unique to Balbeggie or this development but is raised as a potential issue in a number of different settlements.

The reference to road and access improvements in relation to the Roads Authority is also a standard text for many of the housing allocations within the plan. This is to ensure that any layout is designed in consultation with the Council's Transport Planning team. It is essential that the roads layout and construction is acceptable to the Council as the Roads Authority as this is a prerequisite for the public adoption of the roads. The Council does not consider it generally acceptable for a housing site of 5 or more to be served by private roads due to the potential problems with long term maintenance. Access to the site is required from both roads to ensure connectivity and accessibility through the site and into the village. This site should have two access points and therefore referencing that both are required should be retained. The applicant will be required to demonstrate that the delivery of the road in its entirety is within their control. Furthermore, the development of a core path linkage through the site does not require a reference to phasing. This can be determined at planning application stage. There could be a number of strategies to deliver this requirement and it is unnecessary for the plan to identify them.

In terms of the comments regarding the embargo, this site is currently under the embargo and will not be brought forward until the CTRLR is a committed project. The Plan recognises the issues in relation to congestion and proposes measures to provide solutions to the problem. The road network in the area is capable of accommodating further development which will have to comply with Policy 58: Transport Standards and Accessibility Requirements of the Plan. Further discussion on the embargo, the issues surrounding the term "committed" and work on air pollution are all further detailed in the Schedule 4 Issue no: 03 Perth Area Transport Issues.

Scottish Water has been fully engaged within the LDP process and has not raised any issues regarding the sewerage capacity at Balbeggie. It is therefore not noted as a specific developer requirement. Policy 51B: Foul Drainage in the Proposed Plan ensures that all foul drainage from developments will require connection into the public sewerage system. A Drainage Impact Assessment will be required as part of the application process. This will identify if there are issues to be addressed.

No modification proposed to the Plan.

Bridge of Earn/Oudenarde

Infrastructure & Services

Edwin & Irene Barclay (0394/01/002) - TAYplan (CD022) identifies Bridge of Earn as part of the Tier 1 Perth Core Area and as an outlying village to Perth, it is expected to contribute to the housing land requirement in the Perth Core Area. The sites allocated in the Proposed Plan allow for meeting the housing land requirement in the next plan period and beyond, providing a range of long term development opportunities. The scale of development proposed in the Plan is considered to be in line with the TAYplan strategy. Please see the schedule 4 on Issue 01A for further consideration of the housing land strategy issue.

The implications of the level of growth on the capacity of local infrastructure are discussed in the Infrastructure Study for the Perth Core Villages (CD048). The study compiles a range of datasets which are used to inform the preparation of the Local Development Plan and analyses the information at a settlement level. The study highlights the strengths and weaknesses of local infrastructure and refers to the improvements that can be facilitated through new development. Specifically addressing the point regarding medical services in the village, as noted in the infrastructure study (p. 3-4) it has been recognised that the GP surgery is close to capacity and there is a need for new/extended GP premises in the area, which NHS Tayside and the Council are actively exploring. The study also highlights that the development at Oudenarde will include community facilities to serve Oudenarde and the wider area. As outlined in the Infrastructure Study, Bridge of Earn currently has a good range of services and facilities including: two schools (as well as private school accommodation), a post office, pharmacy, a community hub, village hall accommodation, small convenience store, and a range of cafes, personal services, restaurants and public houses.

Whilst it is recognised that there may be some pressures from new development on existing infrastructure and services, the Council is working with a range of stakeholders to ensure that any impacts on services and amenities from new development are suitably addressed and opportunities for enhanced services are realised.

No modification is proposed to the Plan.

Site – H14

D King Properties Ltd (0461/03/002) - The southern boundary of Site H14 has been drawn to avoid development taking place on the elevated ground to the south of the site. Developing this elevated section of the field would result in a prominent and visually obtrusive development which would detract from the setting of the village edge, particularly from the south. As such the proposed site extension is not supported. The approved proposals as part of planning application ref: 15/02176/FLM for Site H72 (CD146) - which is now under construction – is to establish a continuous landscaped area along the southern boundaries of sites H72 and H14 to produce a more defined and defensible settlement edge. The boundary and landscaping for site H14 is considered to be consistent with and capable of connecting in to the approved landscaping proposals as part of planning application ref: 15/02176/FLM (CD147). This is reflected in the developer requirement for the site relating specifically to landscaping which states: 'A landscape framework is required. Development to be contained north of the ridge line and a suitable boundary treatment to create village edge, enhance biodiversity and create new habitats.'

The site is therefore not required to be extended to ensure the landscaped edge is implemented. In addition, an extended H14 site has not had the benefit of stakeholder engagement or public consultation.

In relation to housing capacity numbers the Council does not propose extending the site and the medium housing density calculation for the site (as identified in the Housing Background Paper (CD018)) is considered to be suitable for this edge of settlement site.

No modification is proposed to the Plan. However should the Reporter be minded to accept the modification, the Council would request that the developer prepare a detailed topographical survey alongside detailed layout designs to enable an assessment of the impact that an extended site would have on the wider setting of the village, particularly in relation to the elevated part of the field. This request is only sought if the Reporter is minded to accept the modification to extend site H14.

Bobbie Stibbles (0247/01/001); Edwin & Irene Barclay (0394/01/001) - Specific concerns regarding flooding and drainage associated with Site H14 will be addressed through a Drainage Impact Assessment and associated site layout to be further considered at the planning application stage. The requirement for the developer to undertake a DIA is ensured through a site specific developer requirement. In relation to the impact on the vehicle and pedestrian network, it has already been considered above that Bridge of Earn as a Perth Core village is expected to accommodate additional growth over the plan period and beyond, and therefore an infrastructure study has been prepared to enable the Council to identify what the existing level of services are and what impacts further growth would have on the village. It is considered that the development of site H14 will not give rise to a significant adverse impact on the vehicle or pedestrian network and details regarding access, pedestrian links etc, will be addressed at the planning application stage. Similarly, detailed considerations relating to car parking for the site will be addressed at the planning application stage and commensurate levels of parking for the site based on the number of houses will be expected as part of any proposal.

No modification is proposed to the Plan.

Site – H72

D King Properties Ltd (0461/03/001) - It is not considered necessary to identify the details of the planning permission associated with site H72 (ref: 15/02176/FLM) as a specific developer requirement. The site is already under construction and any consideration of the site as part of any future planning application would take in to account any relevant planning history for the site as part of the decision making process without the need for a specific developer requirement.

No modification is proposed to the Plan.

Site – H15 (Oudenarde)

Shell UK Limited (0195/01/001) - The Bridge of Earn/Oudenarde settlement map (p. 144) already shows the route of the pipeline consultation zone. The individual site drawings (including the drawing for Site H15 (p. 146)) have not spatially shown all relevant constraints as this would result in an overly complex and cluttered map. This does not mean that the constraints will not be considered, the policy framework and site specific requirements contained in the Plan will ensure that necessary considerations will be given

due cognisance from initial site design to the planning application stage. It is important to note that the site drawing for H15 has been informed by the approved masterplan (CD148-9), as amended, for the site. In addition, Policy 52 (Health and Safety Consultation Zones) provides policy coverage for the issue of pipeline consultation zones and will ensure that any planning application for Site H15, and other sites where this is a requirement, will be consulted with the necessary authorities.

No modification is proposed to the Plan.

TACTRAN (0057/01/21); Network Rail (0509/01/007) - Comments noted.

Luncarty

Luncarty South MU27

John Fowlie (0047/01/001); Moira & Alastair Bulcraig (0185/01/001); Ian & Fiona Heywood (0144/01/001); Alison Peters-Waistell (0288/01/001); Janet Ramsey (0406/01/001); Alisdair Godfrey (0410/01/018); Frank Stevenson (0422/01/002); George Black (0428/01/001); Lorna Nicoll (0503/01/001); Susan Duncan (0527/01/003); Lorna Wallace (0531/01/001); Clare Lee (0565/01/001); David Fenner (0593/01/001); A Robb (0619/01/001); I Brown (0637/01/001); Luncarty, Redgorton and Moneydie Community Council (0703/01/002); Bruce Burns (0663/01/003 & 004) - Luncarty South is a site that is already allocated in the current adopted LDP. Furthermore, it has an approved planning in principle permission on it for 650 units (17/00847/IPM DM Report, CD238), with the required Masterplan and phasing plan approved (CD268). As such, the principle of development on this site is no longer in question and a change of designation to Green Belt is therefore not possible at this point in the process. As part of the planning application process, a Planning Application Notice was issued and a public consultation held on the design of the site. In addition, the site underwent a full Environmental Impact Assessment which highlights any environmental constraints and provides details on mitigation of these constraints. A Section 75 is in the process of being agreed for the site that will ensure these issues are legally covered.

Many of the concerns raised regarding the site have been addressed through the planning application process. The issues presented regarding access to the site, within the site and connectivity into the settlement have had considerable internal discussion. Condition Number 3 states only a maximum of 200 dwellings can be occupied before 2024 and requires that a scheme for new road infrastructure solutions must be identified to ensure enhancement of connectivity and integration with Luncarty and the wider area. In terms of the impact this development has on the wider network, it is anticipated that this long term phasing should allow for improvements to be implemented to the road network to accommodate the development. There is a cycle route that runs through the site and into Perth. The Active Travel Strategy for Perth and Kinross proposals should further assist in supporting alternative forms of travel (CD239). Condition 7 further ensures that all existing rights of way and core paths within or adjacent to the development shall be protected. In terms of concerns regarding construction disruption, Condition 23 ensures a Construction Traffic Management Scheme is submitted prior to commencement of works and Condition 9 requires a noise assessment.

Whilst it is acknowledged that this is a large site that will expand Luncarty considerably, it must be remembered that this a long term development and the build out rate for it will extend well beyond the Plan period of 2028. The design and layout of the site will be

further established during the full application process. The visual quality of developments is an important planning consideration and Proposed LDP2 policy provisions, particularly those relating placemaking, will appropriately inform proposals coming forward. The density of the site has been reviewed in line with all sites allocated in the LDP to provide a density range. It was calculated on the areas of developable land using medium density 16-25 for 30% of the developable area and low density 15 for 30% of site. The other 40% of the site is required for Employment Land and landscaping, specifically the buffer required adjacent to the River Tay (Perth & Kinross Proposed Local Development Plan 2: Housing Background Paper, CD018). Further information regarding this process is discussed in 01B: Placemaking Schedule 4. Luncarty is protected from coalescence with Perth by clear settlement boundaries and the existing Green Belt that is located to the south of Luncarty.

Concerns raised over existing village facilities are acknowledged. As part of the process, however, Education and the NHS are consulted to ensure that capacity issues are identified at an early stage in the process. Whilst there will be a long term impact on certain services, the development of this site a long term and will be phased. The primary school is currently at 70% capacity and there are no immediate concerns regarding the impact this development will have on the school roll (CD124). Condition 28 requires a contribution to the primary school provision to deal with long term capacity issues. The current primary school sits adjacent to the park and is capable of expansion. The site is allocated as Mixed Use and has an Employment Allocation. As such, the allocation has the potential to accommodate some small businesses within the development. The allocation is located close to Perth which will serve the wider needs of the residents. It is anticipated that the development will support local shops and services and may encourage new facilities in the longer term.

Conditions have been placed on the development in terms of landscaping, biodiversity and archaeology. Condition 15 specifically states: "The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development." Through the planning process, many of the issues raised have been identified and therefore the Council considers the site allocation to be an appropriate one.

No modification proposed to the Plan.

Methven

New Sites

A & J Stephen Limited (0622/01/011); Mr & Mrs P Sloan (0655/01/001 & 0655/02/001) - In relation to housing land supply, it is already considered that there is sufficient supply across the Council area to satisfy housing demand and therefore no additional windfall or allocated sites are required. Please see the Schedule 4 on Issue 01 for further consideration of the housing land strategy issue.

Dealing specifically with Methven, there is an existing consented housing site to the east of the village which is currently under construction which will allow for a significant expansion of the settlement in line with TAYplan expectations in relation to Methven being a Perth Core village. The Council's Housing Land Audit (2017) (CD050) notes that 31 houses were built from 2013-2017, with 80 houses still to be built with a programme date of 10 houses per year up until 2029-30. As at March 2018, the draft 2018 HLA (CD049) notes that 6

further houses have been built resulting in 74 houses still to be constructed. There is therefore no requirement to identify an additional housing site to provide housing supply over and above the site currently under construction which will provide significant growth in the village over the next 10 or so years.

A & J Stephen Limited (0622/01/011) - The Council and the Reporter for the Examination of the current Local Development Plan saw merit in the development of this small site to the south of Main Street, as part of a longer-term planned growth area. However, as noted above, this is currently not supported due to the significant housing site to the east of the village which is expected to be built out over the next 10 or so years. The development of a masterplan study for Methven, alongside a design-based exercise for this specific site could be a sensible option as part of the next Plan review to consider the wider development options for the village and the potential impacts of the site and other candidate sites. This would enable a review of current completion rates at the site under construction and ensure the smaller site would not prejudice the long term potential for growth to the south of the village. The proposed site to the south of Main Street has also not had the benefit of stakeholder engagement or public consultation and therefore the Council would not suggest including the site within the settlement boundary or as an additional housing allocation.

No modification is proposed to the Plan.

Mr & Mrs P Sloan (0655/01/001 & 0655/02/001) - Developing land to the north of Strathview Place would adversely affect the setting of the village, in particular encroaching above the 95m contour line and having an unacceptably prominent location on the hillside above the village. The rest of the village does not extend above this height and the area was not considered suitable for expansion in the Perth Landscape Capacity study (CD047). The proposed site(s) to the north of Strathview Place have also not had the benefit of stakeholder engagement or public consultation and therefore the Council would not suggest including the site(s) within the settlement boundary or as an additional housing allocation.

No modification is proposed to the Plan.

Perth Airport

Settlement Summary

Morris Leslie Group (0241/04/002) - The sentence "A more holistic approach to Masterplanning the whole area is desirable in the long-term to ensure compatible uses" has been worded as an aspiration for the next LDP. The Masterplan approach is aimed to ensure that the design and layout establishes compatible uses. It should also to ensure that supports active travel with safe walking and cycling routes through the settlement. The aim of this wording is not to specify the extent of the area or what is expected. This will be established when undertaking the analysis required for the Masterplan. The wording proposed by the Morris Leslie Group is too specific and makes mention of adjoining areas to the airport. As the develop-ability of these areas has not yet been established, it would be premature to reference this approach in the plan. Furthermore, any strategy will need to establish what infrastructure, allowing from key stakeholder and community engagement through public consultation. The Council considers the current statement to provide an adequate base to initiate the masterplanning preparation for this area.

No modification proposed the Plan.

Employment safeguarded site

Morris Leslie Group (0241/04/001) - The Employment safeguarded site at Perth Airport was established in the adopted LDP. This safeguarding is to ensure that there is an adequate supply of areas that specific types of employment can be located in. By allowing increasing amounts of residential development within this area, there is a reduction in the area that can be provided for activities that are not conducive with residential amenity. Nonetheless, Perth Airport is a complicated area. It was originally World War II airbase which accommodated pilots and has had residential accommodation on site for its entire existence. However, this was primarily temporary accommodation rather than actual homes for families. Over time, different types of business including retail have moved into the settlement, creating a mixture of uses. The predominant usage remains as employment. The settlement statement acknowledges this issue and states the need for a more holistic approach to Perth Airport in the long term. This approach is considered a better long term solution than the current piecemeal development that this settlement has seen. There was a recent planning application that proposed a change of use from an antiques shop to a residential development to form 14 flats (17/00367/FLL DM Report, CD240). This was initially refused by the Appointed Planning Officer but the decision was then overturned by the Local Review Body (Decision Report, CD171). A longer term approach to ensure that employment uses can still flourish in this location is required. This can be supported by developing a Masterplan that could identify areas that could be retained for employment uses and areas more appropriate for accommodation. This would be preferable to the fragmentary development currently being seen and would allow for compatible uses to be identified in appropriate locations. To designate this area as Mixed Use without this work being undertaken could potentially see a significant area of Employment Land being lost through piecemeal residential development.

No modification proposed to the Plan.

Site allocation MU3

SEPA (0742/01/105 & 106) - MU3 is a Mixed Use allocation in the adopted LDP and now has in principle planning consent (16/01935/IPM DM Report, CD241). As such, the principle of development is no longer in question. Any work in terms of the site capacity and design will now be dealt with through a detailed planning application. Conditions have been placed on this site in terms of foul drainage, SUDS, landscaping and contamination in consultation with SEPA which will address the issues they have raised during this consultation.

No modification proposed to the Plan.

Scone

Settlement statement

David Dykes (0086/001/010); Malcolm Cameron (0324/01/001); Moira Andrew & William Hadden (0432/01/001 & 002); June Dunn (0442/01/002); Ian Stratton (0480/01/003); Jeffery Rowlingson (0485/01/001) - The settlement statement is primarily a short introduction to the settlement in terms of strategy, land use allocations and key infrastructure that is proposed. The Perth Core Villages Infrastructure Report 2017

provides further detailed information about the current status of services and facilities in Scone (CD048). In terms of community improvements, there are a number of potential improvements that the developments at Scone can deliver. Developer contributions have been sought in terms of education, recreational facilities and affordable housing for the Scone North site. Air quality is identified as an issue specifically in terms of Bridgend & Atholl Street in Perth. Scone has not currently been identified as requiring an AQAP. As part of a strategy to combat any additional impact on Perth, an embargo has been placed on further development in the A93/A94 corridors until the CTRL is a committed project. The anticipated date of the embargo ending is now 2020. There is a question over the date that the embargo ends as it is reliant on sources of funding for the CTRL and delivery of the actual infrastructure. There is further discussion on this subject in the Schedule 4 Issue no: 03 Perth Area Transport Issues and the decisions regarding the date that the embargo is lifted will be determined in that report. Scone has not seen unrestricted development. The designated Green Belt policy area and the strategy of allocating long terms sites is to ensure that Scone does not see unrestrictive development.

No modification proposed to the Plan. However, the Council have no objection to updating the date that the embargo is lifted depending on the outcome of the Tay Cities Deal bid. Schedule 4 Issue no: 03 Perth Area Transport Issues.

Scone Settlement Boundary

David Dykes (0086/01/001 & 008); David Gordon (0130/01/005); Mr & Mrs Fleming (0150/01/006); Frances Hobbs (0152/01/005); Neil Myles (0153/01/005); John Brian Milarvie (0171/01/005); Peter & Vanessa Shand (0226/01/005); J D McKerracher (0245/01/006); Scone Community Council (0265/01/006); John W Roders (0304/01/006); Mr & Mrs Short (0382/01/003 & 11); Mr & Mrs Stewart Reith (0389/01/003); Ian Stratton (0480/01/001); Jeffery Rowlingson (0485/01/003); David F Lewington (0486/01/003); Lisa Cardno (0599/01/006); James Thow (0668/01/005); Jennifer Throw (0669/01/005); Martin R W Rhodes (0675/01/005); Hazel MacKinnon (0705/01/006); Gerald Connolly (0712/01/006); Eric Ogilvy (0713/01/006); Stewart McCowan (0714/01/006); Angela McCowan (0715/01/006); Gladys Ogilvy (0716/01/006); Graham Ogilvie (0717/01/006); Tracy Ogilvie (0718/01/006); Shona Cowie (0719/01/006); Paul Cowie (0720/01/006); David Roy (0730/01/006); Greer Crighton (0731/01/006); Brian Hood (0732/01/006); Gaynor Hood (0733/01/006); Phillip Crighton (0734/01/006) - The settlement boundary change at the Scone North H29 site was a minor alteration to allow for better access into the site and to reduce the impact on the residents of Harper's Way. This change was made in response to comments received from the public and was then supported by Council. This revised site boundary was approved planning permission in May 2017 with the consequential changes to the green belt boundary and settlement boundary being a knock on effect (16/02127/IPM DM Report, CD245). It was identified as acceptable as it was less than a 1% change to the overall site area. As this has already been through the full planning process and approved, the LDP is simply reflecting this update.

No modification proposed to the Plan.

William Stewart (0478/01/001) - In terms of the proposal change the settlement boundary at Newmains Steading, the boundary does currently cut through the middle of this area of garden ground. The garden is a very large one and could potentially accommodate development if it were white land. This would not be desirable in this location which is a steading conversion, currently remote from the settlement. Nonetheless, all the other large gardens within this steading conversion have their garden grounds within the settlement

boundary and for consistency's sake, it might be better to adjust the boundary accordingly. No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification include the garden ground within the settlement boundary, the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

William Glen & Sons (0564/01/001); Scone Estate (0614/01/002) - In terms of the suggestions to extend the settlement boundary at Balgarvie Farm and Cottages and the area adjacent to the A94 (Sites H372 & MU373), the settlement boundary is drawn tightly around this location to prevent unplanned development from taking place on the edge of Scone. The inclusion of these sites which would potentially accommodate a significant number of units. Scone has a number of allocations already within the plan and requires no further areas for housing at this present time. White land within the settlement boundary sometimes enables development in areas that struggle to attract housing but as Scone has a number of planned developments, this is not the case. The white land referred to by Scone Estates has been included within the settlement boundary since the Perth Area Plan in 1996 (CD138). This area was an allocated housing site. The development of this site is almost complete but the base mapping from Ordnance Survey had not been updated to reflect this at the time the maps were published. There is actually only a small area of land that is undeveloped within the settlement boundary which is providing a landscape buffer between the farm and the village. This area also accommodates a play area. The argument in favour of excluding an area of land that is already developed and including the site at Pictonshill instead would be illogical. The Pictonshill proposal was suggested at Pre MIR state and considered to have a significant impact on the landscape setting of Scone and would further cause coalescence between Scone and Perth. It is also within the Green Belt. It is therefore not identified as a housing allocation within the Plan.

No modification proposed to the Plan.

Gordon & Elaine Bannerman (0450/01/001); John & Janet Greaves (0479/01/001); A & J Stephen Limited (0622/01/016) - The "Enhanced Western Gateway" at the north west edge of the settlement has been proposed by A&J Stephen Ltd as a solution to the access constraints in this area of Scone (CD243). The resulting proposal would allow for the road to be re-engineered to provide a wider road and remove the current tight corner on the route out the Old Scone. It would also provide the settlement with a new entrance, by providing a village green with housing facing onto it. Nonetheless, although this was one proposal at the H29 PAN events, this was not taken forward in the planning application for Scone North. There is no requirement for further housing within Scone at this time but to address the open space access issues, this proposal could be brought forward in the future.

No modification to the Proposed Plan.

Scone North Housing Site Allocation H29:

Principle of site

Perth & Kinross Heritage Trust (0272/01/009); E S Wells (0409/01/001); Ian Fairley (0427/01/002); Gordon & Elaine Bannerman (0450/01/001); Norah Stewart (0471/01/001); C M Evans (0474/01/002); William Stewart (0478/01/002); John & Janet Greaves (0479/01/001); Rosalind Vallance (0606/01/001); James Vallance (0612/01/001); Clare & Ian Nicol (0665/01/001) - Scone North is a site that is already allocated in the current

adopted LDP and has been through the Examination process (Examination Report, CD015). Furthermore, it has an approved planning in principle permission on it for 700 units, of which only 100 of which can be constructed before the CTRL is a committed project. There is an approved Masterplan and phasing plan (CD172). As such, the principle of development on this site is no longer in question. As part of the planning application process, a Planning Application Notice was issued and a public consultation held on the design of the site. In addition, the site underwent a full Environmental Impact Assessment which highlighted any environmental constraints and provided details on mitigation of these constraints. A Section 75 has been agreed for the site that will ensure these issues are legally covered (CD266). In terms of some of the specific issues addressed concerning this site, both biodiversity and archaeology have been duly addressed through the conditions placed on this site (16/02127/IPM DM Report, CD245). Conditions 12 to 14 specifically place restrictions on the timing of development and the protection of habitats and species. Condition 36 requires the implementation of a programme of archaeological work before development commences.

No modification proposed to the Plan.

Change of boundary

Mr & Mrs Fleming (0150/01/007) - The site boundary change at the Scone North H29 site was a minor alteration to allow for better access into the site and to reduce the impact on the residents of Harper's Way. This revised site boundary was approved planning permission in May 2017 with the consequential changes to the green belt boundary and settlement boundary being a knock on effect. It was identified as acceptable as it was less than a 1% change to the overall site area. As this has already been through the full planning process and approved, the LDP is simply reflecting this update.

No modification proposed to the Plan.

Gordon & Elaine Bannerman (0450/01/001); John & Janet Greaves (0479/01/001); A & J Stephen Limited (0622/01/016) - The "Enhanced Western Gateway" at the north west tip of the settlement has been proposed by A&J Stephen Ltd as a solution to the access constraints in this area of Scone (CD243). The resulting proposal would allow for the road to be re-engineered to provide a wider road and remove the current tight corner on the route out the Old Scone. It would also provide the settlement with a new entrance, by providing a village green with housing facing onto it. Nonetheless, although this was one proposal at the H29 PAN events, this was not taken forward in the planning application for Scone North. There is no requirement for further housing within Scone at this time but to address the open space access issues, this proposal could be brought forward in the future.

No modification to the Proposed Plan.

Density range

A & J Stephen Limited (0622/01/016) - In terms of the number of units allocated to Scone North, this is reflective of the settlement context. Comparing the density range for the site with Bertha Park is not appropriate as the two sites are very different. Bertha Park represents a new urban village within Perth. It will have a range of services and infrastructure developed alongside the actual housing for the new residents of the area. Scone North is linked very closely to an existing settlement with an established built form.

Scone identifies as a village although it is located close to Perth. The density range is therefore reflective of the village context within which this allocation is located. It would therefore be unsuitable to compare the housing numbers that can be delivered on each of these sites. Furthermore, only 55% of the site is identified as developable due to constraints regarding the CTLR and associated landscaping requirements (detailed in Housing Background Paper, CD018).

No modification proposed to the Plan.

Developer requirements

David Dykes (0086/01/009); Mr & Mrs Fleming (0150/01/007); Frances Hobbs (0152/01/006); Neil Myles (0153/01/006); John Brian Milarvie (0171/01/006); Peter & Vanessa Shand (0226/01/006); J D McKerracher (0245/01/007); Scone Community Council (0265/01/007); John W Rogers (0304/01/007); Mr & Mrs Short (0382/01/009); Mr & Mrs Stewart Reith (0389/01/001); Moira Andrew & William Hadden (0432/01/003); Jeffery Rowlingson (0485/01/002); David F Lewington (0486/01/001); Jill Belch & Lucy Vanderham (0505/02/001); Andrew & Margaret Manson (0533/01/001); James Nicol (0568/01/001); Lisa Cardno (0599/001/007); James Thow (0668/01/006); Jennifer Throw (0669/01/006); Martin R W Rhodes (0675/01/006); Hazel MacKinnon (0705/01/007); Gerald Connolly (0712/01/007); Eric Ogilvy (0713/01/007); Stewart McCowan (0714/01/007); Angela McCowan (0715/01/007); Gladys Ogilvy (0716/01/007); Graham Ogilvie (0717/01/007); Tracy Ogilvie (0718/01/007); Shona Cowie (0719/01/007); Paul Cowie (0720/01/007); David Roy (0730/01/007); Greer Crichton (0731/01/007); Brian Hood (0732/01/007); Gaynor Hood (0733/01/007); Phillip Crichton (0734/01/007); SEPA (0742/01/108) - The developer requirements were updated to reflect the fact that the site now had planning permission and had already been through the full EIA process as well as having flooding and drainage surveys.

No modification proposed to the Plan. Nonetheless, if the Reporter is minded to do so, the Council have no objection to reinstating the flooding and drainage requirements as it will have no impact on any other part of the plan.

Woodland Trust Scotland (0462/01/015); Ian Stratton (0480/01/003) - In terms of the issue regarding low carbon energy buildings, there are specific requirements that each developer is obliged to meet in terms of achieving low carbon standards. These are monitored through the planning application and building standards process. Conditions 4 & 5 in the Planning Report provide extensive criteria that must be adhered to regarding sustainability (16/02127/IPM DM Report, CD245). In terms of Woodlands Trust's comments regarding Ancient Woodland, Condition 8 requires a detailed site investigation in consultation with SNH to be undertaken prior to the submission of any detailed application. This aims to clarify any remaining AWI characteristics are not compromised as a result of the proposed development.

No modification proposed to the Plan.

Site drawing of H29

David Dykes (0086/01/013); Ian Stephens (0090/01/003); Mr & Mrs Fleming (0150/01/013); Scone Community Council (0265/01/006); Moira Andrew & William Hadden (0432/01/007); Jeffery Rowlingson (0485/01/002); David F Lewington (0486/01/001); Jill Belch & Lucy Vanderham (0505/01/001); Andrew & Margaret Manson (0533/01/001); Lisa Cardno

(0599/001/013); James Vallance (0612/01/001); Rosalind Vallance (0606/01/002); Greer Crichton (0731/01/013); Brian Hood (0732/01/013); Gaynor Hood (0733/01/013); Phillip Crichton (0734/01/007); Ian & Helen Burnett (0740/01/001) - The site drawing is only indicative; it is providing a visual representation of the how the site will be developed in terms of access points and developable areas. It also provides an indication of the constraints that exist on the site. As such, it is meant to be loosely drawn and will not have exact measurements of land or details as to how access is addressed. The Masterplan submitted as part of the planning application was used to inform this drawing.

No modification proposed to the Plan. However, the Council have no objection to updating the drawing as long as this has no impact on any of the other drawings in terms of the key. A suggested replacement diagram has been provided (CD244).

Access to the site

David Gordon (0130/01/004); Mr & Mrs Fleming (0150/01/007); Ian Fairley (0427/01/002) - The allocation of Scone North as a site has undergone a number of rounds of consultation. The site was proposed and allocated in the adopted LDP. It went to Examination and was agreed at Council as an allocated site. It then underwent a planning application that was granted consent in May 2017. Road connections have been looked at in considerable detail and approaches to the CTRLR being sited within the development have been discussed. A Transport Assessment was submitted as part of the planning application (CD247). The site can be connected to the road system at both edges and is well connected in terms of pedestrian and cyclist access through sections of the settlement edge. Local residents have been consulted over the design and layout and through the detailed phases, further work will be undertaken. Conditions 21-23 in the Planning Report specially require a Construction Traffic Management Plan, a further Transport Assessment that provides more detail regarding the phasing of the development and a Green Travel Plan before development can take place (16/02127/IPM DM Report, CD245).

No modification proposed to the Plan.

Embargo on development of the site

June Dunn (0442/01/001) - The embargo applies to Scone North as it does to a number of sites within the area. However, the Reporter at the LDP1 Examination allowed for 100 units to be brought forward before the end of the embargo to give the developer assurance that this site would be delivered. As there was no legal reason to prevent this decision and no new evidence was brought forward to reconsider, the Council are bound to accept this decision. Therefore, 100 houses can be approved before the CTRLR is a committed project as approved by full Council when the plan was adopted. This is reflected in Condition 25: "No more than 100 residential units are permitted to be occupied until the Cross Tay Link Road (CTRLR) as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy is agreed by the Planning Authority to constitute a 'committed project', in consultation with Transport Scotland" (16/02127/IPM DM Report, CD245).

No modification proposed to the Plan.

The Glebe School site OP22

Sheena Thom (0224/01/002); Mr & Mrs J McLaren (0282/01/001); Woodland Trust

Scotland (0462/01/016); Jill Guthrie (0477/01/001); Janis Walker (0511/01/001); Douglas A Sutherland (0670/01/001) - This site is already in the adopted LDP 2014 and therefore the principle of the site is already agreed. Furthermore, this is a brownfield site that has already had development on it. Many of the concerns raised have been shown on the indicative drawing as constraints or opportunities. The site is currently being designed and consultation events are underway to engage with the local community as to how they wish the site to be approached. Two access points have been identified into the site and this is anticipated to reduce the impact on Abbey Road. Pedestrian access is highlighted as a key part of the site design as well as the retention of the football pitch and the mature trees in the Proposed Plan. The ancient woodland adjacent to the site is out with the site boundary although further work will need to be carried out in terms of identifying the impacts of an access point through the woodland. This will be part of the design process currently underway. The design of the site will determine the capacity. The density range is to allow for flexibility in terms of the design approach. The indicative drawing provides a framework within which the design should fit. Whilst tenure is not a specific issue in terms of LDP allocations, there is also additional work being undertaken within the Housing Service to identify the local needs in terms of the type of affordable housing that is required within Scone.

No modification proposed to the Plan.

Angus Road site MU4

SEPA (0742/01/112) - If the Reporter is minded to do so, the Council have no objection to listing an FRA as a developer requirement as it will have no impact on any other part of the plan.

Stanley

Woodland Trust Scotland (0462/01/017); Vilma Dovidaityte (0469/01/002); Harris and Sheldon (0518/01/001); David Fenner (0593/01/002) - Stanley has 5 housing allocations that are already allocation in the adopted LDP. These sites have been brought forward in a planning application as a Masterplan that establishes the overall principle of development on each site and the infrastructure requirements that need to be met in order for Stanley to incorporate the overall housing numbers (CD173). This has now received approval (17/00088/IPM DM Report, CD247) and a Section 75 agreement has now been agreed (CD268). As such, key services such as the school, recreational facilities and public transport have been identified for developer contributions that will address some of the concerns raised. In terms of the medical centre, the NHS is consulted and aware of the proposed housing developments. In terms of water and sewerage capacity, Scottish Water is involved early on in discussions regarding settlements and has not raised any concerns regarding Stanley. As this development will be phased over the long term, it should be noted that there will be no rapid change to the demographics of the village and that the timing of the development should allow for changes to be addressed.

In terms of specific concerns regarding Housing Site H31, the indicative landscaping is identified to ensure there is appropriate breathing space between the site and the River Tay. The indicative drawing for H31 is reflective of the approved Masterplan which clearly demonstrates this area for landscaping (Masterplan drawing, CD248). Issues regarding sunlight and loss of privacy and relationship to nearby land uses are issues that will be dealt with at full planning application when the site has a detailed layout and housing proposal. They are not anticipated to be a monumental problem, however. Details in terms

of construction traffic will also require to be submitted before development can commence. A Transport Assessment was also submitted as part of the Planning in Principle Application which analyses traffic generation (CD247). Flooding, drainage and air quality are likewise assessed through the planning application.

No modification proposed to the Plan.

Reporter's conclusions:

Balbeggie

Housing Allocation H13

1. I see no reason to amend the existing developer requirements in respect of phasing linked to primary school capacity, road and access improvements or path links from the village to the core path network. The primary school capacity may be identified, and predictions made, at the time of a planning application, thereby informing whether phasing is needed. Issue 4 Policy 5 Infrastructure Contributions, sets out the general developer requirements for primary school contributions. The developer requirements in the proposed plan for site H13 include a Transport Assessment which will enable access issues to be considered in more detail, including during the construction phase and in relation to footpath links.

2. It is unlikely that the Cross Tay Link Road will meet the council's criteria for a "committed" project prior to adoption of the proposed plan. It is therefore relevant to retain reference to the Cross Tay Link Road becoming a committed project in the proposed plan and it would continue to apply to allocation H13. The council's estimate is that the Cross Tay Link Road is likely to constitute a committed project by its definition, in 2021, rather than 2019, and I have recommended in Issue 3: Perth Area Transport Issues that the proposed plan should be modified to reflect this later date.

3. Developments would not be likely to commence as soon as the Cross Tay Link Road is committed because of the embargo requirement to secure detailed planning consents and the lead in time before housing development could start on-site. It would also take time for housing developments to be completed and fully occupied, depending upon the scale of development and rate of construction. Hence, increases in traffic from the development of additional sites would take time to reach their maximum levels after the Cross Tay Link Road has been committed. Congestion and air pollution problems in Scone and Perth would therefore be mitigated because of these timing factors. For these reasons, and the delay to housing development that would arise, I consider that the embargo should continue to apply until the Link Road and bridge crossing of the Tay is "committed", rather than "constructed".

4. The council has advised that Scottish Water has raised no objections regarding sewerage or treatment capacity. Policy 51B of the proposed plan ensures that all foul drainage will require connection to the public sewers. No modification.

Bridge of Earn/Oudenarde

Infrastructure and Services

5. A study has been carried out for the Perth core villages to ensure that the infrastructure

capacity would be adequate to support the level of growth in the proposed plan. It concluded that whilst connections to Perth will remain important, in some cases new development will include not only housing but employment land and provide new facilities for the community (e.g. Scone and Bridge of Earn). The Council has recognised that the GP surgery is close to capacity and along with NHS Tayside it is considering the need for new or extended facilities.

6. The proposed plan indicates that the aim for nearby Oudenarde is to create a new sustainable community with a mix of uses including employment at Brickhall Farm, and housing supported by education and community facilities north of the A912. Policy 5 Infrastructure Contributions of the proposed plan indicates situations where developer contributions may be sought for the provision, or improvement of on-site or off-site facilities and infrastructure. Overall, in view of the above, I am satisfied that the infrastructure can be improved to cope with the developments at Bridge of Earn and Oudenarde in the proposed plan. No modification.

Site H14 Old Edinburgh Road/Dunbarney Avenue

7. Site H14 is open agricultural land which allows views towards the relatively new adjacent residential development. The developer requirements include a drainage impact assessment. This should also include any consequent drainage impacts on properties adjacent to the site boundary at Dunbarney Avenue. I would expect that a drainage assessment would be part of the public record for any planning application and the developer requirement should be modified to include off site impacts accordingly. Access, pedestrian links and car parking provision would be considered by the council at the planning application stage when local residents would have the opportunity to make any further representations.

8. In terms of education provision the proposed plan refers to the construction of a new school at Oudenarde. Issue 4 Policy 5 Infrastructure Contributions, sets out the general developer requirements for primary school contributions. The provision of health services would be a matter for the council to consult with NHS Tayside.

9. A representation seeks that the density and landscaping should follow the principles for that of the adjacent H72 site. However, site H14 has a greater boundary length next to the open countryside and the proposal is to contain development north of the ridge line with a suitable boundary treatment to create a village edge, enhance biodiversity and create new habitats. This is listed as a developer requirement and would tie in with the framework boundary planting strip approved as part of the permission for site H72. For these reasons I consider that the medium density of 67-104 units for this site should not be increased.

10. Having regard to the topography at the southern boundary of the site I consider that it would be inappropriate to extend the developed area over the ridgeline and to reduce the boundary treatment. This is because it would result in an undue increase in the prominence of the development within the landscape setting for the village.

Site H72 Kintillo Road

11. The developer requirements for individual sites do not refer to planning permissions or potential developers and start dates. Site H72 is under construction and I see no need to make an exception and refer to the planning permission or other details under the requirements in this particular case. No modification.

Site H15 Oudenarde

12. The settlement map for Bridge of Earn and Oudenarde indicates a pipeline consultation zone. At Issue 23 Environmental Protection and Public Safety we have recommended that where sites are affected by consultation zones, including Bridge of Earn and Oudenarde, the settlement summary should note that the settlement lies partly within a HSE pipeline consultation zone and that development may therefore need to comply with Policy 52 Health and Safety Consultation Zones. No further modification is needed.

Luncarty

Luncarty South MU27

13. Site MU27 comprises a large area of rolling agricultural land located to the south of the settlement. It is already allocated in the current local development plan and has permission in principle for an indicative number of 650 units. The proposed plan identifies an indicative range of 589 to 760 units with 5 hectares of employment land. A condition of the permission is that only 300 dwellings may be occupied before 2024 in order to allow a scheme for new road access solutions to be identified. The proposed plan states that no more than 350 units will be permitted to be occupied during the plan period. Development of the site would extend beyond the plan period to 2028 and would meet the housing requirement for the settlement. The council has recalculated the proposed density of the developable areas of the site using low and medium density ranges as appropriate. I consider that this is reasonable in view of the rural setting of the site. Nevertheless, densities would only be confirmed as detailed applications are submitted and assessed, allowing the opportunity for further public consultation.

14. In view of the permission in principle it is not possible to amend the proposed plan to change the allocated land to green belt. Despite the development at Bertha Park, there will still be separation from Luncarty by the A9 and a gap between Luncarty and Perth to the south. The site is crossed by a number of public rights of way, providing walking and cycling routes. The permission in principle is subject to a condition that all existing rights of way and core paths within or adjacent to the site should be protected. I agree with the representations that such routes should retain the rural nature of the area and wildlife habitats where possible. There are also conditions regarding landscaping and wildlife surveys.

15. At Issue 17 above I have explained that the green belt boundary south of Luncarty is currently drawn alongside the River Tay and should not be amended at this stage. The proposed plan already leaves a substantial wedge of countryside between site MU27 and the river which would protect the rural setting of Luncarty. The southern boundary of MU27 generally coincides with a line of electricity pylons which cross the agricultural land. However, until site MU27 is developed this would not form a strong boundary to the green belt as required by Scottish Planning Policy, consequently the green belt boundary south of site MU27 and at Denmarkfield should not be amended at present.

16. Representations refer to the battlefield at Denmark Hill and the Turnagain Hillock. The permission includes a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation prepared in consultation with Perth and Kinross Heritage Trust. This should ensure that the presence of historic features is taken into full consideration. The developer requirements in the proposed plan include that the open space/landscape buffer which

abuts the river Tay must be defined by a flood risk assessment and protected from built development.

17. Having regard to public services, the council has indicated that there is some existing capacity at the primary school. However, given the time scale and phasing of development, any healthcare and education issues are capable of being resolved. The permission is subject to the signing of a legal agreement requiring contributions towards necessary infrastructure and associated contribution payments to secure affordable housing, primary education provision, transport infrastructure provision including public transport, open space and play area provision and maintenance, core path provision and maintenance and sports pitch provision and maintenance. Employment land is included in the proposal to provide local job opportunities. The planned growth of the settlement should help the viability of local shops and facilities in the longer term.

18. In view of the long timescale for development it is important that the local community is protected from any adverse environmental impacts. In order to prevent any undue harm the permission requires that an updated construction environmental management plan to be submitted for the council's approval prior to each phase of construction. A construction management scheme is required to determine works traffic routes and timing. Scarth Road and Fairview are not to be used for construction traffic. Construction access is to be taken from the new Primary Access Road, which will require to be developed first. Hours of construction are also restricted.

19. The impact of the proposal on existing property values is not a relevant planning consideration. Although other proposals include the Cross Tay Link Road, realignment of the A9 South of Luncarty, the Bertha Park development, A9 dualling program and the A9/A85 modifications, the proposed housing at Luncarty is a necessary part of the committed housing land supply for the Perth Housing Market Area. There is no reason why the above developments cannot be successfully planned and integrated with the long term development of site MU274.

20. Matters, such as screen planting, house design and layout and maintenance of the privacy of existing dwellings may be determined at the detailed planning application stages, when there would be an opportunity for local residents to make representations. The provision of a district heating scheme is also to be investigated. This is a significant allocation which will contribute to the housing land supply and it should be retained in the proposed plan. No modification.

Methven

New Sites

21. No housing allocations are proposed for Methven. However, Methven has an existing housing site at the eastern side of the village. It is under construction and the council estimates that it will take up to 2029/30 to complete at a rate of around 10 houses per year.

New sites

Site H418

22. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing

Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. Site H418 is a field located outside the settlement boundary at the southern side of Methven with access via a gap in existing development at Main Street. The proposal would be to create a small development of 10-15 cottage and flatted dwellings around a village square and guided by public consultation and a master plan. The representation indicates that the site is effective.

23. Methven is a tier 1 principal settlement where TAYplan indicates that such settlements have the potential to accommodate the majority of the region's additional development. However, the council has advised that the consented housing site at the eastern side of the village is not yet completed and this would provide for significant growth in the village in the proposed plan period. I agree with the previous reporter's view that the site would logically round off the settlement boundary and would be unlikely to cause any harm to the character of the settlement or the surrounding countryside.

24. Despite this, given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site H418 is not currently justified. The site has also not been the subject of full public consultation. No modification.

Sites H412 and H221

25. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

26. Site H412 is a small site located at the northern side of Methven directly to the rear of a line of bungalows at Strathview Place. Site H221 is a larger continuation of this site, towards trees on a ridge line. Both sites include pasture land and are outside the settlement boundary. Developing either of these sites would extend housing into a prominent location on the hillside. Site H221 in particular would extend the settlement beyond its current northern limits. The area was not considered to be suitable for expansion in the Perth Landscape Capacity Study. The council has also advised that the consented housing site at the eastern side of the village is not yet completed and this would provide for significant growth in the village in the proposed plan period.

27. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at sites 412 and H221 or their inclusion in the settlement boundary is not justified. The sites have also not been the subject of full public consultation. No modification.

Perth Airport

Settlement Summary

28. I agree that it is too late in the procedures for the proposed plan, including public participation opportunities, to propose any additional land allocations at Perth Airport. The

text for the settlement summary in the proposed plan states that “A more wholistic approach to master planning the whole area is desirable in the long-term to ensure compatible uses”. I have considered the representations regarding the proposed re-wording of the settlement summary. This should remain as an objective, because without a master plan there is potential for piecemeal development that may not prove to be compatible or make the best use of the site. A master plan could also inform the next review of the local development plan, bearing in mind the proximity, in part, of the green belt. However, the existing text could be improved by making it more positive. For that reason, I consider that the first part of the suggested wording “A Masterplanning exercise is required to ascertain the appropriate future for the Airport and adjoining land” should replace the current wording. Whether any further guidance or a development brief is necessary would be a matter for the council to determine through consultation with the owner/s of the land.

Employment safeguarded site

29. The employment safeguarded site has been carried over from the adopted local development plan. It includes nearly the majority of the site area, except for site MU3 which is allocated for housing and 50% employment. I agree with the council that designating the area for mixed use or as “white land” would be premature without the guidance of a masterplan which could identify areas for employment land or residential uses. A master plan, as included in my recommendations, could also inform the next review of the local development plan, bearing in mind the proximity, in part, of the green belt. No modification.

Site allocation MU3

30. Site MU3 has planning permission in principle for a residential and employment mixed use. A condition of that permission requires a contaminated land survey and any necessary remediation, in view of its former military use. The Scottish Environment Protection Agency has made specific reference to the investigation of potential radium 226 contamination from former aircraft instrumentation. I consider that this requirement, along with the need for a flood risk assessment should be included in the developer requirements to ensure that they are robust and in case permission should lapse.

Scone

Settlement Statement

31. Scone is identified as being within tier 1 Perth Core area. This includes the city and surrounding villages where the majority of new development will be accommodated. The council has confirmed that Scone has not been identified as requiring an Air Quality Management Area. However, I consider that it would not rule out monitoring air quality in future. Air quality issues are dealt with in Issue 23 Environmental Protection and Public Safety. The embargo on development until the Cross Tay Link Road is committed is dealt with under Issue 3 Perth Area Transport Issues where I recommend that a likely date for lifting the embargo would be 2021. Flooding and drainage are included at the paragraphs for Scone North Housing Allocation below, where I recommend that the relevant current local development plan requirements be re-instated.

Scone Settlement Boundary

Harper Way

32. The council has explained that the Scone settlement boundary has been amended at Harper Way as a minor alteration to allow for better access into site H29: Scone North and to reduce the impact on the residents of Harper Way. The change was made in response to comments received from the public and the revised site boundary received permission in principle in April 2018. The council advises that the change to the green belt boundary at this point is a consequential effect of that permission. I agree that the change to the green belt boundary should be retained in view of the benefit for existing residents. No modification.

Newmains Steadings

33. Newmains Steadings is located at the eastern end of allocation H29 Scone North. The settlement/green belt boundary at No.5 Newmains Steading cuts through the garden ground of the property. I consider that the boundary should be changed to reflect the property boundary so that it is consistent with the settlement boundary for other gardens within the steading conversion. The council considers that the proposed change would potentially allow development in the garden which would not be desirable for the steading conversion, which is remote from the settlement. However, the steading is located next to the eastern end of allocation H29 and near the route of the Cross Tay Link Road, so its context is likely to change. The proposed boundary would be consistent with advice in Scottish Planning Policy by establishing a clearly identifiable visual boundary marker for the green belt.

Sites MU373 and H372

34. A representation has been made to retain the classification of 'white land' for site MU373 in the proposed plan or to re-allocate it for a more purposeful use such as mixed use land. It is also requested that the settlement boundary of Scone be extended to include sites H372 Balgarvie Farm and the Balgarvie Cottages which are approximately 35 metres away from the farm itself. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

35. Site MU373 is a large area of agricultural land located at the edge of Scone and next to the A94. Site MU373 is designated as part of a large area of unallocated land next to mixed use site MU4, and primarily outside the settlement boundary in the adopted local development plan. I note that MU4 is occupied by the park and ride site and has permission for a supermarket. A site of the size of MU373 could potentially accommodate a significant number of housing units, whereas Scone has an adequate supply of housing land in the proposed plan. Furthermore, the proposed plan does not designate sites specifically for development in the longer term. With reference to the suggested mixed use allocation there is also an adequate supply of employment land in the proposed plan.

36. I recognise that there is potential to access site MU373 from the A94/Cross Tay Link Road junction and that this would have benefits for access to Balgarvie Farm. Also, that

there would be a defensible green belt boundary to the north and west.

37. Scone is a tier 1 principal settlement where TAYplan indicates that such settlements have the potential to accommodate the majority of the region's additional development. However, given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site MU373 or its inclusion in the settlement boundary is not currently justified.

38. Site H372 includes mainly built development at Balgarvie Farm and cottages and is located next to the settlement boundary and an area of unallocated land within that boundary. I note that Newmains Steading was included in the settlement boundary in the adopted local development plan and this has been carried forward to the proposed plan. However, the circumstances are different as that development is adjacent to the H29 housing allocation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site H372 or its inclusion in the settlement boundary is not currently justified.

H278 Pictonshill

39. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

40. Site H278 is located at the southern edge of Scone and within the green belt in the adopted and proposed local development plans. It is a large area of agricultural land with varied topography located to the west, and mainly the east, of the A94. Its inclusion is sought as unallocated "white land" within a modified settlement boundary. I note that a robust boundary to the settlement could be created, links to the core path network, and allotments. Also, despite an incorrect boundary being used for the SEA, the site scored well on a range of matters. A site of the size of H278 could potentially accommodate a significant number of housing units, whereas Scone has an adequate supply of housing land in the proposed plan. Furthermore, the proposed plan does not designate sites specifically for development in the longer term. The site would reduce the area of green belt between Perth and Scone and was not consulted upon as part of the proposed plan.

41. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site H278 or its inclusion in the settlement boundary is not currently justified.

Enhanced western gateway to site allocation H29

42. The proposal for extending the allocation at H29 to allow for a wider road and provide the settlement with a village green was not part of the planning application for Scone North site H29. The proposal does not appear to have had the benefit of full public consultation as part of the proposed plan, although I note that there is some support. It would involve taking a relatively small area of land out of the green belt. However, the proposal would include additional housing development. I consider that the proposed extension to site

H29 cannot be justified at present given the provision of adequate housing sites elsewhere to meet the needs of the Greater Perth Housing Market Area.

Scone North Housing Site Allocation H29

43. Scone North has been brought forward as an allocation from the current development plan. The approved masterplan and developer requirements for Scone North include provision of a site for a potential new primary school and financial contribution in line with the council's guidance. On this basis I consider that there is no reason why sufficient capacity cannot be made available to meet the primary education needs of children from the proposed development.

44. The proposed plan specifies that core paths must be accommodated within the development and developer contributions provided for path improvements to address significant extra demand on routes in the Scone area, plus pedestrian and cycle routes provided to the village centre. Local residents would have the opportunity to comment on details of cycleway/walkway routes when planning applications for the development phases of the site are submitted. Cycleway/walkway provision associated with the Cross Tay Link Road is dealt with at Issue 3 Perth Area Transport Issues.

45. In addition to the developer requirements, the permission in principle was subject to a number of planning conditions, including public access, woodland survey and management, ecology and habitat surveys, drainage and flood risk mitigation. A scheme for archaeological investigation was also included in consultation with Perth and Kinross Heritage Trust. I consider that this matter should still be added to the developer requirements in case the planning permission lapses. The principle of allocating this site has become established through the permission in principle and it should be retained in the proposed plan.

Change of Boundary

46. The council has explained that the Scone settlement boundary has been amended at Harper Way as a minor alteration to allow for better access into site H29: Scone North and to reduce the impact on the residents of Harper Way. The change was made in response to comments received from the public and the revised site boundary received permission in principle in April 2018. The council advises that the change to the green belt boundary at this point is a consequential effect of that permission. I agree that the change to the green belt boundary should be retained in view of the benefit for existing residents. No modification.

Density Range

47. The stated capacity range for Scone North in the proposed plan is 550-748 residential units. However, it has an approved in principle permission for 700 units.

48. The circumstances put forward are that as Scone is a principal tier 1 settlement it would be in accordance with TAYplan to maximise the density. In addition, a density of over 20 houses per hectare is quoted for Bertha Park allowing for a school and employment land, and only 11 houses per hectare for Scone North. Scone North would be a significant extension to the settlement and will require appropriate areas of open space and boundary landscape works. It is also affected by the route of the Cross Tay Link Road. I recognise that Bertha Park is designed to be more of an urban extension in

character, whereas Scone North needs to reflect the context of the existing character of Scone. Despite Scone's status as a principal settlement I see no exceptional circumstances to warrant an increase to 1000 housing units.

Developer Requirements

49. Notwithstanding the drainage survey and flood mitigation measures included in the conditions for the planning permission in principle, I agree that the developer requirements in the proposed plan should include a flood risk assessment to inform the development proposals and that the relevant requirement from the current local development plan should be re-instated in full, in case the planning permission should lapse.

50. The contribution of developments towards meeting carbon reduction is a factor included in Policy 31A of the proposed plan. Low carbon energy building and charging points for electric vehicles are matters to be pursued through planning negotiations and the building standards. In this respect the permission in principle has a condition which requires full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into each phase of the development. In addition, details on the sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies (as a minimum) with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

51. The Woodland Trust has referred to the areas of Long Established Woodland of Plantation Origin (LEPO) ancient woodland next to the site. I note that the permission requires a detailed site investigation to be carried out. However, I consider that it would be prudent to include an appropriate developer requirement to ensure that the woodland is protected wherever possible.

Site drawing of H29

52. I agree that the indicative drawing for site H29 should be amended to indicate additional landscaping along the southern boundary edge, in accordance with the council's proposed replacement diagram and to ensure that the proposal is more in accord with the master plan.

Access to the Site

53. I am advised by the council that site H29 has undergone a number of rounds of consultation and was proposed and allocated in the adopted local development plan.

54. Access to the site was determined on the basis of a Transport Assessment prepared for the site as part of the application for permission in principle. I am further advised that road connections have been looked at in considerable detail and approaches to the Cross Tay Link Road being sited within the development have been discussed. The developer requirements include that pedestrian and cycle routes should be provided to the village centre and core paths accommodated. Planning conditions require a Construction Traffic Management Plan and a further Transport Assessment. I consider that access to and from the site and the effect on the road network has been, and will be, taken fully into account. No modification.

Embargo on development of the site

55. The allowance of 100 units to be built and occupied before the end of the embargo when the Cross Tay Link road is committed was brought forward from the current local development plan, following a determination by the examination reporter. The concerns regarding air pollution and construction traffic are acknowledged. However, there is no compelling evidence to change the situation, and the reporter's recommendation was, in any case, binding on the council. The reporter based his recommendation on the accessibility of the site to public transport. The situation has not changed and I consider that the allowance should remain. No modification.

The Glebe School Site OP22

56. Opportunity site OP22 has been carried forward from the current local development plan and is previously developed land in part. It has a capacity range of 48-75 units. The council has received a pre-application enquiry. I agree that the playing field should be retained for public use so that there is no undue loss of recreational space. The developer requirements include that it would be an affordable housing site that provides a range of homes appropriate to the local community. Biodiversity is to be enhanced and opportunities provided for habitat connections into the wider green network.

57. There will be an opportunity for local residents to comment on matters including access and the effect on Abbey Road traffic; drainage, tree protection; affordable housing, school capacity and the number of units, when a planning application is submitted. Parking provision would also be a matter to be assessed at the planning application stage. Issue 4: Policy 5 Infrastructure Contributions, sets out the general developer requirements for primary school contributions in cases where a capacity issue might arise. I consider that a developer requirement should be added in view of the ancient LEPO woodland (Long Established Woodland of Plantation Origin) next to the site boundary. This would ensure that appropriate measures are taken to protect the trees, including mature trees from any damage during the construction phase.

Angus Road site MU4

58. In response to the representation from the Scottish Environment Protection Agency I agree that the developer requirements should include a flood risk assessment.

Stanley

59. The five proposed allocations in Stanley received approval in 2017 for permission in principle and a masterplan for a mixed use (residential and employment) development and expansion of Stanley village. A legal agreement is also in place which identifies developer contributions towards key services. The application was accompanied by a Transport Assessment which found that the existing lane conditions at the A9 Luncarty junction and A9/U38 Benchil Road junction were sufficient to accommodate the addition of the committed and proposed development traffic for the peak traffic flow periods.

Sites H30, H32, H33 and H34

60. The representation listed under sites H30, H32, H33 and H34 is a general matter that at present, the A9 southbound backs up as far as Luncarty, and adding more houses at Luncarty and Stanley will add to the problem. Traffic generation was analysed in a

Transport Assessment which accompanied the planning application for the five sites in Stanley. This found that the existing lane conditions at the A9 Luncarty junction and A9/U38 Benchil Road junction were sufficient to accommodate the addition of the committed and proposed development traffic for the peak traffic flow periods. It confirmed that the impact of the development upon the local transport network would be negligible, while bringing about further benefits in terms of the local pedestrian network, road safety improvements and enhanced public transport viability. No modification.

Site H31

61. Site H31 is located at a higher level than the listed buildings at Stanley Mills and their setting. The indicative drawing on page 304 indicates two main developable areas and differs slightly from that on page 303. However, the approved master plan shows more detail and confirms that the area referred to as H332 is proposed primarily for landscaping and enclosing woodland. This would create an edge to the developed areas compatible with the existing wooded landscape and provide additional separation from the Tay valley.

62. The Woodland Trust has advised that the existing woodland is ancient semi-natural woodland. The approved masterplan indicates that this is to be retained. However, although some of this is on land sloping down to the access road to Stanley Mills, I consider that it would be appropriate to modify the developer requirements to reflect that it should be protected.

63. There will be an opportunity for residents living next to the site to comment on any effect on received sunlight or loss of privacy matters when a planning application is submitted with details of the proposed housing layout and building types. The developer requirements include a flood risk assessment. An application would also allow residents to comment on matters including access, foul and surface water drainage, school capacity, air quality and construction traffic when a planning application is submitted.

Site H332

64. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further land for housing within the Greater Perth Housing Market Area.

65. The site referred to as H332 is indicated within the proposed plan as part of an area of indicative landscaping at the south-eastern side of allocation H31, rather than housing. Stanley is identified as a tier 1 settlement in TAYplan. However, there is already significant planned expansion through the five allocations. Extending site H31 into site H332 would reduce the stand-off from the existing woodland and the loss of landscaping would be detrimental to the rural setting of the village.

66. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site H332 is not currently justified.

Reporter's recommendations:
<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. On page 147 amend the last developer requirement to read: <p>“Drainage Impact Assessment will be required, including an assessment of any consequent impacts on adjacent properties at Dunbarney Avenue”.</p> 2. On page 282 in the Settlement Summary delete the sentence: <p>“A more holistic approach to Masterplanning the whole area is desirable in the long-term to ensure compatible uses” and replace it with “A Masterplanning exercise is required to ascertain the appropriate future for the Airport and adjoining land”.</p> 3. On page 283 add the following to the developer requirements: <p>“Flood risk assessment” and “Contaminated land survey including investigation of potential radium 226”.</p> 4. On page 294 substitute the indicative drawing by the council’s replacement diagram (CD244). 5. On page 295 (H29) add a further bullet point to the developer requirements: <p>“Flood Risk Assessment required, and the results may reduce the amount of land available for development. Groundwater flooding will need to be considered as spring and dry valley are within the site boundary. The development of the site must not increase the risk of flooding down gradient and may require improvements to current drainage arrangements off site.”</p> 6. On page 295 (H29) add a further bullet point: <p>“Consideration to be given to a buffer zone next to any LEPO ancient woodland”.</p> 7. On page 295 (H29) add a further bullet point: <p>“Archaeological investigation in consultation with Perth and Kinross Heritage Trust”.</p> 8. On page 295 (MU4) add “A Flood Risk Assessment” to the developer requirements. 9. On page 296 (OP22) add: <p>“ Appropriate protection to be provided for the ancient Long Established Woodland of Plantation Origin next to the site during construction as well as any mature trees that are to be retained”.</p> 10. On page 307 (H30-34) add a further bullet point to say: <p>“Retain ancient semi-natural woodland at allocation H31”.</p>

Issue 30	Greater Perth North and East – Outwith Core	
Development plan reference:	Bankfoot (p.128) Burrelton/Woodside (p.150-151) Cottown (p.163) Errol (p.190) Grange/Errol Airfield (p.201-202) Kinfauns (p.217) Rait (p.290) Wolfhill (p.313)	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert Morris & Sons Ltd (0013) Gavin Morris (0049) King James IV Golf Club (0131) William Service (0154) Donald Soutar (0155) Morris Leslie Group (0241) Perth & Kinross Heritage Trust (0272) Stewart Milne Homes (0290/02) Edrington Group (0414)		Errol Community Council (0445) Errol Estate (0472) G Sinclair (0597) Mr & Mrs Scott (0598/08 & 0598/10) Zurich (0607) A & J Stephen Limited (0622) Alastair Baptie (0662) Scottish Environmental Protection Agency (SEPA) (0742)
Provision of the development plan to which the issue relates:	Greater Perth North & East Settlements outwith Core: Bankfoot, Burrelton/Woodside, Cottown, Errol, Grange/Errol Airfield, Kinfauns, Rait, Wolfhill, Landward sites	
Planning authority’s summary of the representation(s):		
<u>Bankfoot</u> Zurich (0607/01/001) - Proposes the allocation of Site H179 for housing in the Proposed LDP2 (Maps: MD105 & MD106). The Proposed LDP 2 identifies Bankfoot as a settlement with the ability to grow in future years. The settlement has a reasonable range of services and has very good connections to Perth, along the A9. PKC's reason for not including any sites for the allocation of housing in Bankfoot was due to the risk of flooding, drainage capacity and capacity constraints at the local primary school. Zurich has the following comments on these constraints: <ul style="list-style-type: none">Flooding/Drainage: Bankfoot has a history of flooding and though the Flood Prevention Scheme for Bankfoot was deemed financially unviable in November 2016, some localised action has been undertaken in recent years to manage the flood risk within Bankfoot. Site H179 has no water courses within or adjacent to the site, though the site does have a small area of medium probability surface water flooding to the south. Sustainable drainage measures could be introduced to mitigate surface flooding as part of a future development.A well-designed site layout for H179 would also take the medium flood risk probability into consideration and as such, high density housing would be located to the north of the site and low - density housing would be located to the south of the site.School Capacity: The local primary school has reached capacity. Developer contributions could be requested to help reduce the impact on the school.		

- Access: PKC identified access to the site to be a constraint in terms of reasons for the sites non-inclusion. Direct access would be gained from Highfield Road, with an extension to the road implemented in an 's' shape within the Site, to respond to its topography.

Burrelton/Woodside

Robert Morris & Sons Ltd (0013/01/001); Gavin Morris (0049/01/001) - Object to the Burrelton & Woodside settlement boundary and propose a modification incorporating an area of land into the boundary and allocating it for housing (Site H406, Maps: MD107 & MD109). This for the following reasons:

- The area is not economically viable for agricultural as it is narrow, too steep and very wet
- It is close to an existing residential area and would round off the settlement boundary
- It was included in the Burrelton 2004 settlement boundary
- It was in the draft LDP until it was taken out by the Reporter
- There is limited zoned areas for housing and strong demand
- All utility services are available
- It is an accessible site

William Service (0154/01/001) - Objects to Housing Allocation H17 (Map: MD107) in Woodside for the following reasons:

- It was previously refused planning permission in 2004, a decision upheld by an independent Reporter
- Access onto the A94 is at a blind corner
- Concerns that additional waste water would further exacerbate drainage issues in the area
- The development would change the nature of the village and break the natural line between Burrelton and Woodside

Stewart Milne Homes (0290/02/001) - Considers that the area of open space south west of Burrelton should be removed and that the area should be returned to white land (Map: MD107). It is agricultural land and the zoning is considered unreasonable as it will not be made available by the landowners for open space. It was zoned as residential in the 1996 Local Plan and therefore the principal of residential development has long been established (CD138). The site was considered constrained at this time due to Scottish Water delivery issues but these have since been removed. The site is now proposed with an additional area (Site MU420, Maps MD107 & MD111) for a mixed use development for the following reasons:

- The scale of development is appropriate to the size of the existing village and positive discussions have taken place with the community council as regards helping facilitate a school extension and community hall through additional development in the village.
- As well as improving infrastructure within the settlement, affordable housing will also be provided which will assist the rural economy and help sustain existing facilities including the local shop. Development in Burrelton will ensure that a good range and mix of marketable locations supporting improvements to infrastructure as required by SPP are delivered through the Local Development Plan.
- The site can provide access to the existing road and footpath network as well as the public transport network which has regular buses to Perth and Coupar Angus.

- The site is within and adjacent to the settlement boundary and is therefore a logical location for sensitive residential development. The site should therefore be zoned for housing in LDP 2.

Stewart Milne Homes (0290/02/002) - Identifies a further area of land for a residential led mixed use development of 200 houses (Site MU184, Maps: MD107 & MD110). They consider this site appropriate for the following reasons:

- The Perth Core Area should not be the sole focus of development and the identification of this site in Burrelton would provide a choice of location as not everyone wants to live in the larger, main settlements. Failure to identify appropriate levels of development in smaller settlements may displace potential growth and opportunities in these areas, and suppress the natural market for smaller scale growth.
- The proposed development will comprise a range of house types and tenures to meet market demands and the needs of the community including affordable housing.
- The opportunity for appropriate employment opportunities will also be explored.
- Structure planting will be designed into the development creating links through open space providing wildlife corridors and adding to the setting of Burrelton.
- The detailed design of the site will be developed through community engagement informing the masterplan for the site.
- The site is adjacent to the settlement boundary and is therefore a logical location for sensitive residential development. The site should therefore be zoned for residential mixed use development in LDP 2.

A & J Stephen Limited (0622/01/003) - Considers that there no deliverable sites for housing in Burrelton currently and propose the two sites at Nethermill Farm for housing allocations (Site H358, Maps: MD107 & MD108). They consider it to be appropriate for the following reasons:

- Both the sites at Nethermill Farm were considered through the previous LDP Examination, as were other opportunities within and adjacent to the settlement. In consideration at the previous MIR stage, Officers were of the opinion that if other sites did not come forward then the subject lands could potentially contribute towards the delivery of the spatial strategy (CD015, page 505).
- Through Examination, the Reporter was equally clear that the Plans proposed site to the North of Whitelea Road (H16 - 100 houses) was too large for a non-principal settlement and had no landscape justification. He therefore deleted the site.
- We note that north of Whitelea Road is now shown as open space within the Proposed Plan.
- The Reporter retained site H17 Church Road for 20 houses on the basis of local land supply delivery and that TAYplan does not preclude development outwith Principal Settlements (CD015, page 509). Whilst we agree that TAYplan does not preclude development outwith principal settlements, and the Reporter retained H17 in good faith, Site H17 is again retained with this Proposed Plan, has no planning consent, is constrained by access and is proving ineffective in delivering local land supply. Indeed, since its allocation in 2014, the site has simply slipped in delivery in successive audits, 2015 - 2017, and is consistently shown as being 3 years away from a site start. Site start is now shown as 2020/21 and with the CTRLR embargo due to be lifted in 2019, the sites lack of delivery cannot therefore be attributed to that factor alone. The reality is that there is no reason to believe that it will not simply continue to slip in successive audits.

- Burrelton therefore has no appropriate residential proposal and we continue to 1 consider that the subject lands represent the most logical direction for appropriate and deliverable settlement extension. A first phase to the east of the A94 is capable of delivering the constrained land requirement and a second phase to the west of the A94 can provide ongoing continuity of supply.
- The sites directly about the southern edge of the Burrelton settlement boundary and the proposed use is compatible with neighbouring uses.
- The proposal would be to phase the delivery of the two sites with phase 1 being to the east of the A94, phase 2 directly to the west. Residential use of mixed densities would characterise the site similar to surrounding uses together with community woodland and community walking routes on the southern boundaries of the sites.
- The southern boundary of phase 1 is screened by the existing agricultural buildings, although suitable separation of uses is proposed. The southern boundary of phase 2 is characterised by an existing 20 metre belt of mixed structural tree planting which is now well established.
- The subject land also lies on the A94 with good connections to employment opportunities at Perth and the Park and Ride at Scone. The A94 is also a bus route which provides the 57 Stagecoach service to Cupar Angus and Forfar to the East and to Scone and Perth to the West. The bus stops and local facilities are within easy walking distance of the site.
- All service connections are available and it is not anticipated that there will be any abnormal issues over and above normal servicing requirements.
- Both areas of land are well contained visually by strategic planting and existing development and the exiting perimeter tree belt forms a green corridor which links the site with the Burrelton Burn and the countryside beyond.
- In terms of timescale of delivery, the current LDP and Proposed LDP place an embargo on detailed consents of 10 or more until such time as the Cross Tay Link Road (CTLR) is a committed project. The Proposed Plan anticipates that the embargo will be lifted in 2019, therefore the subject lands, subject to allocation and appropriate consents, will not be constrained from timeous delivery. This is in contrast to the H17 allocation which, in the ongoing knowledge that the CTLR embargo will be lifted in 2019, remains within the 2017 Housing Land Audit for delivery, at only 5 units per annum, beyond that period (CD050).

SEPA (0742/01/045) - Supports the site requirement for a Flood Risk Assessment for H17 Housing Allocation.

Cottown

Errol Estate (0472/01/005) - Considers the current settlement boundary will only allow settlement expansion on an area to the north-west which cannot be released for development because of the status of its agricultural tenancy. Therefore to allow the village to have some development scope, the Estate wishes to see an allocation or an extended settlement boundary to the east. A plan is attached showing this proposed extension (Site H166, Maps: MD112 & MD113).

Alastair Baptie (0662/01/002) - Considers that Upper Mains Farm should be incorporated into the settlement boundary (Site MU359, Maps: MD112 & MD114). The steading is soon to become redundant and the outbuildings are considered to be unsuitable for modern farming machinery. The farm's field could be used for access and amenity space. The respondent proposes that the site be considered for a pioneering "dementia village" or specialist care facility which could also provide local employment.

Errol

Errol Community Council (0445/01/002) - Notes the recent extension to the primary school now results in the boundary of the Conservation Area cutting through the middle of the school building. They suggest that perhaps it would be logical to redraw the boundary to include the whole of the school building.

Errol Estate (0472/01/003) - Proposes an allocation (or allocations) for "Long" land at Errol as per the plans in the appendices attached to this submission. There are no other allocated housing sites in the Carse of Gowrie other than Grange and Errol Airfield. Errol continues to be a well-established and resilient village that supports a number of key services, and has space to expand. Errol has seen steady build out of the housing area to the north whereas no building has started at Grange and Errol Airfield. Given the range of facilities in Errol Village, the settlement strategy and allocation of land at Grange and Errol Airfield rather than at Errol Village is hard to justify.

Errol Estate (0472/01/004) - Suggests there are two areas which are suitable for expansion at Errol:

- 1) Site at Northbank (Site MU108, Maps: MD117 & MD116) – they consider this a longer term development. Long allocations give both flexibility and certainty to Development Plans and communities. They allow Local Authorities to release additional development land during a plan period in a planned and managed way on sites that have been brought to the attention of the public as potential areas of longer term growth. Errol Estate considers that the Development Plan for Perth and Kinross would benefit considerably by the inclusion of such a policy and the situation at Errol and in the Carse of Gowrie generally illustrates this point. We have mentioned the concern that the consented site at Errol Airfield may not come forward for development and therefore there will be no scope for any size of expansion in the Errol area. This will in time have detrimental impacts on local facilities and services. The Estate asks that all or part of land to the north of Errol, at Northbank Farm, Errol (as previously submitted) be allocated for long term housing (19 Hectares) including phased residential development with associated open space and affordable housing. The proposed site positioned to the north of Errol is free of environmental and physical constraints. For the reasons set out above, part or all of the land should therefore be considered as suitable for a long term housing allocation.
- 2) Site to North East (Site H409, Maps: MD117 & MD115): The smaller site in the north-east corner of the village of Errol could be easily assimilated into the village. It is our view that this essentially 'rounds off' the gap that currently exists on the east side of the Carse Road as one leaves Errol. We consider that the left side of the street is already visually interpreted as part of the village owing to the domestic-scale and form of boundary treatments and landscaping, and the residential properties and street furniture across the road. We have assessed the site for a number of constraints comprising: flooding; natural heritage; and cultural heritage and in each category the site is entirely unconstrained. The site also lies adjacent to the Carse Road which is served by a regular bus service that links the village with both Perth and Dundee. The Carse Road is also part of the national cycle network while the Circular Errol Walk begins at the southern edge of the site. Errol Primary School is relatively new and the village of Errol itself has a number of shops and services that could be accessed on foot from the proposed site. Overall, we consider that the site is already effectively a part of the village in terms of the way that it is visually interpreted by passers-by. Allocating this site formally through the

Local Development Plan would present the village of Errol with an opportunity to increase the population slightly, and would offer some new choice in the immediate housing market area giving the village some scope to grow.

The village offers a highly sustainable location for growth both in the short and long term. Situated at an equal distance from both Perth and Dundee. Errol Estate is promoting a strategic plan for the Estate focused on developing green infrastructure for recreation (including waymarked routes for cycling and walking), tourism and sustainable travel. The Estate is also looking to develop visitor accommodation for a range of markets such as bunkhouse and self-catering facilities. These facilities will provide expanded markets for the services and businesses in Errol village both existing and new and assist in regenerating this village. The village is well positioned to attract and sustain developments and enhancements associated with walking and cycling. The Estate therefore wishes to see Errol become an exemplar settlement for walking and cycling over the course of this Local Development Plan period as encouraged in National Planning Framework (CD003).

Allocating land at Northbank, Errol and the small site to the North East, would make a suitable addition to the village which would not run contrary to the established spatial strategy as set out in the Adopted Local Development Plan (2014) (CD014) or TAYplan (2017) (CD022).

Grange & Errol Airfield

Settlement boundary

Morris Leslie Group (0241/02/001) - Notes that the settlement text refers to the recently granted Matters Specified in Conditions Application (Ref: 16/00999/AMM) for the Errol Airfield site, but does not reference the original planning permission for the site to which it relates (Planning application: 13/01823/FLM, RD027). Neither does it include this development as a housing allocation, stating that "if this development takes place, it [the settlement boundary] will be redrawn to encompass the built area". It is requested by Morris Leslie Group that the map on page 201 is altered to include both the application site area of Ref: 13/0183/FLM and planning permission Ref: 16/01491/FLL (RD028), which is associated with this development, and is for the new main access and associated works, as a housing allocation for circa 240 dwellings. The site is considered to be 'effective' by the Council, with it being included in the Housing Land Audit 2017 (site ref: PEL251 Errol Airfield 57.31 ha, CD050) and, therefore, no reason for it not to appear in the Plan as a housing allocation (Site references MU360 & H422, Maps: MD119, MD121 & MD123).

Errol Community Council (0445/01/001) - Notes and supports the redrawing of the settlement boundary to exclude the area of the planned housing development on the Airfield. The previous inclusion of this yet to be realised development did not appear to be commensurate with settlement boundary procedure.

Mr & Mrs Scott (0598/08/001) - Considers that the settlement boundary should be re-aligned to incorporate the full extent of the World War II buildings for the Airfield and the adjacent brownfield land at Muirhouses Farm (Sites MU194 & H190, Maps: MD119, MD120 & MD122). This should be allocated for Residential and Employment Land and a Community Orchard. They consider this for the following reasons:

- It is a logical settlement extension and would make the settlement a more compact shape.
- Whilst they acknowledge that the Tayplan and the LDP are directing the majority of

the development towards larger settlements, Scottish Planning Policy's cornerstone policy, is to direct development towards brownfield sites ahead of greenfield sites (CD004). Errol Airfield is one of Perth & Kinross Council's largest brownfield sites. The derelict WW2 buildings and surrounding area is also in desperate need of redevelopment and regeneration.

- The new build houses will also cross fund the construction of a purpose built commercial units to house the 30 industrial tenants which are currently operating out of the WW2 buildings and the establishment of the community orchard. Based on the extent of the proposed zoning in the Proposed Plan, it is not economically viable nor is there an adequate amount of land to build purpose build commercial units and houses and create the community orchard.
- The layout of the proposed site also connects with the isolated pocket of zoned Residential & Employment Land.
- This site may also assist in accommodating the additional 10% of housing allocation which is required.

Site allocation H21

Donald Soutar (0155/01/001) - Considers that Housing Allocation H21 at Grange should have the following issues addressed when developed:

- Surface drainage. Grange has suffered flooding several times since the completion of the new housing development by Scotia Homes. The owners of South Grange Cottage have had their property substantially flooded on 2 occasions (narrowly avoiding a third) and have had to move out of their home for several months to allow it to be dried out. The surface water from the 16 houses built at Monks Walk drain to the roadside ditch which in very wet winters cannot cope with the volume of water. This results in flooding of the Horn Road which runs past this site and requires the road to be closed to traffic while the Fire Brigade/Tayside Contracts pump the water away. It is important that no more surface water is allowed to enter the roadside ditch and should be piped to the Grange Pow at Newbigging Farm which has capacity to handle that volume of water.
- Planning Conditions. it is important and only fair the planning conditions placed on my house (application number- 00/00852/FUL) are also placed on any further properties built on this site. i.e. -10 metre tree planting at south boundary at railway line, provision of a pavement to link existing and similar finishing materials.
- Road Width. The road along the frontage of this site is very narrow and should be widened to ensure 2 cars can pass. The road requires to be widened to 4.8m wide with a suitable width pavement. These were the requirements from the roads department for application 07/02810/FUL which was for building houses at Carse Grange directly opposite site H21.
- Public Open Space. Within the Report of The Public Enquiry into objections to the Perth Area Local Plan held in June 1999 it states that site H12c (now H21) 'should be allocated for housing subject to some community open space' (PKC are unable to supply copy of this document at this point in time). The community open space now seems to be missing from this proposed development and 5 extra houses have been added. There are no parks or public footpaths at Grange and none planned, therefore, it is important that this community space is not deleted from proposals for site H21 given this is one of the Carse of Gowrie historic orchards and several old fruit trees still exist on site.

Perth & Kinross Heritage Trust (0272/01/006) - Recommends that the Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological

investigation and/or protection of Scheduled Monuments being required.

SEPA (0742/01/047) - Supports the site requirement for a Flood Risk Assessment for H21 Housing Allocation.

Kinfauns

Site allocation RT1

King James VI Golf Club (0131/01/002 & 0131/02/002) - Supportive of this allocation.

Edrington Group (0414/01/001) - Objects to the allocation of Site RT1 at Wester Kinfauns for a park and ride facility. They consider that the Council has not demonstrated that this is the most suitable site for Park & Ride and it does not have the money to operate a Park & Ride. A CPO inquiry will be necessary because of the strong opposition of the landowner. They state that in considering whether to allocate this site the LDP Reporter will need to consider whether there is any realistic prospect of a Park & Ride CPO succeeding. If the conclusion is that it will not succeed the Reporter must not allocate the site because they will be allocating an ineffective site; acting against the landowners wishes; and blighting the site. This will have separate compensation implications for the Council, which is likely to receive a claim against it from the landowner for the alternative use value that would have occurred were the site not allocated for Park & Ride.

New proposal

Edrington Group (0414/01/002) - Propose a site for predominantly residential or mixed use residential comprising of the following areas (Site MU405, Maps: MF126 & MD127):

- 2.8 acres with consent for 31 houses, with 1.7 acres of additional land
- 6 acres previously proposed for park and ride by Perth City Council
- 19.5 acres of existing offices and land

They consider that there is a more suitable use for the site for the following reasons:

- Previous use
- Well established building group
- Layout comprising roads, footpaths and landscaping
- Good accessibility
- Good existing road junctions
- Strong boundary planting and sense of enclosure
- Recent grant of consent for a smaller scheme and other ongoing planning proposals, such as the proposed park and ride

Open space

Alastair Baptie (0662/01/001) - Considers that an area to the east of the settlement should not be designated as open space. It should, however, be retained within the settlement boundary (Map: MD126).

Wolfhill

G Sinclair (0597/01/001) - Proposes land at Dunsinnan Road, Wolfhill as a proposed residential development opportunity site (Site H361, Maps: MD137 & MD138). Perth and Kinross Council has not undertaken a specific site appraisal of this site, despite other sites

of a similar scale within similar rural settlements being fully assessed as part of the Strategic Environmental Assessment (CD074-75) that accompanies the Proposed Plan. Instead the site was considered as a settlement boundary change. It is requested that the settlement boundary of Wolfhill is extended to include this land and the site is specifically allocated for residential development for approximately 10 residential units. As a site assessment has not been carried out by Perth and Kinross Council, Graham + Sibbald has undertaken this assessment utilising the criteria contained within the Environmental Report (RD031). This demonstrates that there are no significant constraints that would prevent this site from being brought forward for residential development.

Landward sites:

Abernyte

Mr & Mrs Scott (0598/10/001) - Proposes a new site for housing development (Site H274, Maps: MD204). They have also proposed a settlement boundary would be appropriate for the village. This issue is dealt with in the Schedule 4: Issue 05 Policy 6 Settlement Boundaries. This is for the following reasons:

- Settlements which are smaller than Abernyte are identified and in most cases, allowance made for housing.
- There has been a very limited amount of housing in Abernyte over the last 20 years, despite it being a popular place to stay.
- The primary school roll is down to 4 pupils and the Council's reluctance to allow for any housing in or around Abernyte is a considerable factor in the school roll dramatically dropping.
- The subject site has a robust landscape framework and is bounded by the houses and a public road to the south, rising topography to the north and a road to the west and trees to the east.
- The site would be ideally suited for accommodating a modest settlement extension.

Errol

Morris Leslie Group (0241/01/001) - Requests that South Inchmichael Farm be identified as an employment allocation (Site E357, Map: MD118). A planning application (Ref: 17/01941/FLL) was submitted in 2017, and a further application is to be submitted shortly for Class 5 and Class 6 use.

Modifications sought by those submitting representations:

Bankfoot

Zurich (0607/01/001) - Proposes the allocation of Site Reference H179 for housing in the Proposed LDP 2.

Burrelton & Woodside

Robert Morris & Sons Ltd (0013/01/001); Gavin Morris (0049/01/001) - Would like to see a change to the settlement boundary at Burrelton to incorporate an area of land. They would like this land to be allocated for housing (Site Reference H406).

William Service (0154/01/001) - Would like to see the removal of Housing Allocation H17 in Woodside.

Stewart Milne Homes (0290/02/001) - Requests the removal of the open space designation to an area in the south west of Burrelton and to retain it in the settlement boundary as "white land". They would also like an area of land to be incorporated into the settlement boundary and for it to be allocated as a housing site in LDP2 (Site Reference MU184).

A & J Stephen Limited (0622/01/003) - Proposes the inclusion of two new sites at Nethermill Farm for housing allocations and consequent changes to the settlement boundary (Site Reference H358).

Cottown

Errol Estate (0472/01/005) - Seeks an allocation or an extended settlement boundary to the east (Site Reference H186).

Alastair Baptie (0662/01/002) - Considers that Upper Mains Farm should be incorporated into the settlement boundary.

Errol

Errol Community Council (0445/01/002) - Change boundary of the Conservation Area to include the whole of the school building.

Errol Estate (0472/01/004 & 005) - Suggests two areas for housing allocations in Errol: site at Northbank and a site to the North East.

Grange and Errol Airfield

Mr & Mrs Scott (0598/08/001) - Would like the settlement boundary to be re-aligned to incorporate the full extent of the World War II buildings for the Airfield and the adjacent brownfield land at Muirhouses Farm. This should be allocated for Residential and Employment Land and a Community Orchard (Site reference H190/MU194).

Morris Leslie Group (0241/02/001) - Map on page 201 should be altered to include both the application site area of ref: 13/0183/FLM, and planning permission ref: 16/01491/FLL, which is associated with this development, and is for the new main access and associated works, as a housing allocation for circa 240 dwellings (Site references MU360 & H422).

Site allocation H21

Perth & Kinross Heritage Trust (0272/01/006) - Recommends that the Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required.

Kinfauns

Edrington Group (0414/01/001) - The representation has been difficult to understand with regards to the modifications. However, they would like to see the removal of allocation Site RT1. Furthermore, although it is not explicitly stated, it is interpreted that they wish to see the deletion of the Employment Safeguarded area and for this to become white land within the settlement boundary.

Alastair Baptie (0662/01/001) - Considers that an area to the east of the settlement should not be designated as open space. It should, however, be retained within the settlement boundary.

Wolfhill

G Sinclair (0597/01/001) - Would like the land at Dunsinnan Road, Wolfhill to be considered a proposed residential development opportunity site (Site reference H361).

Landward sites:

Abernyte

Mr & Mrs Scott (0598/10/001) - Proposes a new site for housing development (Site reference H274).

Errol

Morris Leslie Group (0241/01/001) - Request that South Inchmichael Farm be identified as an employment allocation (Site reference H357).

Summary of responses (including reasons) by planning authority:

Bankfoot

New site proposal

Zurich (0607/01/001) - There is a new site proposed at Bankfoot in an area adjacent to the A9 and on the edge of the current settlement boundary. In the Proposed Plan, it is acknowledged that Bankfoot has long term potential for further housing but that key constraints on the settlement including flooding issues and the size of the school and where it is currently located mean that further work is required to identify the community needs and infrastructure that might be required. The settlement statement therefore refers to the opportunity for design based workshops to be held to establish all the key issues regarding infrastructure and help to identify future development sites for LDP3. The site proposed (Site H179, Maps: MD105 & MD106) was put forward during the Call for Sites stage and was fully assessed under the SEA process. This assessment has been now been reviewed to respond to this most recent proposal (CD377).

Bankfoot is located just off the A9. The core of the village is within the valley with the settlement developing up the hillside to the east. The site is located on the eastern edge of the village which incorporates two large fields that sit up above the village and adjacent to the A9. There are a number of key constraints in terms of this site:

- The site lies next to the existing A9 route. The A9 is the focus of a national project that will see the entire road being upgraded to a dual carriageway. A portion of this site is required to accommodate the widened roadway which will reduce the proposed development area considerably and place potential housing next to a very busy road.
- Access to the site is extremely constrained. The lower access taken of Innewan Gardens would require considerable engineering to allow for any realistic access to the higher part of the site due to the steeply rising slope. The upper access through Highfield Place is also constrained by the existing narrow streets and steep slope

within the village as well as the need to make an access point through a privately owned driveway.

- There are issues with flooding on parts of the site from water running off the higher ground as well as drainage issues. This is an issue throughout the village that requires more detailed consideration to find a solution.
- As mentioned earlier, the school is near capacity and would require an extension to accommodate a rising intake. As the school is constrained in terms of its location, further work is required to identify an answer to this issue.

The Council would therefore not consider allocating any new housing sites in Bankfoot until the wider constraints have been address. Furthermore, TAYplan sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. Bankfoot is not in the Perth Core Area and therefore the allocation of a large site would be contrary to TAYplan.

No modification is proposed to the Plan.

Burrelton & Woodside

Housing Allocation H17

William Service (0154/01/001); A & J Stephen Limited (0622/01/003) - Site H17 is allocated in the plan for 16-26 units. This site was allocated originally in the Perth Area Local Plan (CD138). It was then allocated in LDP1 and went through the Examination process. The Reporter stated that there was “no reason to suspect that there has been any physical change in circumstances that would justify not taking this site forward” (CD015, p.509). Whilst there appears to have been little work undertaken to bring this site forward, it would be premature to consider this site ineffective. Furthermore, the argument that it should be replaced by an effective site within Burrelton & Woodside is not pertinent as the effective housing supply in this area is already more than met by allocations in other settlements. By comparison to H17, the other sites put forward have not been consulted upon and therefore the community have not had the opportunity to comment on their potential.

No modification is proposed to the Plan.

Open Space

Stewart Milne Homes (0290/02/001) - Stuart Milne Homes have objected to its identification as Open Space and proposed it is returned to white land within the settlement boundary. This area is Prime Agricultural Land and is currently being farmed. The area was incorrectly identified as open space as part of a review prior to the Proposed Plan consultation.

If the Reporter is minded to change this area back to white land within the settlement boundary, the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

New site proposals

Robert Morris & Sons Ltd (0013/01/001); Gavin Morris (0049/01/001); Stewart Milne Homes (0290/02/002); A & J Stephen Limited (0622/01/003) - There are a number of proposals that have been submitted to the south and south west of the Burrelton settlement boundary. Burrelton & Woodside is a small settlement on the A94 leading to

Blairgowrie. It has limited facilities and currently has one small housing allocation for 16-26 units. One of the main arguments for these proposals is that the H17 housing site allocated at Woodside is not effective and will not be developed during this plan period. There is limited evidence to suggest that any of the other proposals could be delivered more quickly. Furthermore, the site has been through the consultation process.

The proposal put forward by Morris and Morris is for a small site to the west of Burrelton on Whitelea Road (Site H406, Map: MD109). This was assessed as part of a much larger site in the SEA after the MIR consultation (CD074, P.244-254). The submission states that the site is not economically viable for agricultural as it is narrow, too steep and very wet. These arguments are also pertinent to the potential development of this site. Indeed, the slope and drainage issues are as much a barrier to housing development as they are to agricultural activities. Moreover, this area was originally in the Proposed Plan settlement boundary for LDP1 but was recommended for removal by the Reporter and therefore taken out. It is consequently not considered an appropriate housing site by the Council.

Stewart Milne Homes propose two sites for inclusion in the Plan. MU420 is partially within the settlement boundary and this area is currently identified as Open Space in the Proposed Plan. This issue is discussed above and it is acknowledged that the identification of open space is incorrect. An additional area of the site is out with the settlement boundary. The proposed site is within Prime Agricultural Land. This site was originally within the LDP1 Proposed Plan as an allocated site referenced H16 in for 100 units (CD053). It was removed as an allocation as part of the Reporter's recommendations and the site boundary was drawn back to the boundary shown in the Perth Area Local Plan. The Reporter stated that:

"The extension of the settlement into surrounding countryside would detract from the local landscape character but, subject to extensive landscaping of the site's northern and western boundaries, the degree of such harm might be acceptable if the site could be demonstrated to be essential in order to meet the Proposed Plan's housing strategy. However, Burrelton is a small settlement with very few services and limited employment opportunities. It is not identified as one of the Plan area's principal settlements, which TAYplan Policy 1 requires to be the focus for the majority of development. The proposed 100 houses on this site would represent a very significant enlargement of the settlement with no obvious strategic justification." (CD015, page 509)

Stewart Milne Homes has a further submission for the area to the north west of Burrelton (Site MU184, Map: MD110). A site assessment has been undertaken for SEA purposes (CD074, p.255-64). This is another large proposal that would again impact on the rural context of the village and is located within Prime Agricultural Land. It would require considerable landscaping to reduce the visual impact and the site is not required to meet the Housing Land requirements for Perth HMA.

A & J Stephen Limited has proposed another large area directly to the south of Burrelton which incorporates the Nethermill Farm buildings (Site H358, Maps: MD108). Once again, the site is very large for Burrelton and would have a significant visual impact on the entrance to the village from the south. It is also located with Prime Agricultural Land as well as having existing farm buildings that are currently in use. Furthermore, the site is not required to meet the Housing Land requirements for Perth HMA.

TAYplan sets the strategic framework for the Plan and identifies the Perth Core Area as

being the location for the majority of development in the Perth HMA. Burrelton and Woodside are not in the Perth Core Area. TAYplan also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area. To be consistent with TAYplan, only limited development can be allocated to settlements out with the Core Area. Large sites would not be consistent with TAYplan. The Plan already has an allocation in Woodside that provides the limited amount of development consistent with TAYplan.

No modification proposed to the Plan.

Cottown

New sites

Errol Estate (0472/01/005); Alastair Baptie (0662/01/002) - Two areas of land have been put forward as potential sites within the LDP: H186 (Map: MD113) and MU359 (Map: MU359). H186 is a small site to the south of the settlement boundary. This site is located within Prime Agricultural Land and part of a much larger field with very little containment. The site would have a visual impact in terms of the rural setting of Cottown & Chapelhill. The proposal to create a mixed use site on the currently working farm is completely out of scale with the existing settlement. If the farm does cease to be used, any application for conversion would be assessed under the Housing in the Countryside policy rather than approaching this as an allocation. The settlement has no facilities and requires residents to drive to the nearest shops and services.

TAYplan sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. Cottown & Chapelhill are not in the Perth Core Area. TAYplan also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. To be consistent with TAYplan, only limited development can be allocated to the Carse of Gowrie. As the housing land requirement has been met for this area, it is unnecessary to allocate any further sites in this area.

No modification is proposed to the Plan.

Errol

Errol Community Council (0445/01/002) - The conservation areas are reviewed systematically. Development Management have a ranking system that orders the review according to community pressure, date of previous appraisal, synergy of funds/initiatives and development pressure (CD065). Currently, Birnam is being reviewed as it scored the highest in the ranking system. Errol, which was appraised in 2009, is not identified for review at this current time. A fuller explanation of the issues regarding the revision of conservation areas is discussed in the Schedule 4: Heritage Policies.

No modification is proposed to the Plan.

Errol Estate (0472/01/003 & 004) - Two sites have been proposed for Errol. The larger, strategic site is located to the north of the settlement and would expand the village considerably (Site MU408, Maps: MD116). It has been proposed as "long land". The suggestion is that this would be a strategic site that would be delivered over the long term. However, Errol is not identified as a tiered settlement and therefore is not considered

appropriate for large allocations. The proposal would therefore be contrary to the Council's housing strategy. The second proposal is a small site located on the south east side of the village that could accommodate a very limited number of units Ref: H409. It is noteworthy that the site has a steep drop from the roadside and is part of a much larger field with little containment. Furthermore, Errol has seen a considerable amount of new development in recent years and building is still underway.

TAYplan sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. Errol is not in the Perth Core Area. TAYplan also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. To be consistent with TAYplan, only limited development can be allocated to the Carse of Gowrie. As the housing land requirement has been met for this area, it is unnecessary to allocate any further sites in Errol.

No modification is proposed to the Plan.

Grange and Errol Airfield

Morris Leslie Group (0241/02/001); Mr & Mrs Scott (0598/08/001) - Errol Airfield has been the focus of development interest for a number of years. In 1998, a planning application proposing 1350 houses, business and commercial uses was withdrawn (98/01646/OUT). A further application for a sustainable village of 240 units was given permission in principle in 2010 (CD267, DM Report 05/02418/IPM). This permission was renewed in 2014 (13/01823/FLM, CD370) and again in 2017 (16/00999/AMM, CD371). The site is within the adopted LDP's settlement boundary. This settlement boundary was reviewed as part of the MIR (CD141, Question 9). Following this review, it was decided that the site be removed from within the settlement boundary. As both the sites (Site references MU360 & H422) would be assessed under the adopted LDP, it is considered that this change to the boundary would not prevent the current proposal from going ahead. It would, however, prevent this site being retained in the long term if no development were to take place. The other proposal to extend the settlement boundary to incorporate additional areas of land for residential and employment land (Site references H190/MU194) would be contrary to the review. It is notable that Errol Community Council has supported this approach to the settlement boundary.

TAYplan sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. Grange and Errol Airfield are not in the Perth Core Area. TAYplan also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie. To be consistent with TAYplan, only limited development can be allocated to the Carse of Gowrie. Whilst it is appreciated that this site has historically been approved permission for development, large sites such as this that were approved prior to TAYplan are no longer consistent with the current tiered strategy and further, it is not needed in terms of the housing land requirements for this area.

No modification is proposed to the Plan.

Site allocation H21

Donald Soutar (0155/01/001); Perth & Kinross Heritage Trust (0272/01/006) - The Housing Allocation H21 is a site that is in the adopted LDP and has already been through the

Examination process. It is a small site adjacent to another recently developed site. Any development for this site will be required to be assessed against the LDP policies. Policy 51: Water Environment & Drainage aims to protect and improve the water environment; Policy 58: Transport Standards & Accessibility aims to ensure new developments are well accessed and that the roads “are designed for the safety and convenience of all potential users; Policy 14: Open Space Retention and Provision seeks the provision of formal & information space within new developments; Policy 26: Scheduled Monuments & Non-Designated Archaeology seeks to protect the integrity of Scheduled Monuments. The Council therefore do not consider it necessary to include further site specific requirements as these issues will be assessed against these policies at planning application stage.

No modifications proposed to the Plan.

Kinfauns

Park & Ride allocation RT1

Edrington Group (0414/01/001) - Felsham Planning and Development have submitted objections, on behalf of the Edrington Group, to the allocation of Site RT1 at Wester Kinfauns for a Park and Ride (P & R) facility. They consider that the Council has not demonstrated that this is the most suitable site for Park & Ride and it does not have the funding to operate a Park & Ride. A Compulsory Purchase Order (CPO) inquiry will be necessary because of the strong opposition of the landowner.

The question of need in terms of the P&R in this location has already been through the Examination process. The Reporter stated:

“Proposals 1: Map-Proposals in TAYplan illustrates how the region will develop over the 20 years between 2012 and 2032. It identifies an indicative location for a “Proposed strategic park and ride” somewhere on the east side of Perth. Additional park and ride sites are one of a set of key infrastructure projects upon which the successful delivery of the Perth Area strategy is dependent. The principle of a park and ride facility east of Perth has been established and its location in vicinity of RT1 has likewise been established.” (CD015, p.471).

Over the past 6 years the Council has had extensive positive discussions with the owners of this site. Two concerns were raised:

- Firstly, that the design did not impinge on the views from their office building and this was addressed.
- Secondly, they were concerned about the local community views and did not wish to commit until local views had been canvassed.

The Council and their consultants, therefore, carried out a pre application consultation exercise hosted in the Edrington offices on 10 March 2015. The outcome of the consultation was positive (CD372, PAC report for 15/01808/FLM) and reported to the owners who did not object to the proposed allocation of a P & R site in LDP 1, nor did they object to the planning application 15/01808/FLM for the formation of a park and ride facility, access road, landscaping and associated works. This application was granted consent on 19 February 2016.

Early in 2016, the Edrington Group announced plans to relocate their office to the west of Scotland. Concerned about the ongoing discussion on the P & R proposal, the Council

emailed the Edrington Group on 21 April 2016 to seek clarity on their position (CD373). Their response stated that the proposal for land to be purchased by PKC had received no adverse comments from Edrington Corporate Board and therefore the purchase process was assumed as clear to start (CD373). The Council's Chief Executive, Depute Chief Executive and Head of Planning & Development, met with Edrington's Corporate Affairs Director on 22 April 2016. The meeting was positive and Edrington's continued support for the Park & Ride site was assured. Following this meeting the Council's Estates Team has been in dialogue with the owner's agent regarding the Council's interest in the site. There was no indication of opposition to the proposed Park & Ride site, in view of the history of discussions. This change in position, through the objection, was somewhat surprising. However, it is fair to say negotiations have stalled in recent months.

Two issues are raised with regard to the CPO. Firstly they indicate that it has not been demonstrated that this is the most suitable site. Technically this may be the case; however, it was not necessary to do so given their co-operation through the discussions referred to above. A significant amount of work has been done on the Perth Transport Futures Project (CD009). This clearly demonstrated the need for and advantages of a P & R facility to the east of Perth. Potential location for such a facility must be sited adjacent to a current junction serving the A90. Only 2 possibilities exist, this location or adjacent to the Kinfauns junction. The later site has issues in terms of flooding and the topography of the area would be challenging. Secondly this site brings with it additional benefits of improving the bus service to the local community as demonstrated by the consultation responses (CD372). In any case it is contended that this issue is more appropriately considered at a CPO examination rather than the LDP examination.

Secondly, the objection relates to the claim that there is no funding in place to deliver the facility. Through the Developer Contributions and Affordable Housing Supplementary Guidance (CD021), financial contributions have been secured from new development towards a package of transport infrastructure measures which includes the Park and Ride scheme to the east of Perth. The Tay Cities Deal Proposal (CD006) sets a commitment to the design and implementation of a park and ride scheme to the east of Perth with £2m funding being sought towards the capital costs with the provision of ongoing revenue funding provided by the Council. Through these mechanisms, it is clear the Council is committed to funding the delivery of the scheme. In any case, it is contended that this issue is also for a CPO examination rather than the LDP examination.

New Residential Proposal

Edrington Group (0414/01/001) - The area being proposed for a housing development comprises of two distinct sections. The first being the east most section comprising 2.7 acres, with consent for 37 houses, with 1.9 acres of additional land. The northern portion is identified in the Proposed Plan as white land and in effect is covered by the general Residential and Placemaking Policies (Policies 1 & 17). The site was not identified, in the Proposed Plan as a specific housing proposal over doubts about its effectiveness. This northern portion is largely a brownfield site being a former bus depot. Its use for housing is not disputed by the Council.

The second area is the former headquarters office site. This site was granted consent in 1994 for a single user headquarters building. Being one of the three main Perth based whisky companies, Matthew Gloag and Son had outgrown their Perth headquarters in the city centre and, like the other two whisky companies, Bells and Dewars, were seeking high profile sites on the main approaches to Perth. This development was granted as an

exception and was recognised as being contrary to policy.

Walnut Grove, Kinfauns is a small hamlet on the eastern approaches to Perth, it has no facilities and in the absence of a P & R, a relatively poor bus service to Perth. The site's accessibility cannot be described as good, other than by car.

The development of this large 8.4ha site would be out of scale with the current settlement and would be contrary to the TAYplan settlement strategy which directs the majority of housing land to the City of Perth and its core villages. Outside the core settlements, developments may be allocated where they can be accommodated and supported by the settlements. Kinfauns does not fit this category.

It is also contended that a large scale development in this location would have a significant landscape impact on views from and to both the Tay and the principal viewpoint from Kinnoull Hill.

To conclude, the objector's position on the P&R site directly contradicts their previous position and can provide no evidence or rational for this change. Whilst the objector does not seek the identification of the site as a specific housing proposal, they suggest that the current plan designations including the Employment Land, Park and Ride proposal and the open space are removed leaving it as white land and in effect applying the Residential Areas Policy 17.

The importance of the Park and Ride proposal to the transport infrastructure of Perth has been covered above. With regard to the employment land the strategy of the Plan is to protect employment land to facilitate the sustainable economic growth of the area. The former headquarters building is a prestige facility and an important facility offering an opportunity to attract significant employers to the area. The retention of the open space designation around the Park and Ride and headquarters building is an important element of the protection of the landscape setting of Kinnoull Hill and the river Tay. In addition, the open space designation is a key component of the protection the setting of the landscape setting of the settlement and the headquarters building.

The suggestion that a major site of 200+ houses be brought forward, without being designated as a housing proposal in the LDP and without consultation, is contrary to the principles of the plan led Scottish planning system. The site is inappropriate for large scale residential development and contrary to the TAYplan settlement strategy. The redevelopment of the former bus depot is compatible with the Proposed Plan framework but with a lack of evidence of its viability it is not considered necessary to identify it as a specific housing proposal. Accordingly the Council see no justification to modify the plan.

No modification is proposed to the Plan.

Open space

Alastair Baptie (0662/01/001) - There is an area of land currently designated as open space at the eastern end of the settlement of Kinfauns. This is located on the slip road off the A90 on the entrance into the village. This is a linear settlement developed along the old road following the Tay into Perth from Dundee. The respondent would like the open space designation to be removed but for this area to be retained within the settlement boundary. Open space is not simply about providing usable areas for recreation. It can also be an area of greenspace that provides breathing space between urban areas,

creating landscape settings for settlement edges. In this case, whilst the area of land is not exceptional for any specific use, recreational or scenic, it does provide a buffer between the busy dual carriageway and the quiet back road that leads through Kinfauns. Removal of this designation whilst retaining it in the settlement boundary would mean that development of this site could take place. The development of this area would create a new more urban entrance off a busy road changing the visual entrance to the settlement. Furthermore, this site is located so close to the A90 that noise pollution could be an issue.

No modification is proposed to the Plan.

Wolfhill

New site proposal

G Sinclair (0597/01/001) - This site proposal was put forward at the MIR stage of the plan. It was assessed as a settlement boundary change. A further representation has been made at Proposed Plan stage objecting to it not being assessed as a housing option. The site has therefore now been assessed under the full SEA process and has been referenced as H361 (CD378). This site was proposed during the adopted LDP process and was taken to examination. The Reporter considered that the site would have a visual impact and it was not taken forward either as a housing site or within the settlement boundary. The following statement was made regarding the site:

“When one considers Wolfhill’s relative remoteness, the lack of any services, employment opportunities or public transport connections and the fact that it is not identified in TAYplan as a principal settlement, there is no justification for any additional housing development beyond that which will be facilitated by the proposed settlement boundary. The proposed site would also be inappropriate in landscape terms. There are some low sheds to the north of the site, which it is understood are to be replaced with housing and some limited development on the opposite side of the road but these do not provide a logical landscape framework into which the settlement could expand. Even with generous landscaping, the proposed settlement enlargement would detract from the character of the local landscape by appearing as an incongruous expansion of built development into the surrounding countryside.” (CD015, p. 511)

The site is 1.2 ha of relatively flat grazing land which the existing settlement looks out on to. There is reasonable access to the site although this access would not be appropriate for a large development. The low sheds described by the previous Reporter have now been replaced by housing on the north side of the site and this creates a horse shoe effect in terms of the current settlement boundary. The arguments presented against this site being developed in the previous plan are still pertinent. There is still a lack of services, public transport and employment and it is not identified as a principal settlement in TAYplan. It would therefore be inappropriate to allocate this area as a housing site. Nonetheless, in terms of the landscape impact, the new development to the north of the site changes the landscape character of this area. With this visual change, it is difficult to argue that further small scale development in this locale would have as significant an impact as previously stated. There is, however, a number of areas already within the settlement boundary that are available for development currently and it would be preferable to see these areas delivered before any further small infills were made possible.

No modification is proposed to the Plan.

Landward sitesAbernyteNew site proposal

Mr & Mrs Scott (0598/10/001) - There is a new site proposed at Abernyte along with the suggestion that the area has a settlement boundary to support new growth in the location. The principal of establishing new settlement boundaries is dealt with in the 01E: Policy 6 Settlement Boundaries Schedule 4. It is considered that using Policy 19: Housing in the Countryside to assess applications for development in small settlements is more appropriate and will allow proposals to first and foremost be assessed against their suitability and fit within, and their impact upon, an existing building group rather than being almost deemed acceptable in principle because the proposal is within a settlement boundary line. The site was proposed at the Call for Sites stage and site assessed as part of the SEA process: Site Reference H274 (CD074, p.75-83). The site proposal is not located near an identified settlement boundary and therefore would be inappropriate as an allocation. Any proposal would therefore be assessed under the Housing in the Countryside criteria. This policy is relatively restrictive to large new sites in order to preserve the rural setting and prevent unplanned demands on infrastructure. It would therefore be for the applicant to demonstrate how this site met with the policy criteria. Furthermore, TAYplan sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. This site and proposed settlement boundary is not in the Perth Core Area. TAYplan also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie.

No modification is proposed to the Plan.

ErrolNew site proposal

Morris Leslie Group (0241/01/001) - A new site has been proposed some distance from Errol on an existing farm stead. This site has been assessed as part of the SEA process and referenced as H357. This is a landward site that does not have any connection to a settlement boundary although the nearest settlement boundary is at Errol. The representation refers to an earlier planning application that was withdrawn (Ref: 17/01941/FLL). A planning application (18/00243/FLL) has just been approved by the Local Review Body for a change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking (CD369). An allocation for this site is therefore unnecessary. Furthermore, TAYplan sets the strategic framework for the Plan and identifies the Perth Core Area as being the location for the majority of development in the Perth HMA. This site is not in the Perth Core Area. TAYplan also indicates that there is a presumption against allocating development land releases in areas surrounding the Perth Core Area, including the Carse of Gowrie.

No modification is proposed to the Plan.

Reporter's conclusions:
<p><u>Bankfoot</u></p> <p><u>New site proposal</u></p> <p>1. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.</p> <p>2. Proposed site H179 is comprised of two rough pasture fields which form a linear area of land between the edge of Bankfoot village and the A9. It is located at the rear of the cemetery for the former parish church, and at the back of the bungalows along Highfield Place and houses at Innewan to the south. The proposed site has been subject to Strategic Environmental Assessment, which has revealed a number of potential constraints. The eastern edge of the site could be affected by any future widening of the A9 and access is limited to roads that lead through the existing housing areas. Flood risk, drainage and noise impact from traffic using the A9 would have to be taken into account. The local primary school is near capacity and there are issues with its capability for expansion.</p> <p>3. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. I consider that site H179 should not be allocated for housing in the proposed plan because it is a relatively large site which is outside the Perth Core Area and which has constraints which require further investigation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site H179 is not currently justified. Any further growth of Bankfoot would be a matter for consideration in the next review of the local development plan. No modification.</p> <p><u>Burrelton & Woodside</u></p> <p><u>Site H17 Church Road</u></p> <p>4. Site H17 is part of an agricultural field to the rear of existing housing areas. The site was previously allocated in the Perth Local Plan and is carried forward from the adopted Local Development Plan. Despite the lack of progress in delivering the site, there is no detailed evidence to confirm that the site is not effective or not capable of becoming effective.</p> <p>5. Concerns are raised that access to the A94 from site H17 is at a blind corner, additional waste water would exacerbate drainage issues in the area and that the development would change the nature of the village and break the natural line between Burrelton and Woodside. The developer requirements include vehicular access to Cameron Walk, a flood risk assessment and suitable boundary treatment to create a village edge. In view of the problems referred to with waste water disposal I consider that a drainage requirement should be added. Although the site is almost centrally placed, there is already a degree of connection between the two settlements of Burrelton and</p>

Woodside along the A94, and I consider that the contribution of the site towards coalescence would be limited because of its backland position. I conclude that there has been no change in physical circumstances that would justify not allocating this site in the proposed plan. No modification.

Open space and site MU420

6. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites which include housing within the Greater Perth Housing Market Area. The council has advised that prime agricultural land north of Whitelea Road was incorrectly identified as open space as part of a review prior to consultation on the proposed plan. I agree with the council that the open space designation should be deleted, returning the site to unallocated 'white land'. The bulk of the land is within the settlement boundary. However, I consider that it should not be allocated for housing as sought in the representation (rather than mixed use) at the present time because of its location, with a small part in the open countryside and value as prime agricultural land.

7. The site was previously allocated for housing in the 1996 Local Plan but there was a Scottish Water constraint which has since been resolved and the representation indicates that the site is capable of being effective. The previous reporter removed the site as a proposed allocation in the examination for the adopted local development plan. That was partly on the basis that the proposed 100 houses on the site would represent a very significant enlargement of the settlement with no obvious strategic justification.

8. I note that the site would provide affordable housing, improved infrastructure, assist the rural economy and housing would support existing services and facilities in the settlement. However, in view of the retention of site H17 in the proposed plan there is still no strategic justification for this land as a further housing site.

9. I note that TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land for housing at site MU420 is not currently justified. No modification.

New site proposals

Site MU184

10. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites which include housing within the Greater Perth Housing Market Area.

11. This large site is outwith the settlement boundary, but the greater part would extend over prime agricultural land into the open countryside. I consider that it would not form a suitable boundary for the village because of its location, size and shape.

12. I acknowledge that the site could provide a range of house types and tenures to meet market demand and would include affordable housing. It is submitted that there would be a master plan approach with structure planting to add to the setting of Burrelton. Development could also provide employment opportunities. However, I consider that sufficient employment land has been allocated in the proposed plan overall.

13. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land to include housing at site MU184 is not justified. No modification.

Site at Whitelea Road

14. The submission on behalf of Mr G Morris includes 2 letters. The first dated 15 December 2017 requests the allocation of plot 1 on the attached map for housing purposes. This is an almost square area of land between Whitelea Road and a burn and which is outside the settlement boundary. The council indicated this as site H406 on its 1:1000 scale map of proposed sites, but also included it in the boundary of proposed sites H358 at 1:2000 scale. The letter appears to describe an adjacent area of land at Whitelea Road to the west of the dwelling of Toscana, which slopes down to the burn. Indeed, the second letter dated 8 January 2018 is accompanied by a plan showing this adjacent land with a similar description of the issues. The council appears to have incorrectly referred to this land as H406 in its written response. My following recommendation therefore refers to the land at Whitelea Road next to the dwelling of Toscana.

15. The land next to Toscana was included in the boundary for Burrelton in the 2014 Draft Local Plan but deleted by the reporter in the previous local development plan examination as part of a larger proposed settlement boundary change. It is not part of a bigger farm unit and considered in the representation to be too small, narrow, steep and wet to be suitable for agricultural use, but could round off the settlement. Services would be available in Whitelea Road. There has been no change in circumstances since the previous examination. However, this is a small site which would not warrant its own allocation and any proposal for a house or houses could be determined through normal development management procedures. No modification.

Site H358 Nethermill Farm

16. Regarding the submission on behalf of A and J Stephen Limited. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

17. The two proposed sites at Nethermill Farm are located either side of the A94, with one being an open field and the other being land to the north of the farm buildings. Both sites are outside the settlement boundary in the proposed plan. Development would be on a phased basis, with phase 1 east of the A94 and phase 2 to the west of the A94. I agree that the sites would be near a bus route and that there would be good access to the park and ride at Scone and employment opportunities at Perth via the A94. The open field has an existing tree screening belt along its southern boundary and the southern boundary of the eastern site has farm buildings and a line of existing trees to the south. The sites

could be well contained with further planting and it is submitted that they would be effective for delivery.

18. TAYplan indicates that local development plans may provide some development in settlements that are not defined as principle settlements such as Burrelton, where this can be accommodated and supported by the settlement and in rural areas if such development meets local needs. The representation submits that there are no other appropriate sites to meet local needs, including site H17 which is considered to be ineffective in delivering local land supply. However, I consider that site H17 should be retained as an allocation for around 16-26 units because there is no detailed evidence to demonstrate that it is not an effective site, or not capable of becoming effective. There has been no change in physical circumstances that would justify not allocating site H17 in the proposed plan.

19. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site H358, as indicated in the submission on behalf of A J Stephen Limited is not currently justified. No modification.

Cottown

New sites MU359 and H186

20. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area. Cottown and Chapelhill is a small settlement where the boundary has been drawn to create an opportunity for small scale development on the north-west edge. Two sites have been put forward as proposed housing allocations.

21. Site MU359 includes redundant farm buildings and a nearby field. Upper Mains Farm is within a small area of development that has no defined settlement boundary. It would be inconsistent for the farm to have its own settlement boundary. The representation proposes that the redundant farm buildings could be considered for a dementia village or specialist care facility that would also provide local employment opportunities. The field would be proposed for access and amenity space. I consider that this is a matter that could be determined through normal development management procedures having regard to policy 19 of the proposed plan: Housing in the Countryside, rather than as a specific allocation.

22. Site H186 would involve the corner of a large field next to the settlement boundary. This has been submitted on the basis that unallocated land to the north-west within the settlement boundary cannot be released because of its status as agricultural tenancy. However, it has not been clearly demonstrated that the issue of tenancy is not capable of resolution.

23. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. TAYplan also indicates a presumption against allocating development land releases in the area surrounding the Perth core area, including the Carse of Gowrie.

24. I consider that site H186 should not be allocated for housing in the proposed plan or included in the settlement boundary because it would not form an ideal extension to the settlement, being part of a larger field and prime agricultural land. Development of the site would be out of character with the linear form of the settlement at this location. Moreover, Cottown and Chapelhill have no significant facilities and any residents would be mainly dependent upon private transport.

25. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at site H186 is not currently justified. No modification.

Errol

26. I agree with Errol Community Council that it would be logical to change the conservation area boundary as a consequence of the built extension to the primary school. However, the review of conservation area boundaries is not a matter that may be determined as part of this examination because other procedures would be involved, having regard to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. No modification.

Sites MU408 and H409

27. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area or Errol.

28. Site MU408 is a large tract of sloping agricultural land located at the north western side of the village and affording long distance views of the landscape. It is sought either as a whole, or in part for housing and as a long term allocation. I consider that site MU408 should not be allocated for housing in the proposed plan because it would represent a major expansion of Errol to the north west beyond the settlement boundary and into the open countryside. The matter of including a policy for 'long' land similar to Moray Council's policy is dealt with in Issue 12 Maintaining an Effective Housing Land Supply. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area.

29. TAYplan also indicates a presumption against allocating development land releases in the area surrounding the Perth Core Area, including the Carse of Gowrie. The representation submits that it would be prudent to have alternative sites in the locality as the redevelopment of Errol airfield for housing has not yet started and Errol has a good range of local facilities and services. Nevertheless, TAYplan policy 4F seeks to avoid prejudice to the delivery of Strategic Development Areas or regeneration in the core areas or conflict with other parts of the plan. To allow additional longer term housing in Errol in the proposed plan could be detrimental to the timing of development elsewhere in the proposed plan area.

30. Site H409 is a much smaller area of sloping agricultural land which is also outside the settlement boundary. It forms a gap in the frontage development and is part of a larger field. I acknowledge that any housing at the site would provide access to facilities in the

village and the local bus service. The representation also advises that the site is unconstrained. Although the land could be considered to be part of the village it does provide some relief within the built development where the Errol south circular walk commences and follows the southern boundary of the land.

31. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at sites H408 and H409 is not currently justified. No modification.

Grange and Errol Airfield

32. A large area of land outside the settlement boundary and to the south-west of the disused airfield received permission in principle in 2010 for a mixed use development of 240 dwellinghouses, commercial units, provision of open space/play area, associated infrastructure and works. The permission has been renewed in 2014 and 2017 and the site is included in the 2018 Housing Land Audit. The area with permission, site MU360, is included within the settlement boundary in the current local development plan. However, following a review of the settlement boundary as part of the Main Issues Report it has been excluded from the proposed plan. Site H422 is also excluded, although it has permission for the new main access and associated works for MU360. The council accepts that development could proceed at the larger site but has excluded it on the basis that if no development goes ahead it would prevent the site being retained in the longer term.

33. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. TAYplan also indicates a presumption against allocating development land releases in the area surrounding the Perth Core Area, including the Carse of Gowrie where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of TAYplan. The council's decision not to allocate the site in the proposed plan complies with that policy restriction. The proposed development and its access would conflict with TAYplan policy in view of its scale and potential to affect the delivery of other development and regeneration schemes. However, conflict with this policy and non-allocation of the land would not prevent development of the site in accordance with a valid permission. In view of the permission I consider that site MU360 should continue to be within the settlement boundary and that the boundary at this point should follow that in the adopted local development plan. Site H422 is outwith the settlement boundary in the adopted local development plan and the boundary at this point may be considered in the next review of the local development plan.

Sites H190 and MU194

34. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing, or including housing, within the Greater Perth Housing Market Area. These proposed sites are not within the settlement boundary for the current local development plan. The settlement of Grange and Errol airfield is outside the Perth Core Area. Site H21 is allocated for 14 to 20 residential units in Grange to consolidate the existing settlement. TAYplan identifies the Perth Core Area as being the location for the

majority of housing development in the Greater Perth Housing Market Area. TAYplan also indicates a presumption against allocating development land releases in the area surrounding the Perth core area, including the Carse of Gowrie.

35. The proposal has been submitted on the basis that it would allow all of the remaining World War 2 buildings on Muirhouses farm to be demolished, the brownfield area to be redeveloped and the proceeds from residential development used to construct purpose built industrial units in accordance with a master plan which indicates housing and employment lands and a community orchard.

36. However given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at sites H190 and MU194 is not currently justified.

Site H21

37. I am informed that Grange has suffered from flooding since completion of the housing development by Scotia Homes. The developer requirements for site H21 include the need for a flood risk assessment. However, I consider that this should be modified to include a drainage assessment. The requirements should also reflect the fact that the site is an area of archaeological potential. Matters including a 10 metre tree planting strip at the southern boundary to the rail line; the provision of a pavement and widening the road to allow 2 cars to pass; open space; and tree retention, including remaining orchard trees would be best dealt with at the planning application stage, when local residents would have an opportunity to comment on the details of a scheme.

Kinfauns

Park & Ride allocation RT1

38. Permission was granted for a park and ride site at Kinfauns in February 2016. TAYplan identified the need for a park and ride site somewhere on the eastern side of Perth and this was endorsed by the reporter in the previous local development plan examination. The only alternative location at the Kinfauns junction has issues with flooding and the topography of the land. The council has explained the potential sources of funding for the proposal through developer contributions and the Tay Cities Deal. The Edrington Group has offices at the site and has put forward a proposal for a mixed use site (MU405). Although the representation refers to the need for a Compulsory Purchase Order, that is not a matter for speculation as part of this examination.

39. I consider that the site at Kinfauns is a good strategic location for a park and ride site, being located near the junction of the M90 with the A85 and A90. The project would boost the use of public rather than private transport and thereby contribute towards air quality in Perth. No modification.

New Residential Proposal

40. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. Under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development

plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

41. The representation seeks residential or mixed use residential for site MU405. The submission contends that residential development for at least 200 dwellings on the site, which is part brownfield would be acceptable in principle and that the site would be available, effective and viable. The council advises that part of the former bus depot already has permission for 37 houses and part is “white land” in the proposed plan where Policies 1 Placemaking and 17 Residential Areas of the proposed plan would apply. There is also a former headquarters site which is designated as employment safeguarding in the proposed plan. Other land in the proposed plan is identified for the park and ride scheme and open space. I agree with the council that a housing development of the extent proposed would be out of scale with the existing settlement of Kinfauns and could have a significant landscape impact.

42. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land for housing or mixed use, or “white land” at site MU405 as proposed in the representation is not justified. No modification.

Open Space

43. This small site is agricultural land located next to the A90 slip road at the entrance to the linear settlement of Kinfauns. It is submitted that this is the last piece of land to the east end of the original settlement wall and could provide an additional house with a feature of use to the local community. However, although the land has no recreational use, it does serve to limit development at the village approach, at a location that would be subject to traffic noise from the A90. I therefore consider that the open space designation should remain. No modification.

Wolfhill

New site proposal

44. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area or to provide a wider choice in the housing market through developing this land at Wolfhill.

45. The council has confirmed that this site has been the subject of strategic environmental appraisal. Permission for housing at land to the west of the settlement at Fraser Avenue has lapsed but has been retained within the settlement boundary. The previous local development plan examination reporter rejected a housing allocation on the basis of its remoteness, the lack of any services, employment opportunities or public transport connections and its impact on the open countryside. The only physical change since that report is that 4 detached dwellings have been built to replace sheds next to the northern boundary of the site. The representation submits that the land is effective under the criteria in Planning Advice Note 2/10 Affordable Housing and Housing Land Audits and advises that suitable boundary treatment could be provided to create a village edge.

46. Whilst the permission at Fraser Avenue has lapsed there would still be potential for that land to be developed. There is also potential for infill development within the settlement boundary, which would be preferable to the use of agricultural land. The submission makes reference to sites that have been allocated for housing in the proposed plan at other villages in Perth and Kinross. However, I have considered the proposal on the basis of its individual merits having regard to the context of Wolfhill and relevant strategic and local planning policies. It remains the case that Wolfhill has a lack of services, employment opportunities or public transport links.

47. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at Wolfhill or a change to the settlement boundary is not currently justified. No modification.

Landward sites

Abernyte

48. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Site H274 is the lower part of a large agricultural field located opposite ribbon development at the B953 Craigview, which starts next to the primary school and consists mainly of bungalows. The principle of a settlement boundary for Abernyte and support for the primary school is dealt with at issue 5 (Policy 6 Settlement Boundaries above). Whether any additional development would be acceptable at the site would have to be assessed against criteria in Policy 19 Housing in the Countryside of the proposed plan, should a planning application be submitted. However, TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of the land at Abernyte is not currently justified. No modification.

Site E357 South Inchmichael Farm, Errol

49. This site has no link with a settlement boundary. Planning permission was granted on appeal by the council in 2018 for a change of use of agricultural buildings to industrial (Class 5) and storage/distribution units (Class 6) and the formation of car parking. TAYplan identifies the Perth Core area as being the location of the majority of development in the Perth Housing Market Area. TAYplan also has a presumption against allocating development land in the Carse of Gowrie. Consequently, I see no need to allocate this small site in the open countryside for employment use. No modification.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 150 amend the settlement map by deleting the area shown as allocated for open space at the northern side of Whitelea Road, Burrelton.

2. On page 151 add the following developer requirement:

“Foul and surface water drainage assessment”.

3. On page 201 amend the settlement boundary to include the area of land referred to as MU360.

4. On page 202 amend the developer requirement to say:

Flood risk assessment “and drainage assessment”. In addition, add “Area of archaeological potential requiring assessment”.

Issue 31	Greater Perth South and West Settlements – Outwith Core	
Development plan reference:	Abernethy, pages 103-4. Cromwell Park, Pitcairngreen and Almondbank, pages 174-5. Clathymore, page 155. Dalcrue, pages 179-180 Dunning, pages 187-9 Forgandenny, page 192 Glenfarg, page 198	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<div>Duncan Kennedy (0059) Daisy Heriot Maitland (0077) David & Jane Anstice (0087) Claire Gordon (0105) Rossco Properties (0120) Graeme Marchbank (0122) Alexander Hamilton (0137) Branston Ltd (0138) Mark McKinney (0235) Margaret Miller (0257) Perth & Kinross Heritage Trust (0272) Carol & Edward Dorsett (0283) Claire & Andrew Garry (0286) Carol Blackie (0336) Richard & Vera Bowman Smith (0339) Scottish Natural Heritage (SNH) (0353) J Dow & G Richardson (0363) Fergus Purdie Architect (0380) Alan King (0405) Hadden Group Ltd (0418/02)</div> <div>Hilary J D Mackenzie (0420) Island Leisure Limited (0441) C Smith (0446) Woodland Trust Scotland (0462) T Brown (0475) Mr & Mrs Bell (0481) Mr & Mrs Jenkins (0491) Peter Hutchinson (0501) B Hughson (0504) Dunning Community Council (0506) Earn Community Council (0515) Richard Ellison & Laura Browne (0519) Councillor Michael Barnacle (0584) Calum Rollo (0596) B + N Investments Ltd (0602) A & J Stephen Limited (0622) Duncan Scott (0626) Ann Cooper (0630) Rosemary Philip (0700) Scottish Environmental Protection Agency (SEPA) (0742)</div>		
Provision of the development plan to which the issue relates:	Greater Perth Area South & West Settlements Out-with Core: Abernethy, Cromwellpark, Pitcairngreen and Almondbank, Clathymore, Dalcrue, Dunning, Forgandenny and Glenfarg.	
Planning authority’s summary of the representation(s):		
<u>Abernethy</u> <u>Site - MU8</u> Hadden Group Ltd (0418/02/001) - Object to mixed use allocation of site MU8 and seek to allocate the land under control of the developer for residential only. Changes are also sought to the indicative capacity of the allocation and to be set at 50 no. residential units for the housing element of the site, with an additional requirement that the site layout be designed to consider amenity considerations and neighbouring land use compatibility issues. The planning history of the site and issues of viability, in the context of the current		

Review of the Scottish Planning System, are highlighted alongside the current live planning application for residential units (Ref: 17/02190/FLL), the 'effectiveness' and 'deliverability' of the allocated site and the existing situation with the adjoining employment use at Branston Ltd to make the case for the suggested modifications. It is argued that the proposed modifications will provide certainty and delivery to an existing LDP proposal and result in the delivery of much needed new housing within the next 2-3 years, as well as meeting aspirations of both developer and adjacent employment operator (Branston Ltd) through plan-led approach. Various documents are referenced in the submission (RD037-40, RD54).

David & Jane Anstice (0087/02/001) - Highlights the following points, including concerns, in relation to site MU8:

- Location of new development in relation to the rest of the village and issue of potential visual impact
- Road access and request for no new roundabout
- Site will be noisy being close to railway, factory, busy road, and limited parking space
- Ensure site has space for trees
- Site should be developed for the identified 12-19 houses, rather than 42 as currently planned [planning application ref: 17/02190/FLL].

Margaret Miller (0257/01/001) - Objects to the allocation of housing at site MU8 due to impact on property and surrounding properties from built development and construction process including impact on vehicular access and traffic noise, as well as existing infrastructure would be detrimentally impacted, including sewage provision, water supply, and the road network around the development site and primary school.

Perth & Kinross Heritage Trust (0272/01/002) - Seeks to add a site specific developer requirement for site MU8 to ensure potential archaeological remains are suitably investigated through the development process, in line with SPP paras 149 and 151 (CD004).

Site - E4

Branston Ltd (0138/01/001) - Object to the E4 allocation in Abernethy on the following grounds:

- Site is part of Branston Ltd land-holding and not capable of being divorced from it and does not benefit from independent vehicular access.
- Site is unsuitable as an independent employment site as access through existing operational yard and independent use is likely to give rise to conflict between operators.
- Presence of public foul sewer running through site is a constraint to building works.
- Independent employment use is likely to generate intensive level of site use with associated tensions with adjacent housing in Newburgh Road.
- Site has value to existing owner to help deliver planned improvements to existing and future operations, which have been subject to pre-app discussions with the Council.
- Allocation as a specific Employment site creates conditions of uncertainty for existing landowner in relation to planning policy framework for proposed uses for lesser, ancillary uses on the site.

- Branston Ltd progressing with preparation of planning application for use and development of the allocated site and has acquired the land to ensure that its business can grow sustainably.
- Masterplan (RD080) details the layout of the proposed use and development of the land for expanded operations within the allocation site and benefits of planned works include: increase handling and storage capacity, provide clearer separation between uses on the site, improve vehicle safety for users and residents, and enhance employee and visitor parking facilities.
- Proposed use of site E4, given over to quieter activities such as vehicle parking and landscaping, would ensure employment activities at the site do not impinge on the amenities of residents in Newburgh Road.
- SPP para 93 (CD004), provides planning context for supporting the planned works with the allocated site.
- In place of the Employment Proposal Allocation, the site should be included in to the existing Employment Safeguarding Designation or alternatively the land is subsumed within the broader Mixed Use Allocation MU8.

New Sites/Boundary Amendments

Duncan Kennedy (0059/01/001) - Seeks an amendment to the Abernethy settlement boundary to include land to the south of the village for residential development (site ref: H289 (MD142)) based on the following points:

- Abernethy is not a Perth Core village but there is potential for some modest expansion of the village either as identified sites or windfall opportunities.
- Site H9 in the current Adopted LDP is now considered to be ineffective and therefore housing supply could be met by alternative site.
- Good range of facilities and services, and village is accepted to cope with some modest growth.
- Site is logical extension to the village, regular in shape and would tie in with neighbouring properties and established residential pattern.
- Access would be obtained from existing public road and site is within the 50m contour line which is considered to be natural limit for development to the south.
- Site not within the Conservation Area and is not subject to other constraints.
- Site is similar to other adjacent paddocks that are included within the settlement boundary, and recent planning history in the village (ref: 17/0165/FLL & 13/00174/AML) (RD035-6) further emphasizes approval of housing in this location.
- Appendix G of the Environmental Report (CD083) considers the site as an option for potential settlement boundary amendment and recognises that any impact on the Ochil Hills Special Landscape Area would not be significant and mitigated through appropriate policies.
- Proposed site would provide plan-led approach to small-scale windfall development site within existing settlement where there are no significant constraints to overcome.

A & J Stephen Limited (0622/01/002) - Seek an extension of the settlement boundary to include land north of Perth Road - including the existing property at Eastbank - to rationalise the western edge of the settlement (site ref H401 (MD142)).

Duncan Scott (0626/01/001) - Seeks to revise the Abernethy settlement statement and settlement boundary to allocate a new residential allocation at Thornbank (site reference

H210 (MD141)), based on the following points:

- In context of the issues raised in respect of housing land supply within the Greater Perth HMA, allocating site H210 for residential development is considered to be consistent with TAYplan Policy 1C (CD022) relating to development outside of principal settlements in that such a proposal is directly consistent with the need to sustain communities.
- Settlement Statement for Abernethy fails to adequately reflect the need to safeguard the long term future of the village in relation to essential services. In particular it is noted that Abernethy Primary School is running at nearly 50% and therefore to sustain essential service, additional housing land is required. MU8 allocation for 12-19 units is inadequate response to the needs of the community. Without more significant level of development, services within village will likely come under threat from closure in the future. Failure to sustain essential services will contribute to encouraging unsustainable travel patterns by effectively rendering the village a commuter settlement where it is necessary to travel to neighbouring settlements to secure basic levels of service, which is contrary to National Policy under SPP (CD004) and strategic policy set out within TAYplan (CD022).
- Site MU8 is also considered to be of insufficient area to achieve viability in relation to mixed use site in that there is insufficient housing to justify provision for employment land. Site is currently subject to planning application (ref: 17/02190/FLL) for 42 units, a figure more than 100% in excess of maximum capacity indicated for site which may indicate that the site is non-effective for development involving maximum of only 19 units.
- Development to south of Newburgh Road offers more realistic opportunity to deliver scale of residential development against which employment land can be justified. Development to south of Newburgh Road also offers scope to achieve development within high quality landscape design which reflects location of site within Special Landscape Area.
- Site H210 at Thornbank provides secondary access solution for adjoining site H209 in addition to primary access of the roundabout. Together these two sites (including adjoining site H209), form logical extension of the settlement reflecting eastwards progress of the village to the north of Newburgh Road at site MU8. Development of village on the south of Newburgh Road will also serve to create a more defensible settlement boundary incorporating existing development to the east at Glendale.

Ann Cooper (0630/01/001) - Seeks to change the Plan to include a new mixed use allocation (site reference H209 (MD140)) to the east of the village based on the following points:

- Proposed Plan identifies Abernethy with the ability to accommodate some limited growth to support future employment needs and amenity of Abernethy.
- The current live planning application (ref: 17/02190/FLL) for 42 units on site MU8, which greatly exceeds the maximum capacity for the site, demonstrates that this is an ineffective mixed use site. Abernethy however does have a specific need for significant additional number of dwellings to support the primary school, with capacity currently at 50%. Allocation of Site H209 for mixed use/employment land would provide sufficient land for this use and provide Abernethy with additional services and facilities to support housing development on Site MU8.
- Disagree with Council's site assessment of the site (SEA Appendix E (CD074)) and put forward their own case in relation to TAYplan, greenfield land, agricultural land, and village services.

David & Jane Anstice (0087/01/001) - Highlights potential constraints in relation to site H209 including visual and landscape impacts above the 50m contour line and benefits of planting to mitigate any impacts, accessibility of the site to mains water supply, and the possibility of bungalows on elevated parts of the site.

SEPA (0742/01/064) - Support the inclusion of a developer requirement for a Flood Risk Assessment for Site MU8 at Abernethy.

Clathymore

A & J Stephen Limited (0622/01/004) - Seeks to change the plan to identify a new housing allocation (site ref: H288 (MD148)) to the north-east of the settlement boundary for 16-20 units, based on the following points:

- TAYplan (CD022) allows for LDPs to allocate some development in settlements that are not defined as Principal Settlements where this can be accommodated and supported by the settlement and in rural areas if such development meets local needs. Clathymore serves a very particular need for higher end market housing and the site was previously allocated in the Proposed Plan for the Adopted Local Development Plan (CD053, pages 101-2) for 16 no. residential units, but was excluded by the Reporter (CD015) due to drainage issues and the settlement not being within a Principal Settlement.
- The Reporter's assessment of the drainage issue was based on inaccurate information (RD057) and provision would be made to create additional capacity to serve the new housing that wouldn't impact on the operation of the existing plant and would be acceptable to SEPA.
- Reintroduction of proposal would allow for continuity of market delivery in providing extension to housing land supply in terms of quality, range and choice. Further allocation would allow timeous delivery of housing in this popular, unique location.
- Existing character of the area is rural housing set within strong landscape setting and reintroduction of proposal would allow for an appropriate extension to development area. Site directly abuts eastern edge of Clathymore and proposed use is compatible with neighbouring uses, with good access and connectivity to A9 and vehicular access will be facilitated from the current site.
- All service connections are available and no abnormal issues are anticipated over and above normal service requirements, including foul capacity.
- Site is well contained visually by existing development and appropriate boundary treatment through planning control will maximise potential linkages to countryside.
- No physical or technical constraints to development, the site is in marketable location, and controlled by local developer with intent to progress subject to allocation and satisfactory planning permission, and there are no other competing housing allocations nearby or for the unique type of housing proposed.

Habitats Regulations Appraisal

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. In the interest of good practice the Settlement Summary (page 157) should reflect the outcome of the Habitats Regulations Appraisal (Table 5.21, page 98) (CD056).

Cromwell Park, Pitcairngreen and Almondbank

Site – E6

Hilary J D Mackenzie (0420/01/001) - Seeks to change the Employment Site E6 and the adjoining, south part of the existing Employment Safeguarding area adjacent to E6 (Site Ref: E425 (MD149)) to either: a mixed use development, comprising residential and business/industrial use, or residential use only. The changes are sought due to the site - which forms part of a wider employment zone - being unsuccessfully marketed for 7 years for employment use and re-zoning for either mixed use or residential would assist with the development of the site, including potential for live-work units or small-scale storage/workshop uses that would complement prospective housing. Further supporting information has been included with the submission (RD081-3).

Peter Hutchinson (0501/01/001) - Seeks an additional site requirement for Site E6 to take in to account residential, community and environmental interests in close proximity to the site, including measures to mitigate impacts on residential amenity, recreational uses, and environmental quality, taking in to account Placemaking Policies 1A and 1B.

SEPA (0742/02/122) - Support the inclusion of a developer requirement for a Flood Risk Assessment for Site E6 at Almondbank.

Dalcrue

Site – E9

Island Leisure Limited (0441/01/001) - Objects to the Employment Site E9 and associated Developer Contribution requirements, and seeks for the allocation to be re-zoned as Employment Safeguarding in line with current employment use of the site as part of their ongoing business interests. It is also suggested that any infrastructure requirement contributions associated for new development at the site would be prohibitive for new start-up businesses.

Woodland Trust Scotland (0462/01/035) - Seeks an additional site developer requirement for Employment Site E9 to ensure any development is required to take in to account the ancient woodland in close proximity to the site and avoid further damage in light of the effects current operations are having on the woodland.

SEPA (0742/01/033) - Support the inclusion of a developer requirement for a Flood Risk Assessment for Site E9 at Dalcrue.

Dunning

Site – H20

Calum Rollo (0596/01/001) - Supports the Housing Allocation H20 as this is considered an obvious extension to the settlement boundary and restructuring of the site has ensured defensible boundaries are present within the landscape. Site is deliverable for housing and allocation will contribute to growth of the Dunning settlement and Scotland's housing targets.

A & J Stephen Limited (0622/01/006) - Generally support the extended allocation for site

H20 however object to the stated site size and capacity range of houses for the site. Instead of the 3.44ha site size, as stated in the Plan, A & J Stephen Limited seek a modification to the Plan to use the figure 3.75ha. In addition, A & J Stephen Limited seek an increase to the housing range from 41-63 houses to 85 houses. These changes are sought following a detailed assessment of the site with reference to TAYplan (CD022) and the public consultation held in Dunning in May 2017.

Daisy Heriot Maitland (0077/01/001); Graeme Marchbank (0122/01/001); Mark McKinney (0235/01/001); Carol & Edward Dorsett (0283/01/001); Claire & Andrew Garry (0286/01/001); Carol Blackie (0336/01/001); Richard & Vera Bowman Smith (0339/01/001); J Dow & G Richardson (0363/01/001); Alan King (0405/01/001); C Smith (0446/01/001); T Brown (0475/01/001); Mr & Mrs Bell (0481/01/001); Mr & Mrs Jenkins (0491/01/001); B Hughson (0504/01/001); Dunning Community Council (0506/01/001); Richard Ellison & Laura Browne (0519/01/001); Rosemary Philip (0700/01/001) - Object to Site H20 for one or more of the following reasons:

- Concerns regarding number, design, and layout of houses proposed.
- Impact on conservation area and existing historic assets in the village.
- Any new build should be small scale and in line with Policy; existing consented infill sites preferred.
- Impact on character and landscape setting of the village
- Proposed development will change character of the village to a 'commuter town' and lose the sense of community that it currently enjoys.
- Previous control of development in Dunning has helped to moderate and restrict changes to the village which is sensitive to building on a significant scale – proposed development is of a scale which would result in significant changes to the village.
- With reference to SPP (Planning for Housing) (CD004), proposed site is considered excessive for the size of the village and there has been recent developments and consents granted already.
- Dunning not identified for expansion i.e. spatial strategy.
- Insufficient sewage capacity therefore upgrades would be required.
- Due consideration needs to be given to historical infrastructure of the village and how to maintain this.
- Impact on riparian zone(s) and wider area damaging plant habitats and communities and other environmental benefits of the area
- Impact of the level of development on management of storm and surface water drainage, particularly adjacent to the stream, and resultant impacts on local ecology and natural environment.
- Concerns regarding drainage and flooding during construction phase in light of experience during construction of development at Latchburn Wynd. Suitable management plan should be implemented to ensure any drainage issues are suitably controlled.
- Issue with flooding and there is large run off/surface water drainage from the site which has caused adjacent wall to the field to collapse. Pressure from increased run-off could cause further damage.
- Issues with water pressure in village if such a large site is developed.
- Loss of trees and hedgerows on site and impact on wide range of species including bats, raptors and songbirds.
- Need to consider flora and fauna that exist on the site, including raptor species, which would be detrimentally effected by the development.

- Prime agricultural land should also be protected from development.
- Site would bring more vehicles to the village causing further issues.
- Additional traffic from development and need for additional junction on an already busy road
- Current transport issues associated with the village would be further compounded by additional development (and associated construction vehicle disruption), including further safety risks and damage to buildings, roads and pavements, from a range of vehicles including farm vehicles and HGVs. Particular issues highlighted with Auchterarder Road, Muckhart Road/Auchterarder Road Junction, Level Crossings and access to/from the A9.
- Recent developments in the surrounding area have caused additional traffic movements into the village to access school and services, as well as expansion of Simon Howie site which has brought an increase in number of HGVs in the village. Cumulatively, this has put pressure on parking, access and safety at a number of locations. No simple solution to solve the traffic/parking issues, but potentially an additional car park (at the site of an old garage on the east side of Muckhart Road) would remove on-street parking at the main thoroughfares and assist with traffic movements.
- Rail Authority should also be consulted in relation to impact from the development on their interests at level crossings and continued review of the use of the level crossings required more generally as part of the development process.
- Proposed access will be located on dangerous bends and further investigation would be required to consider repositioning of Auchterarder Road.
- Parking is problematic with associated issues of on-street parking and narrow streets.
- A9 Dunning exit would need to be improved should the site be developed.
- Local primary school is at capacity and there are no plans to expand. Extension of primary school estate would present challenges in terms of pupil safety and retention of existing path used by children to walk to/from school. Whilst this is not necessarily an issue for the developer, it presents challenge of allowing further development in the village.
- Existing pressures on the Community School of Auchterarder would also be further compounded by the site and developments ongoing in Auchterarder.
- Impact on the community in terms of amenities/services - area has limited public transport, banking, health and welfare facilities, and the proposed development would compound lack of existing services.

Dunning Community Council (0506/01/001) - Also suggest the following comments/measures in relation to Site H20:

- Increasing site size has some attraction for the village as there is a need for affordable housing and any contribution would be seen as a benefit to many residents. This would require a 'mix' of house types rather than a financial contribution towards affordable housing elsewhere.
- Suitable pedestrian measures could be installed to discourage use of cars for trips to/from Primary School, potentially using green strip of land halfway up Latchburn Wynd as a pedestrian link.
- Proposed internal road layout has been very well thought out and would minimise visual impact of those houses to Auchterarder Road.
- Retention of mature trees on Auchterarder Road is supported however measures must be put in place to ensure careful management of existing trees, and suitable

plans for replacement when the trees reach the end of their natural life. A form of structured management for residents of proposed houses must also be in place to ensure root systems are protected from inappropriate garden works.

SEPA (0742/01/046) - Supports the site requirement for a FRA to be submitted for site H20.

Site – OP23

Rosco Properties (0120/01/001) - Objects to Housing Allocation H20, and seeks inclusion of a new housing allocation (site ref H375 (MD152)), including associated infrastructure, to the north of, and including, Site OP23. The changes sought are based on the following points:

- The MIR (CD046) and SEA site assessments (CD074) fail to highlight service infrastructure shortcomings of site H20 and fail to consider availability of the promoted development proposal, which is better connected to the existing settlement and will respect setting of standing stone and cemetery, and allow scope for extensive landscaping on all boundaries, in particular the north to mitigate visual impacts.
- TAYplan (CD022) does not preclude new housing in tiered settlements and there appears to be sufficient capacity at existing secondary school to accommodate new proposal.

SEPA (0742/01/116) - Seek a modification that a Flood Risk Assessment (FRA) be included as a site specific developer requirement for site OP23 in line with the authority's duties under The Planning etc. (Scotland) Act 2006 (CD036), SPP (CD004), Flood Risk Management (Scotland) Act 2009 (CD030) and the Scottish Government's online planning advice on flood risk (CD043). The requirement for a FRA also considered to contribute positively to the authority's duties under Section 44 of the Climate Change (Scotland) Act 2009 (CD025).

New Sites/Boundary Amendments

Fergus Purdie Architect (0380/01/001) - Seeks an amendment to the Dunning Settlement Boundary to include a new residential site (site ref H376 (MD153)) for a pilot project for self-build, custom designed housing. The proposed modifications are based on the following points:

- Experience of delivering broad range of self-build custom designs.
- Land is in single ownership of landowner, gifting the eastern portion of the site to the community.
- Council has been involved in wider discussions about self-build, custom designed housing and it is proposed the Council would work in partnership to deliver the site.
- Discussions have taken place with Scottish Government in relation to bringing this site forward through the Self and Custom Build Challenge Fund. Formal submission to the Scottish Government was submitted on 1st December 2017 by the Council (RD063).
- Project team would be assembled involving wide range of specialists for the project.
- Proposal comprises 30 serviced plots to the west of the site with a focus on affordable homes as well as the east of the site being gifted to be used as a community focused initiative for local residents and interest groups. Site would be

developed in line with a design framework.

- Support for custom and self-build housing, as identified in Scottish Government's 'Places, People and Planning' Consultation 2017 (CD117).
- Site assessment has identified that there are no significant insurmountable issues in relation to: topography, flooding and drainage, water and sewerage, utilities, access, natural environment, historic environment.
- Proposal would support the community by providing benefits in relation to: delivering affordable housing, providing educational contributions, supporting existing, and delivering new, community facilities, and delivering a new recreational, open space for use by residents.
- Site would be delivered within LDP timeframe with first houses expected to be completed by Spring 2021. Plots would each have: transport infrastructure, all necessary utilities, developer contributions in place, and surface water drainage incorporated.

Forgandenny

Claire Gordon (0105/01/001) - Queries the status of site H219 and its inclusion within the settlement boundary. The Council provided clarification on the status of this site (CD386).

Alexander Hamilton (0137/01/001 & 002) - Seeks the following two changes to the settlement summary/boundary for Forgandenny (p.192):

- Remove designation of 'Open Space' from land located to the north of the Post Office (pre-MIR site ref H219 (MD155)) as it is an agricultural field in cultivation for cereals/silage.
- Extend settlement boundary to include the field to south-east of village centre and to south of Strathallan school gates for future residential development (site ref: H402 (MD157)). There has been recent planning permission approved on land to south of B935 for 3 residential units highlighting demand for housing in this location compared to other locations in Forgandenny due to proximity to village centre, access to services and favourable land gradient for construction. An extended settlement boundary would provide further housing development in this favourable location and would form a natural extension to the village taking in to account public roads, existing properties, consented development as aforementioned and established fenceline and rising topography.

Earn Community Council (0515/01/001) - Support the non-allocation of proposals within the Forgandenny settlement boundary as there is no need for additional housing land, in line with TAYplan spatial strategy (CD022), and in light of number of planning applications for new builds within the existing settlement boundary. The Community Council also comment that if the Reporter decides to include site ref: H220 in the Plan as an allocation, the Community Council would wish to see consideration given to access, particularly pedestrian access along Kinnauld Road. The Community Council also seek assurance that site ref: H219 will not be included in the Plan as it does not fall within the proposed settlement boundary and is allocated as public open space in the LDP.

B + N Investments Ltd (0602/01/001) - Seeks an amendment to the Forgandenny settlement boundary and to allocate additional land for 8-10 residential units (site ref: H220 (MD156)), based on the following points:

- Various disagreements with the SEA Site Assessment (CD074).

- Site would be compatible with surrounding land uses and is adjacent to settlement boundary as a potential infill site.
- No significant constraints identified that would prevent site from being developed – not within waste water hotspot, not at risk from flooding, no environmental designations associated with the land, no cultural heritage assets within or adjacent to the site boundary, site not within AQMA or HSE Consultation Zone.
- Site could be designed to maximise solar gain and create green corridors/landscaping. Further details could be addressed at planning application stage.
- Proposal currently offers limited biodiversity value, and site could be developed to create green corridors/landscaping to promote/enhance biodiversity.
- School capacity issues could be addressed via educational contribution.
- Land is not suitable for agriculture due to historical practices therefore would not be a loss of prime agricultural land.
- Two potential access points and proposed scale of additional traffic is likely to be insignificant.
- Site is an opportunity for small organic growth of Forgandenny at a scale suitable for the village, with the site being a natural extension to the southwest of the settlement.
- Site is within the Ochil Hills Special Landscape Area and the proposed site plan (RD064-5) shows how visual and landscape impact would be mitigated through design and specific boundary treatments, which could be further addressed at the planning application stage.
- Site complements existing settlement pattern and would be in-keeping with scale of village.
- Site would provide 2-3 affordable housing units.
- Landowner willing to accept developer requirement for specific boundary treatment(s) and the submission of a Transport Statement to address any relevant issues.
- Tests of 'effectiveness' of site have been met in line with para 55 of PAN 2/2010 (Affordable Housing and Housing Land Audits). (CD040)

Glenfarg

Cllr Michael Barnacle (0584/01/036) - Queries whether the settlement boundary would prohibit an employment site. No specific changes are sought.

Modifications sought by those submitting representations:

Abernethy

Site - MU8

Perth & Kinross Heritage Trust (0272/01/002) - Seeks the addition of a site specific developer requirement for site MU8 to ensure potential archaeological remains are suitably investigated through the development process.

Hadden Group Ltd (0418/02/001) - Seeks the removal of allocation MU8 and to replace with a residential only allocation over the land in control of the developer (1.4 Ha in area), with an indicative capacity of 50 no. units being of medium density for a mix of house types.

Margaret Miller (00257/01/001) - Objects to the allocation of housing at Site MU8.

David & Jane Anstice (0087/02/001) - Raises various points in relation to Site MU8 but does not seek specific changes.

Site - E4

Branston Ltd (0138/01/001) - Seeks the removal of Site E4 as an Employment Proposal Allocation and instead either include the land within the Employment Safeguarding Designation to the north or within the Mixed Use Allocation MU8 to the north-east.

New Sites/Boundary Amendments

Duncan Kennedy (0059/01/001) - Seeks an amendment to the Abernethy settlement boundary to include land to the south of the village for residential development (site ref: H289).

David & Jane Anstice (0087/01/001) - Does not seek specific changes but highlights potential constraints in relation to site H209 including visual and landscape impacts above the 50m contour line and benefits of planting to mitigate any impacts, accessibility of the site to mains water supply, and the possibility of bungalows at the high points of the site.

A & J Stephen Limited (0622/01/002) - Seeks an extension of the settlement boundary (site ref: H401) to rationalise the western edge of the settlement to include land north of Perth Road including the existing property at Eastbank.

Duncan Scott (0626/01/001) - Seeks to change the plan to revise the Abernethy settlement statement and settlement boundary to identify a new residential allocation at Thornbank (site ref H210).

Ann Cooper (0630/01/001) - Seeks to change the Plan to include a new mixed use allocation (site ref: H209) to the east of the village.

Clathymore

A & J Stephen Limited (0622/01/004) - Seeks to change the plan to identify a new housing allocation to the north-east of the settlement boundary for 16-20 units.

Habitats Regulations Appraisal

SNH (0353/04/001) - Seeks the inclusion of the following suggested mitigation measure in the Settlement Summary (page 157) after '...a Drainage Impact Assessment.' –

'Mitigation measures should be supplied to ensure no increase in nutrient loading and no adverse effects on Methven Moss SAC.'

Cromwell Park, Pitcairngreen and Almondbank

Site – E6

Hilary J D Mackenzie (0420/01/001) - Seeks to change the Employment Site E6 and the adjoining, south part of the existing Employment Safeguarding area adjacent to E6 (site

ref: E425) to either: a mixed use development, comprising residential and business/industrial use, or residential use only.

Peter Hutchinson (0501/01/001) - Seeks an additional site requirement for Site E6 to take in to account residential, community and environmental interests.

Dalcruie

Site – E9

Island Leisure Limited (0441/01/001) - Objects to Employment Site E9 and associated Developer Contribution requirements, and seeks for the allocation to be re-zoned as Employment Safeguarding.

Woodland Trust Scotland (0462/1/035) - Seeks an additional site developer requirement for Employment Site E9 to ensure any development is required to take in to account the ancient woodland in close proximity and avoid further damage.

Dunning

Site – H20

Rosco Properties (00120/01/001) - Seek the removal of Site H20 from the Plan.

A & J Stephen Limited (0622/01/002) - Generally support the extended allocation for site H20 however object to the stated site size and capacity range of houses for the site. Instead of the 3.44ha site size, as stated in the Plan, A & J Stephen seek a change to the site reference box (page 188) to state the site size as 3.75ha instead. In addition, A & J Stephen also seek an increase to the housing range from 41-63 houses to 85 houses.

Daisy Heriot Maitland (077/01/001); Graeme Marchbank (0122/1/001); Mark McKinney (0235/01/001); Carol & Edward Dorsett (0283/01/001); Claire & Andrew Garry (0286/01/001); T Brown (0475/01/001); Carol Blackie (0336/01/001); Richard & Vera Bowman Smith (0339/01/001); J Dow & G Richardson (0363/01/001); Alan King (0405/01/001); C Smith (0446/01/001); Mr & Mrs Bell (0481/01/001); Mr & Mrs Jenkins (0491/01/001); B Hughson (0504/01/001); Dunning Community Council (0506/01/001); Richard Ellison & Laura Browne (0519/01/001); Rosemary Philip (0700/01/001) - Object to Site H20.

Dunning Community Council (0506/01/001) - Also highlight the following comments/ measures in relation to Site H20:

- There is a need for affordable housing and therefore require a 'mix' of house types rather than a financial contribution towards affordable housing elsewhere.
- Suitable pedestrian measures could be installed to discourage use of cars for trips to/from Primary School, potentially using green strip of land halfway up Latchburn Wynd as a pedestrian link.
- Measures must be put in place to ensure careful management of existing trees, and suitable plans for replacement when the trees reach the end of their natural life. A form of structured management for residents of proposed houses must also be in place to ensure root systems are protected from inappropriate garden works.

Site – OP23

Rosco Properties (0120/01/001) - Seeks to modify the plan to allocate a new housing allocation (site ref H375) with associated infrastructure to the north of, and including, existing allocation Site OP23. Proposal also includes additional land within the site for cemetery and school expansion.

SEPA (0742/01/116) - Seeks a change to Site OP23 to add in a site developer requirement for a Flood Risk Assessment to be undertaken.

New Sites/Boundary Amendments

Fergus Purdie Architect (0380/01/001) - Seeks an amendment to the Dunning Settlement Boundary to include a new residential site (site ref H376) for a pilot project for self-build, custom designed housing including open space provision.

Forgandenny

Claire Gordon (0105/01/001) - Queries the status of site H219 and its inclusion within the settlement boundary. No specific changes are sought.

Alexander Hamilton (0137/01/001) - Seek the following two changes to the Forgandenny settlement statement/boundary:

- Remove the open space allocation from site ref: H219;
- Extend the settlement boundary to accommodate further housing land in Forgandenny to the south of the B935 (site ref: H402).

Earn Community Council (0515/01/001) - Note that if the Reporter decides to include site ref: H220 in the Plan as an allocation, the Community Council would wish to see consideration given to access, particularly pedestrian access along Kinnaird Road. The Community Council also seek assurance that site ref: H219 will not be included in the Plan.

B + N Investments Ltd (0602/01/001) - Seek an amendment to the Forgandenny settlement boundary and to allocate additional land for 8-10 residential units (site ref: H220).

Glenfarg

Cllr Michael Barnacle (0584/1/036) - Does not seek any specific changes but queries whether the settlement boundary would prohibit an employment site.

Summary of responses (including reasons) by planning authority:

Abernethy

Site MU8

Hadden Group Ltd (0418/02/001) - The mixed use allocation for Site MU8 was established by the Reporter as part of the Examination of the current Local Development Plan (CD015). The mixed use site was allocated with the notion that the allocation would ensure that the interests of both the housing and employment elements of the site would

be considered in tandem, namely to ensure that issues of residential amenity were addressed without significantly affecting the business operations of the employment part of the site. This approach is considered to be an appropriate way to suitably address any associated issues with siting the two land uses adjacent to one another.

The planning application for the development of 42 houses as part of the residential element of the mixed use site (ref: 17/02190/FLL) is currently being considered by the Council. As part of the application, the Council is considering the details of the mitigation measures required to ensure that the amenity of proposed residents of any new housing as well as the business operations of the adjoining employment use are suitably protected. In principle, the Council considers that the principle of the mixed use site is acceptable and there is a workable solution to ensure that the amenity of both the proposed housing and existing business operations are protected. As part of the application, the owner of the adjoining employment site (Branston Ltd) has confirmed agreement (RD085) with the mitigation measures submitted by the applicant to address potential amenity issues associated with the adjoining boundary between the two sites. It is considered that the mixed use allocation has resulted in a collaborative process under which both parties have taken due consideration of the potentially competing interests of the mixed use site and this has been borne out as part of the planning application. As such, in response to Hadden Group Ltd, it is not proposed to amend the allocation of the mixed use site to residential only.

No modification is proposed to the Plan.

In terms of the housing capacity for the site, the Council is aware that there is a technical error with the stated figure for the site size of MU8. The Proposed Plan has identified that the site is 1.5ha however following further analysis the correct area of the site is 2.17ha. Therefore taking this corrected site size in to account and the calculation methodology as contained in the Housing Background Paper (CD018), the housing capacity range for the site would be between 17-27 houses based on a medium density. However, as the planning application (ref: 17/02190/FLL) for the site is currently under consideration it is considered appropriate to take in to account the number of houses associated with the application if this is ultimately approved. If there are exceptional circumstances under which a higher density of houses is deemed to be acceptable (as prescribed under Policy 1D of the Proposed Plan) then it would be appropriate to revise the housing capacity range of the site to reflect the application, if approved. As such, the Council would be comfortable amending the housing capacity range for the site in line with the application, if approved. The Council will be in a position to keep the Reporter informed of the progress of the site and any associated application(s).

Should the Reporter be minded to recommend modifying the Plan, the Council would be comfortable with this technical amendment to alter the housing capacity range for the site to 17-27 units and amending the site size from 1.5 ha to 2.17 ha. In the event that planning permission is approved under the current application (ref: 17/02190/FLL) or under another associated planning application, for a larger number of units then the Council would be comfortable making this change to reflect the detailed position of the approved planning application.

Perth & Kinross Heritage Trust (0272/01/002) - Although a specific requirement for considering the potential for non-designated archaeology on site has not been included in the MU8 site requirements, every planning application is assessed against the policies in the Plan. In this case, Policy 26: Scheduled Monuments and Non-Designated Archaeology would provide protection and would be highlighted through the planning application

process. This is particularly the case where PKHT have commented on planning application ref: 17/02190/FLL for the site.

No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan. The Council would suggest the following requirement is added: 'Evaluation of archaeological potential and mitigation will be required.'

David & Jane Anstice (0087/002/001); Margaret Miller (0257/01/001) - Specific issues raised by the respondents will be considered in detail as part of planning application ref: 17/02190/FLL. The principle of development on the site has previously been established through the current adopted LDP allocation and detailed matters relating to the detailed design of the site in relation to the surrounding area will be addressed through the planning application and relevant developer requirements, where required.

No modification is proposed to the Plan.

Site E4

Branston Ltd (0138/01/001) - The employment proposal for Site E4 does not require the development of the site as a standalone proposal. The allocation is in place to ensure that there is sufficient employment land across the Council area and this can include businesses expanding existing operations provided any works fall within the uses that are permitted for the site including genuine ancillary uses linked to the main operational use(s) of the site. This is in addition to suitable mitigation measures being designed-in to ensure the amenity of neighbouring residential units is protected. Therefore the allocation of Site E4 as an employment proposal is not considered to constrain the development of the site, instead it will provide an opportunity for the existing business (under current landownership) to expand and consolidate existing business operations.

No modification is proposed to the Plan.

New Sites/Boundary Amendments

As part of the Examination for the current Local Development Plan (CD015), the Reporter established that as Abernethy has experienced considerable growth in recent years and because the settlement does not fall within the TAYplan (CD022) tiered settlement spatial strategy, there is no justification or requirement to promote further housing development opportunities, over and above the current allocation at Site MU8, within the village. The site at MU8 is considered to provide suitable levels of growth for the village over the plan period and the consideration of the planning application for the site (ref: 17/02190/FLL) demonstrates that the developer is willing to progress the site and there are no current significant issues that would render the site ineffective. The Reporter also noted that allocating additional levels of development within the village would 'conflict with the aim of the Plan to decrease rather than increase movements to work, to shop and to access other services' and therefore additional development opportunities for Abernethy should be limited.

Sites H289 and H401

Duncan Kennedy (0059/01/001); A & J Stephen Limited (0622/01/002) - As noted above,

there is no requirement to identify further opportunities for development within the village at this time and it is considered that including sites H289 and H401 within the settlement boundary would likely set a precedent for further pressures to include infill opportunities within the settlement boundary when this is not needed.

Site H289 is fairly sizeable and would result in an increase in the number of vehicles using the narrow, single track road which is currently constrained. It is not considered that there is a practical solution to addressing the road safety issue without significantly altering the attractive stone boundary walls at either side of the entrance to the track. As the site falls within the Ochil Hills Special Landscape Area, any potential development would have to consider potential visual and landscape impacts.

Site H401 forms part of an existing field currently cultivated for agricultural purposes. The site is partially classified as Class 2 prime agricultural land and therefore without sufficient justification there is no benefit in releasing the land for development purposes. The site also forms part of the open setting to the north of Perth Road which provides a pleasant outlook for the existing houses to the south of the road.

It is also important to note that neither site has had the benefit of stakeholder engagement or public consultation and therefore the Council would not suggest modifying the Plan to include these sites.

No modification is proposed to the Plan.

Sites H209 and H210

David & Jane Anstice (0087/01/001); Duncan Scott (0626/01/001); Ann Cooper (0630/01/001) - As noted above, there is no requirement to identify further opportunities for development within Abernethy at this time and identifying sites H209 and H210 for development would equate to significant growth for the village and would be contrary to TAYplan spatial strategy to focus growth to tiered settlements. The Reporter for the Examination for the current Local Development Plan (CD015) established that the area of land to the south side of the main street provides an 'attractive, well defined rural edge to the settlement in this vicinity which fits well within the existing landscape'. As the principle of development on these sites is not considered to be acceptable, detailed design issues have not been considered further. It is also important to note that neither site has had the benefit of stakeholder engagement or public consultation and therefore the Council would not suggest modifying the Plan to include these sites.

No modification is proposed to the Plan.

Clathymore

New Sites

A & J Stephen Limited (0622/01/004) - As part of the Examination for the current Local Development Plan, the Reporter established that the site (ref: H288) was not favourable for development due to the isolated countryside location and there being no services or employment opportunities available. It was also considered that there would be no benefit or justification through TAYplan to extend the housing group onto adjacent farmland. The site was therefore not considered to be in accordance with TAYplan spatial strategy for new housing development and was not supported.

The Council's Housing Land Audit (2017) (CD050) notes that of the 42 permitted houses at Clathymore, there were 26 houses built by Spring 2017. The audit identifies that the remaining 16 houses are programmed to be built at a rate of 2-3 houses per year until 2024. The Draft 2018 HLA (CD049) has identified that 1 further house has been built resulting in 15 houses still to be constructed on site. Whilst it is acknowledged that the development at Clathymore meets a specific high end demand of the housing market there is already modest housing growth expected to take place in Clathymore across the plan period until 2024. Therefore an additional site is not considered to be required over the lifetime of the forthcoming LDP. The subsequent Local Development Plan review is considered to be the appropriate opportunity to consider the justification for additional housing at Clathymore to take in to account completion rates over the next few years. In addition, the proposed site has not had the benefit of stakeholder engagement or public consultation and therefore the Council would not propose including the site within the settlement boundary or as an additional housing allocation.

Addressing the specific point regarding drainage at the site, this was one of the principal reasons for the Reporter not supporting the site during the Examination for the current Adopted LDP (CD015). SEPA previously objected to the site through the Proposed Plan consultation of the current Adopted LDP (RD057) on the basis that there would not be a suitable drainage solution for the site taking in to account the existing waste water treatment plant. A & J Stephen (0622/01/004) contend that SEPA's objection was predicated on inaccurate information and that a suitable solution could be reached to the satisfaction of SEPA. The Council has sought SEPA's views on the proposed site and they have objected to the potential allocation of the site on grounds that there are insufficient details relating to the drainage of the proposed site (CD182).

No modification is proposed to the Plan.

Habitats Regulations Appraisal

SNH (0353/04/001) - It is considered that amending the Plan to incorporate the mitigation measure as set out in the Habitats Regulations Appraisal (CD056) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply, and would also set out what will be expected of them in making their planning application.

Cromwell Park, Pitcairngreen and Almondbank

Site E6

Hilary J D Mackenzie (0420/01/001) - Site E6 has been identified as an Employment Proposal to ensure there are a range of employment sites available for development across the Council area, including brownfield sites which have previously been used for a variety of purposes. Site E6 is considered to be a favourable employment site as it incorporates vacant brownfield land and has co-locating benefits being adjacent to the existing employment area at Cromwell Park such as using the existing road access.

The Council acknowledges that the southern part of the Cromwell Park site has been marketed over previous years and that the site owner proposes to modify the allocation to re-zone the site as mixed use or for residential purposes. It is considered that the site is not suitable for housing as the site is isolated from existing services and the current road

access is unadopted and unsuitable for residential traffic. Upgrading the road to an adoptable standard is not considered to be economically viable. The site is also located within a deep valley setting and is significantly shaded therefore potential for passive solar gain – as promoted through the Placemaking Policy - is limited. There is also no shortage in the housing land supply and therefore alternative sites such as this are not considered necessary. On balance the site should remain as an opportunity for future economic uses and the Council will further review the site through the action programme process as part of the next LDP if no progress has been made at the site.

No modification is proposed to the Plan.

Peter Hutchinson (0501/01/001) - It is considered that considerations relating to residential, community and environmental interests would be best assessed through the planning application process through a detailed assessment of the site and the development proposal. It is not considered that specific site requirements are required in this case.

No modification is proposed to the Plan.

Dalcrue

Site E9

Island Leisure Limited (0441/01/001) - It is considered that the land associated with Employment Proposal Site E9 is not being used or has not been developed with respect to an approved planning use and therefore still represents an opportunity for new employment uses to be developed at the Dalcrue site. There is currently an HGV training centre operating at the eastern part of the E9 site however this is not considered to be associated with the previously approved application (ref: 07/02727/FUL) for this part of the site and therefore could be an opportunity for new employment use(s) as the land is still capable of being developed. It is considered that a HGV training centre could fall within an acceptable use for the site (subject to detailed assessment) given its nature. The proposed modification by Island Leisure Ltd to remove the Employment Proposal allocation from Site E9 and instead re-zone as Existing Employment is therefore not accepted by the Council. The site requirement for Developer Contributions has been calculated in line with the Developer Contributions Supplementary Guidance (CD021). Modifications to remove this developer contribution would be best dealt with through detailed consideration of a proposal through the planning application process where any justification for not committing to, or requiring, a developer contribution would be considered.

No modification is proposed to the Plan.

Woodland Trust Scotland (0462/01/035) - Although a specific requirement for considering potential impacts on existing woodland adjacent to the site has not been included in the E9 site requirements, planning applications are assessed against the policies in the Plan. In this case, Policy 38: Forestry, Woodland and Trees would provide suitable protection and would be highlighted through the planning application process where it is expected that there is potential impact on Ancient Woodland. It is important to note that the area of Ancient Woodland does not fall within the site, but adjoins the north boundary of the Dalcrue settlement summary, including the eastern section of the Site E9 allocation (CD183). The site owner has also confirmed that the Ancient Woodland to the north of the site is not within their ownership (RD084) therefore it is not considered reasonable for a

specific developer requirement in this regard.

No modification is proposed to the Plan.

Dunning

Site H20

Rosco Properties (00120/01/001); Daisy Heriot Maitland (077/01/001); Graeme Marchbank (0122/1/001); Mark McKinney (0235/01/001); Carol & Edward Dorsett (0283/01/001); Claire & Andrew Garry (0286/01/001); T Brown (0475/01/001); Carol Blackie (0336/01/001); Richard & Vera Bowman Smith (0339/01/001); J Dow & G Richardson (0363/01/001); Alan King (0405/01/001); C Smith (0446/01/001); Mr & Mrs Bell (0481/01/001); Mr & Mrs Jenkins (0491/01/001); B Hughson (0504/01/001); Dunning Community Council (0506/01/001); Richard Ellison & Laura Browne (0519/01/001); Rosemary Philip (0700/01/001) - The principle of an allocation for housing in Dunning was established as part of the Examination for the current Local Development Plan (CD015). While Dunning is not identified as a tiered settlement as part of TAYplan (CD022) spatial strategy the Reporter considered that the village can accommodate some modest growth. The Reporter identified that the H20 site was the most suitable location for development in the village. Site H20 is considered to be effective and capable of providing housing land to contribute to the overall housing supply as well as providing an opportunity for modest growth in Dunning to support existing facilities and services.

In May 2017, the Council undertook an additional public consultation for Dunning to provide residents with the opportunity to specifically consider the merits of allocating an enlarged H20 site in the next LDP. Further details of the additional consultation are detailed in the consultation report (CD185). The report details that there was a mix of support (43% of responses) and opposition (56%) to the proposed enlarged site.

Following the additional public consultation, the Council has included in the Proposed Plan an extended H20 allocation to provide a more defensible boundary to the western edge of the site utilising existing landscape features at the field edge. It is acknowledged that the Reporter for the previous Examination did not support the larger site and instead opted for a strong landscape framework to be implemented on the western edge of the smaller site. The Council considers that the arbitrary line across the existing open field setting would not create a robust boundary and therefore the larger site, incorporating existing field boundaries to the west is preferred. The larger site also enables a longer term response to the growth of the village to help maintain the vitality and services associated with Dunning. The land is also in the control of the same developer and therefore is expected to be developed. The developer (A & J Stephen) has also submitted further information to the Council (RD061, RD066) with a view to demonstrating that there are abnormal servicing and site preparation costs for the current H20 site and there is therefore justification for the larger site allocation to ensure that the site can be viably developed and within the expected delivery timescales of the LDP. The Council acknowledges the relatively high up-front costs associated with the site and the long-term security of the investment required for the site as well as the developable area of the site including requirements for drainage/flooding and landscaping. It is also recognised that there is a relatively slow market take-up of housing in the Dunning area and therefore high, up-front costs for developing the site will be particularly significant to the overall site viability.

In terms of impact on the existing road network and associated road safety the

development is not expected to give rise to any significant impacts. The Council's Transport Planning section have been involved in the assessment of sites and are satisfied that the site will not give rise to significant transportation issues taking in to account the existing road network and the proposed housing allocation. In terms of the site itself, there is a site developer requirement for the applicant to develop a suitable access and internal road layout. Whilst it is acknowledged that the existing street layout in the village is narrow at points with associated on-street car parking it is not considered that the site would give rise to a significant adverse impact on existing parking provision within the village. A developer requirement associated with the site for an off-road path to the village centre through Rollo Park will provide an appropriate route for residents of the new development to access the village centre by foot or bicycle which will reduce the demand for parking. In terms of the proposal for a new car park in the village centre at Muckhart Road (0506/01/001) the Council is not actively seeking a site for a new car park however parking provision will continue to be monitored as part of the plan making process. In terms of the impact of the site on A9 junctions, as per the Council's LDP Action Programme (CD099) Transport Scotland are currently exploring options for junction upgrades along this stretch of the A9. The principle of the site is therefore acceptable from a transport planning perspective and detailed proposals will be subject to further consideration as part of the planning application.

In terms of drainage and potential flooding, there are specific developer requirements for the site that the developer will need to address as part of any associated planning application. Specifically, there are developer requirements for a flood risk assessment and drainage impact assessment to be undertaken to inform the determination of any planning application. These assessments will be available for public viewing and will be required to address any significant concerns in relation to drainage and flooding, taking both the existing situation and the proposed development in to account, as well as any associated impacts from the construction phase(s). The assessments will need to ensure that suitable drainage and flood mitigation measures will be designed into the overall design and layout of the development. The developer of the site has also specifically investigated the issue of flooding in relation to the potential impact on a neighbouring property (RD062) as requested. In addition, there have been no objections received from either Scottish Water or SEPA for the site in relation to drainage, flooding or water pressure.

Looking specifically at the issue of potential impact of the site on the historic setting, and conservation status, of the village the H20 allocation is located outwith the conservation area boundary for the village and therefore is not considered to give rise to any significant effects on the built heritage associated with Dunning. The Council recognises that the site could potentially impact on the setting of the village, particularly approaching from the west, and therefore has requested that the developer of the site specifically addresses this issue through the design and layout of the site, as required by the developer requirement (third bullet point) for H20 which specifically states: 'Integrate line of mature trees along Auchterarder Road into layout and to ensure the built form and layout strengthens the character of the settlement and creates attractive village boundary'. It is not considered that the overall character of the village will be changed due to the edge of settlement location of the site and the requirement for the developer to consider the design and layout of the site in relation to the character of the village.

Concerns regarding the impact of the development on biodiversity and natural heritage will be suitably addressed at the planning application stage through the developer requirement associated with the site which specifically requires enhancement of biodiversity. The planning application will need to consider the effects of both the construction and

operational phases of the development as well as any associated effects on natural heritage from ancillary infrastructure works. In addition there have been no objections from SNH or other environmental groups regarding the site.

The development will help to maintain the vitality and services associated with the village through modest population increase. There is currently a fairly good range of amenities within the village including shops, cafes and pubs, and the development would provide further footfall for these amenities thereby maintaining vitality to the village centre. In terms of the historical infrastructure associated with the village, the planning application will address any specific concerns and there have been no objections raised by infrastructure providers/regulators in this regard. There is also some limited capacity at Dunning Primary School for additional pupils and the Community School of Auchterarder will continue to be monitored in terms of pupil capacity with adjustments made if required. The issue of school capacity will be considered further at the planning application stage and developer contributions sought through Policy 5 (Infrastructure Contributions) if required. Similarly, the affordable housing contribution for the site will be considered further at the planning application stage through Policy 20 (Affordable Housing).

In relation to specific objections to developing on prime agricultural land, the site is located on Class 3.2 land and therefore there would be no loss of prime agricultural land. In relation to the interests of Network Rail and the current crossing arrangements nearby, the relevant authorities would be consulted as part of any planning application where required by legislation. It is also important to note that the road passing over the railway line is one of five main routes out of the village.

No modification is proposed to the Plan.

A & J Stephen Limited (0622/01/002) - In terms of the size of the site, the Council is aware that there is a technical error with the stated figure for the site size of H20. The Proposed Plan has identified that the site is 3.44ha however following further analysis the correct area of the site is 3.64ha. Therefore taking this site size in to account and the calculation methodology as contained in the Housing Background Paper (CD018), the housing capacity range for the site would be between 43-68 houses based on a medium density and taking in to account the need for land-take for flooding/drainage infrastructure and landscaping. The Council considers that a medium density for the site is suitable given the edge of settlement location and taking in to account prevailing densities of nearby housing. The Council does not propose to amend the housing capacity range to the figure suggested by A & J Stephen as this is considered to be of a high density not suitable for this location.

Should the Reporter be minded to make a technical modification to the Plan, the Council would be comfortable with amending the housing capacity range to between '43-68 units' and the site size from 3.44ha to 3.64ha.

Site – OP23

Rossco Properties (0120/01/001) - Taking in to account the allocation for housing at Site H20, the Reporter at the Examination of the current Local Development Plan (CD015) considered that further residential sites were not required and/or justified in Dunning due to the village not being within TAYplan's spatial strategy to focus growth to the tiered settlements. As such, this site - as part of a larger range of options promoted for Dunning - was not favoured during the previous Examination due to the scale of development not

being sustainable for the village. The Reporter specifically stated in relation to this point: 'Site H20 is considered to represent the absolute maximum level of development that should be permitted here.' A similar position has been adopted for Dunning as part of this Proposed Plan with a view to restricting the level of growth of the village to site H20 only to ensure that any development options are sustained within the existing infrastructure and services available to the village. In addition, the Council's response at the previous Examination also identified that the site to the north at Station Road would 'detract from Dunning's historic form and would mean that any development would detract from the amenity of the settlement', a position supported by the Reporter. The site is also on land identified on SEPA's flood risk maps and is also located on land identified as prime agricultural land (class 3.1). As such, the Council does not propose to modify the Plan to include the site (ref: H375) as an extended allocation to site OP23.

It is worthwhile noting that a PAN (ref: 18/00003/PAN) has been submitted for site H375 to the north of OP23 however there are limited details submitted with the application. In addition, the site has not had the benefit of stakeholder engagement or public consultation through the plan making process and therefore the Council does not propose allocating the site for development.

No modification is proposed to the Plan.

SEPA (0742/01/116) - Part of the site has been identified as having low/medium river flood risk. Due to the nature of the allocation to identify additional land for school recreational purposes it is not considered a significant constraint that there may be a limited risk of flooding. It is not considered proportionate or reasonable for the Council to require for a Flood Risk Assessment to be undertaken given the intended use of the site for recreational purposes. The Council therefore does not accept the suggested modification.

No modification is proposed to the Plan.

New Sites/Boundary Amendment

Site Ref H376

Fergus Purdie Architect (0380/01/001) - As noted in the response above, the Reporter as part of the Examination for the current LDP (CD015) considered that Dunning was limited in the level of growth it could sustain and that a significant level of development would not be in accordance with TAYplan spatial strategy. As such, only one site was allocated (Site H20) to provide modest growth for the village over the plan period and beyond. Therefore in principle an additional site (ref: H376) to the south of Latchburn Wynd as suggested by Fergus Purdie Architect is not favoured by the Council. Considering the detail of the site, the Reporter for the previous Examination noted that the site would extend the village into a field that lies above the level of most of the village, which would be prominent when approached from the south and a landscaped buffer would unlikely provide suitable mitigation for the site. Therefore without detailed plans the site would likely result in a significant visual impact on the setting of the village to the south.

The proposal to develop the site for self-build plots could potentially serve a particular section of the housing market and the Council supports the development of self-build plots where these are sustainably located and address all necessary land use and environmental impacts. However the feasibility work for the site has yet to be undertaken and it would be premature to allocate the site at this stage. It is considered that it would be more appropriate to consider the site at the next LDP review following the publication of the

outcomes of the feasibility work and the public have had the opportunity to comment on the merits of the site. It is also important to note that the site has not had the benefit of stakeholder engagement or public consultation and therefore the Council would not suggest modifying the plan to include the site.

No modification is proposed to the Plan.

Forgandenny

Open Space

Claire Gordon (0105/01/001); Alexander Hamilton (0137/01/001 & 002); Earn Community Council (0515/01/001) - The area of land (pre-MIR site ref: H219) designated as open space in the Local Development Plan (CD014) is currently in use as agricultural land. The site forms as an important feature within the settlement of Forgandenny separating two groups of houses to the north and south and therefore, as noted in the Examination Report for the current LDP (CD015), is important to the character and setting of the village. Therefore the area of current open space should not be developed for housing or other forms of development. Removing the open space designation would effectively result in the land becoming 'white land' within the settlement boundary and therefore would result in additional development pressures on the land.

No modification is proposed to the Plan.

New Sites

B + N Investments Ltd (0602/01/001); Alexander Hamilton (0137/01/001 & 002); Earn Community Council (0515/01/001) - As part of the Examination for the current Local Development Plan (CD015) the Reporter identified that the village of Forgandenny is not suitable for large-scale growth. This is due to Forgandenny not being a tiered settlement within the TAYplan (CD022) spatial strategy, which focusses growth to the larger settlements in Perth & Kinross. It is considered that due to the size and location of Forgandenny and in accordance with the TAYplan spatial strategy there is no justification for identifying any further sites for housing development. The settlement boundary has been drawn to allow for some small-scale development (i.e. under 5 units) to the south of the B935 road which has had permission granted (ref: 15/01118/IPL, 16/01679/FLL, 17/01608/FLL) and housing at this location has been constructed. Additionally there have been windfall sites approved (e.g. 17/01967/FLL) within the settlement boundary which will provide further development opportunities in the village. There is therefore no justification to allocate a new site for housing within the Forgandenny settlement boundary. With regards to site H402 specifically, this site was previously resisted by the Council at the last Examination due to the prominent sloping nature of the site to the south which would result in the development being out of keeping with the rest of the village. In relation to site H220 it is not considered necessary to extend the settlement boundary in to adjoining agricultural land which could still be used for this purpose, particularly where there is no justification or identified need for additional housing in Forgandenny. In addition, the sites have not had the benefit of stakeholder engagement or public consultation through the plan making process and therefore the Council does not propose including either site for allocation within the village.

No modification is proposed to the Plan.

Glenfarg

Employment Land

Cllr Michael Barnacle (0584/1/036) - The Council has identified sufficient employment land across the Council area in accordance with SPP (paragraph 101) (CD004) to ensure there is a range of business sites to meet market demand. Glenfarg is not a tiered settlement as identified in TAYplan (CD022) and therefore it is not considered necessary to allocate employment uses within the settlement boundary. Instead the village is strategically located between Kinross/Milnathort and Perth and is therefore in an optimal position to utilise the employment opportunities that these larger settlements provide, as well as other smaller settlements nearby such as Abernethy and Bridge of Earn. Moreover, there is the opportunity for business proposals to come forward within the settlement boundary and be considered through the Development Management process, which would assess any proposal against the relevant policies of the Plan such as Policies 1 (Placemaking) and 17 (Residential Areas)

No modification is proposed to the Plan.

Reporter's conclusions:

Abernethy

Site MU8

1. An application for the erection of 39 dwellinghouses (initially 42), formation of sustainable urban drainage system pond, car parking, landscaping and associated infrastructure on the eastern portion of site MU8 was approved by the council in 2019. The reporter for the previous local development plan examination considered that a mixed use designation for this site would enable the extent of employment land, number of houses and merits of retaining trees to be established through the development management process. Branston Limited own the remaining part of MU8.

2. The proposed plan indicates a total site area of 1.5 hectares for 12-19 houses and employment land, whereas the council now advises that the total site area is 2.17 hectares and will require a modification. The representation seeks the use of the whole of site MU8 for housing. However, I agree that the mixed use allocation allows sufficient flexibility for potential use of the western part of the site for employment use which is compatible with the proposed housing. The indicative capacity should also be increased to 39 houses to reflect the permission. I consider that the mixed use allocation would not be a deterrent to the aspirations of the landowners and should be retained, rather than a split being created between separate housing and employment uses at this time.

3. Matters raised in respect of water pressure; the gas system; the Round Tower; traffic and roundabouts; noise from the railway and factory, and room for trees would have been assessed at the planning application stage. The developer requirements include roads and access improvement and a landscape framework. I agree with Perth and Kinross Heritage Trust that a developer requirement should be added to ensure archaeological evaluation of the site and any necessary mitigation.

Site E4

4. Site E4 is part of the land holding of Branston Limited and according to the company has value as a key parcel of land which can deliver planned improvements to their existing and future operations. It is currently in agricultural use. The land is shown as site E4 in the current local development plan and designated for general employment uses. The designation has been carried over from the adopted local development plan. A planning application for alterations and extensions to building, erection of a cold storage building including ramp, acoustic fence, installation of air conditioning units, formation of access road, parking areas, fuelling bay, outdoor storage, hardstanding areas, landscaping and associated works is under consideration by the council. The application site comprises the western part of site MU8, site E4 and the existing buildings owned by Branston Limited.

5. I agree with the council that the designation of the land as a general employment proposal should not constrain the development of site E4, which could include ancillary employment uses such as car parking. Use of the land could be designed to have no significant impact on the character of the area and to complement the surrounding land uses, in particular the existing dwellings to the south. It would provide an opportunity for the existing business to expand, subject to the stated developer requirement that development must be compatible with residential amenity. No modification.

New sites/boundary amendments

Sites H289 and H401

6. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

Sites H289 and H401 are outside the settlement boundary for Abernethy. Site H289 is a small sloping paddock, served by a narrow access and next to land which includes a dwelling that is under construction. Widening of the access would be likely to affect the existing stone boundary walls at either side of the single track. The site also falls within the Ochill Hills Special Landscape Area where there would be potential for detrimental visual impact from development.

Site H401 is part of an agricultural field and includes a dwelling. The land is a linear gap near the end of a row of dwellings and is fronted by a layby. The representation suggests it as a small infill site and an anomaly where the settlement boundary should be re-drawn. However, development would result in the loss of some prime agricultural land, with part being class 2, and would detract from the open setting of this part of Perth Road.

7. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. Abernethy has seen significant expansion despite not being a tiered settlement.

8. The proposed sites have not been the subject of stakeholder engagement or public consultation. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of sites H289 and H401 and changes to the settlement boundary is not currently justified.

Sites H209 and H210

9. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

10. Site H209 is agricultural land located at the eastern approach to Abernethy. The land slopes down towards the A913, making it visually prominent. Allocation of this site would extend development into the open countryside, outside the settlement boundary, although it would be within the 50 metre contour at the south side of the village. It would also have a boundary with the house and grounds of Broomhill to the south. I consider that Site H209 would not constitute a small scale infill site in view of its size. Site H210 is a smaller adjacent field, also outside the settlement boundary. Development of either of these adjacent sites would have a detrimental effect on the rural character of the area and setting of Abernethy. Development is sporadic at this approach to the village and the creation of a more defensible boundary as suggested would be insufficient reason to justify the proposals.

11. Abernethy has seen significant expansion despite not being a tiered settlement. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. The proposed sites have not been the subject of stakeholder engagement or public consultation. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of sites H289 and H210 is not currently justified.

Clathymore

New sites

12. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

13. Proposed site H288 would be an extension to the north-eastern end of the settlement on agricultural land to accommodate around 16-20 dwellings. A proposal for the site and capable of delivering 16 houses was excluded from the adopted local development plan at examination stage. The previous reporter was not convinced that sewage treatment could be dealt with without further land take. The representation submits that this matter is capable of resolution. However, the Scottish Environment Protection Agency considers that due to the very limited options available at the site for a potentially consentable foul effluent proposal under The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and the lack of information provided in terms of a drainage solution it would object to a further proposal at this site. The representation advises that Clathymore serves a particular need for higher end market housing. The site is capable of being effective and can be designed to respect its rural setting. However, although the access to the A9 is good, it is a relatively isolated settlement with no services or employment opportunities.

14. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area and any particular need for high end market housing could be met within the core area. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market area I conclude that the allocation of site H288 is not currently justified. No modification.

Habitats Regulations Appraisal

15. There is the potential for significant impacts on the qualifying interest of Methven Moss Special Area of Conservation during flood events, primarily due to the existing issues with waste water treatment at the settlement. I agree that the Settlement Summary for Clathymore should be modified in accordance with Table 8.1 of the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

Cromwell Park, Pitcairngreen and Almondbank

Site E6

16. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

17. Site E6 is designated for core employment use as part of a wider safeguarded employment zone. The response seeks that E6 and the employment safeguarding area to the east be considered for mixed use development comprising residential and complementary business/industrial use or be considered for residential use only. I am advised that the site has been marketed for employment purposes over the last 7 years without success. Site E6 is accessed through the former Royal Navy workshops with a sloping road through woodland providing access. There are a few houses nearby along with the settlement of Pitcairngreen.

18. The site would be isolated from services and there would be potential for conflict between any residential traffic from the site and that serving the employment uses. Residential or mixed residential uses would therefore be inappropriate. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market area I conclude that the allocation of site E6 for residential or mixed residential uses is not justified. No modification.

19. For the existing core employment allocation E6 I agree with the council that considerations relating to residential amenity such as noise and light disturbance/pollution, impacts on walkers/horse riders using the core path, environmental and community interests, would be best assessed at the planning application stage. Any assessment should include reference to Placemaking Policies 1A and 1B of the proposed plan, as suggested in representations. No modification.

DalcrueSite E9

20. The adopted local development plan indicates two areas of general employment use which coincide with the “Employment proposal (General)” areas E9 indicated on the settlement map for Dalcrue in the proposed plan. These areas of land are generally undeveloped and also denoted as E9. Other areas that are primarily in use for employment uses, except the area used for a Heavy Goods Vehicle training centre, are shown as safeguarded on the map for the proposed plan. I consider that there is little difference between the proposals in the adopted local development plan and the proposed plan. The use of the allocation terminology in the proposed plan should not be a deterrent to any further employment growth.

21. The adopted plan and proposed plan both refer to the requirement for developer contributions towards transport infrastructure. I note that the requirement has been calculated in accordance with the council’s Developer Contributions Supplementary Guidance. I agree with the council that this is a matter best assessed at the planning application stage, when any detailed submitted justification for not providing a contribution would be considered. Areas within the site are identified for protection as open space. I consider that the presence of native and ancient semi-natural woodland should be mentioned in the developer requirements. Although the ancient woodland adjoins the northern boundary of the site it should still be protected from any adjacent construction or excavation within the site.

DunningSite H20

22. Site H20 is a housing site which has been carried forward from the adopted local development plan but extended to accommodate 41-63 housing units. The reporter in the examination for the adopted local development plan accepted that the site would be acceptable as a limited housing development. In terms of the site boundary following an obvious landscape feature he considered that it would not be an appropriate solution to enlarge the site to the group of trees to the west. However, the council has accepted that the site would have abnormal development costs and that a larger site would help to ensure that development could proceed.

23. The developer has submitted viability information which indicates that the highest costs are associated with a high voltage overhead diversion, sustainable drainage and a foul water pumping station. The increase in abnormal costs is not significantly greater for the larger site and I agree that this would increase its viability. The western boundary of the site has some containment from the former quarry site. The boundary should be augmented by further tree and shrub planting and this should be added to the developer requirements. Development of the site would, in my view, assist in providing support towards the vitality and viability of village services and facilities and would reduce development pressure elsewhere in Dunning.

24. The site is located at the western end of the village next to a modern housing estate at Latchburn Wynd. It comprises sloping agricultural land, classified as category 3.2, rather than prime land. In view of the site’s location and extent it would be important to mitigate the impact on the approach to the village and its landscape setting. In this respect the

developer requirements include integrating the line of trees along Auchterarder Road into the layout. Dunning conservation area is designated as outstanding. Site H20 is mainly separated from the boundary of the conservation area by the housing development at Latchburn Wynd. For this reason, I consider that there would be no significant harm to the character or appearance of the conservation area from the proposed development. In terms of wildlife value, the site is primarily agricultural land. The developer requirements include enhancement of biodiversity and this principle would need to be incorporated within the site layout, riparian zones, landscaping, tree retention and new planting.

25. The developer requirements include a flood risk assessment and a drainage impact assessment. Despite the re-assurances provided in submissions, I consider that the drainage impact assessment should include run-off impacts upon any adjacent properties, including Latchburn Ford, in view of reports of drainage into the quarry in the winter months. Regarding sewage disposal, the developer intends to include a foul water pumping station and rising main in the development. The council received no objections to the site from the Scottish Environment Protection Agency or Scottish Water in relation to drainage or water supply pressure.

26. The council's transport planning section are satisfied that the site and access to the B8062 would not give rise to significant transportation issues and the parking situation in the village centre will be monitored. Transport Scotland are exploring options for upgrading junctions on the A9 which could experience an increase in traffic. I note the general concerns regarding existing traffic levels in the village, including HGVs and lack of parking space. These are matters that should be addressed by the council in consultation with the local community, rather than for resolution as part of the proposed plan.

27. The council advises that the site is 3.64 hectares in size rather than 3.44 hectares and this is a matter that should be corrected in the proposed plan. I agree that the developer's request for a housing capacity of 85 units would be too high a density for this site at the edge of the village. I am also mindful of the need to protect the setting of the village and the roadside trees and to allow sufficient space within the housing layout. The council has suggested an increased indicative capacity of 43-68 units, I consider that this would reflect the calculated increase in the size of the site and would be acceptable.

28. Local residents would have the opportunity to comment on the details of any planning application in accordance with normal development management procedures. Primary and secondary school capacity and developer contributions towards education provision would be assessed at that time. The council advises that Network Rail would also be consulted in respect of any level crossing issues at Whitemoss and Fort Teviot.

Site OP23 & H375

29. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area.

30. Site OP23 is shown as an opportunity proposal for an extension to the school for recreational purposes in the proposed plan and within the settlement boundary. Site H375 is a much larger site which would be adjacent to OP3, but outside the current settlement boundary. It is almost flat prime agricultural land at the rear of the cemetery and containing a standing stone. The representation seeks a combination of the two sites at Station Road

for up to 100 new homes, transport infrastructure, landscaping including sustainable urban drainage systems and an extension to the primary school as an alternative to site H20.

31. The Scottish Environment Protection Agency has identified a low/medium river flood risk for site OP23. However, in view of its proposed recreational use I consider that a flood risk assessment would not be essential, although drainage would have to be a consideration for any planning application.

32. The representation relating to site H375 indicates that the owners of site H20 would be unable to secure the extension to the primary school as they do not own site OP3. However, it is clear that the council considers that OP3 is designated for recreational purposes. In response to site H20 the council has advised that there is some limited capacity at Dunning primary school for additional pupils and the Community School of Auchterarder will continue to be monitored in terms of pupil capacity with adjustments made if required. Developer contributions would be sought if necessary. Alternatives therefore exist and the representations regarding ownership would not justify allocating site H375. Moreover, the development of this site would detract from Dunning's historic form and would be detrimental to the village setting.

33. TAYplan identifies the Perth Core Area as being the location for the majority of housing development in the Greater Perth Housing Market Area. Site H375 has not been the subject of stakeholder engagement or public consultation. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of site H375 is not justified.

New sites/boundary amendment

Site H376

34. The representation to the proposed plan regarding site H376 was withdrawn on 13 December 2018.

Forgandenny

Open space – site H219

35. I recognise that under Issue 1 A Successful, Sustainable Place, it has been found that there is no shortfall in meeting the housing land requirement in the Greater Perth Housing Market Area. Accordingly, there is no strategic numerical justification to allocate further sites for housing within the Greater Perth Housing Market Area.

36. Proposed housing site H219 is located at the southern end of the Forgandenny Conservation Area. It has been brought forward as open space from the current local development plan and is in agricultural use. The land forms part of the setting for the existing development in the conservation area. It separates the two main groups of houses, providing spaciousness and distinctiveness. Development of the land for housing, either by allocating the site or by removing the open space designation, would harm the special character and interest of the conservation area. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of site H219 is not currently justified. No modification.

New sites

H402 and H220

37. The proposed sites have not been the subject of stakeholder engagement or public consultation. Site H402 is an area of agricultural land which slopes down towards the B935 and three housing plots that have permission along the road frontage. Development of the site for housing would significantly extend development into the open countryside. It would be visually prominent because of the slope and detrimental to the character and setting of the village and the conservation area.

38. Site H220 at County Place is an area of overgrown land between housing and an agricultural field. The representation indicates that the site is effective and could be developed for 8 to 10 units incorporating green corridors, to enhance biodiversity, and landscaping. The site has potential for infilling, subject to further assessment. However, in view of recent development and windfall permissions there is no justification to allow additional housing at site H402 or to amend the settlement boundary to incorporate site H220.

39. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of sites H402 and H220 is not currently justified. I conclude that any further growth of Forgandenny would be a matter for consideration in the next review of the local development plan. No modification.

Glenfarg

Employment land

40. The settlement boundary at Glenfarg has been drawn to offer the potential to accommodate some further development. The boundary would therefore not prohibit consideration of an employment site within the settlement. Any business opportunities that come forward would be considered under normal development management procedures and would be assessed against relevant policies in the proposed plan including Policy 1 Placemaking and Policy 17 Residential Areas. I agree with the council that the settlement is well placed to allow access to employment opportunities in surrounding settlements and there is no need to specifically allocate employment sites in this non-tiered settlement. No modification.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 104, site MU8, add a new bullet point as follows "Evaluation of archaeological potential and mitigation will be required". Amend size of the site from 1.5 ha to "2.17 ha" and the indicative capacity from 12-19 houses to "39 houses and employment land".

2. On page 157, Settlement summary for Clathymore, after the last sentence, add:

"Mitigation measures should be supplied to ensure no increase in nutrient loading and no adverse effects on Methven Moss Special Area of Conservation.

3. On page 181, site E9, add a new bullet point as follows:

“Development must take account of ancient woodland in close proximity”.

4. On page 188, site H20, modify the developer requirement to say:

Drainage Impact Assessment, “including the effect of run-off for adjacent properties and road drainage”.

5. On page 188, site H20:

Amend the site area from 3.44 ha to “3.64 ha” and the capacity to “43-68 units”.

6. On page 188, site H20, add a further bullet point as follows:

“Tree and shrub planting to be provided along the western edge of the site to create a robust boundary”.

Issue 32	Greater Dundee Housing Market Area	
Development plan reference:	Inchtute p.209-210 Invergowrie p. 211-212 Longforgan p. 235	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
James Hutton Institute (0030) Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Muir Homes (0214) Perth & Kinross Heritage Trust (0272) Scottish Natural Heritage (SNH) (0353) Hadden Group Ltd (0418/03) IPL Limited (0437) Royal Society for the Protection of Birds (RSPB) (0546) Historic Environment Scotland (HES) (0580) G C Taylor (Farms) Ltd (0628) A & J Stephen Limited (0622)		
Provision of the development plan to which the issue relates:	Development sites in Inchtute, Invergowrie & Longforgan	
Planning authority's summary of the representation(s):		
<u>Inchtute</u> <u>Housing Allocation Site H24</u> Perth & Kinross Heritage Trust (0272/01/007) - Recommended that the Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required. Muir Homes (0214/01/001) - Objects to Housing Allocation H24. In LDP1, the site was allocated for 16 units and the Reporter considered that even a modest increase could not be accommodated without "unacceptable loss of amenity". LDP2 now proposes a density range of between 52 and 80 units which the respondent considers the site could not accommodate. Other issues cited include: noise, amenity/loss of trees and traffic. Muir Homes propose an alternative site at Orchard Way which they consider would be a logical extension to the village with no policy conflicts. Hadden Group Ltd (0418/03/001) - Supports Housing Allocation H24. They state the following reasons for this response: <ul style="list-style-type: none">• The viability of the Moncur Road site H24 is achievable for Hadden, and therefore the Planning Authority should support this vision as part of its overall development plan for the area and support inclusion of Site H24 in the Proposed Plan.• Scottish Planning Policy (SPP) Para 40 (CD004) persuades Planning Authorities to direct the right development to the right place. For Site H24, a planned extension to Inchtute, (i.e. site allocated within the adopted LDP), the proposal for H24 is an		

appropriate density for several reasons, compliant with the Government's advice to "using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores" - the scale of development is appropriate, it will help deliver and is more resource efficient, turning marginal agricultural land into modern homes in a desirable place where people want to live, in line with para 45 of SPP (CD004).

- Therefore, identification of the Moncur Road (H24) housing site proposal within the Proposed Plan is supported by Hadden because it will be fully in line with the Scottish Government's delivery aspirations and will satisfy the vision for a modern flexible future planning system.

The respondent has also included supporting information relating to a live planning application reference 17/02159/FLM (RD021).

IPL Limited (0437/01/001) - Objects to site capacity at H24 and suggests a reduction in the indicative number of units from 52-80 down to 16 (adopted LDP capacity). Their reasons for this are:

- The respondent operates the potato facility to the east of the site and has objected to recent planning applications for the H24 site (17/02159/FLM and 17/00943/FLM). The IPL site is a long established operation and is a recognised employment site within the Local Development Plan (LDP), with an allocation under adopted policy EDI. The facility deals with the grading and packaging of potatoes and operates both within the building and the outside areas. They acknowledge that the H24 site has been allocated for housing for some time however IPL has an interest in ensuring that the site is developed appropriately and in a considered manner, respecting the existing land uses in the area. In essence IPL wish to ensure that the development of the site is not undertaken in such a way that there will be amenity problems further down the line.
- The adopted Local Development Plan notes an indicative capacity for the site of 16 units whereas the Proposed LDP indicates 52-80 units. This is a significant increase and it is IPL's position that this number of units on the site is inappropriate and too dense to allow for the sufficient noise mitigation and design layout required due to the location of the A90 to the west and the IPL factory to the east. The proposed increase in housing numbers and density will result in a scheme, as evidenced through the recent planning applications, that does not adequately address residential amenity.
- In the previous Examination into the now adopted LDP, the proposal of an increased number of units was debated. The Planning Authority responded to the request by the landowner to increase the number of units above 16 by saying: "Inchture lies in the Carse of Gowrie where TAYplan limits development opportunities. The village has expanded considerably and the settlement boundary has been drawn to accommodate only limited further expansion during this Plan period. The proposal for one small site of 16 units best meets these requirements. Given the level of expansion proposed in the village and the constraint on the school capacity, a significantly larger number of units would not be considered appropriate. The number of units at the site is limited by noise issues from the adjacent A90 and the site's relationship to employment land to the north east." The Planning Authority concluded that "No modification is proposed to the Plan" (CD015, p.517).
- Having considered the site and the proposal to increase the number of units the Reporter concluded that "Site H24, of approximately of 3.6 hectares, is located within the established boundary of the settlement of Inchture. It has been identified

for 16 houses to be built out on two hectares. The additional traffic generated is not sufficient reason for its deletion from the Proposed Plan and the other concerns raised can be addressed by way of the site-specific developer requirements associated with its allocation. A development of this size can be accommodated and supported adequately within the settlement. However, an increase in the number of houses could not be accommodated without unacceptable loss of amenity." As such the level of housing indicated remained at 16 in the adopted LDP (CD014, p.529-530).

- It is now unclear as to why the Council are now taking a different view and increasing the number of units by up to 500%. As has been seen through the submitted planning applications, there are significant impacts on amenity through the density of housing being proposed which the Reporter into the Examination highlighted would happen. As such IPL urge the Council to review their proposal to increase the number of units permissible given the significant loss of residential amenity that will be experienced due to the increase in density.
- It is noted and welcomed that the Proposed LDP sets out specific developer requirements for the site but it is argued that these are at odds with the number of units indicated. A smaller, less dense housing development along the lines of the 16 units in the adopted Plan with the appropriate mitigation and layout could be achieved and would be more appropriate.

Site proposal H197

Muir Homes (0214/02/001) - Housing Site Ref: H197 should be an alternative to H24 resulting in H197 either being removed from the Local Development Plan or reverting a capacity of 16 units. Muir Homes consider the site at Orchard Way to be a better site for Inchtute. This alternative site extends to some 3.4 hectares. It is of note that H197 already incorporates strategic tree planting undertaken by Muir Homes. This planting, together with the developer requirement to extend the woodland belt to form a new natural settlement edge will reduce the developable area considerably allowing a modest housing development to be comfortably accommodated within the proposed site. A site plan accompanies this submission. Appendix E 'Site Assessments' conducted in response to comments provided at the Main Issues Report stage did not highlight any particular planning issues with allocating the site Addendum to Environmental Report Appendix E - Perth Area Site Assessments (Settlements H-Z) (CD075 p.2-13). Other alternative options at Longforgan are considered to be too large and not natural extensions to the village. Longforgan is also considered to be too close to the Strategic Development Area known as the Dundee Western Gateway and as such any development could prejudice the delivery of the Western Gateway. The site adjacent to Orchard Way therefore represents a logical extension to the village of Inchtute and is of a size that can accommodate the limited requirements of Tayplan, unlike other options either in Inchtute or Longforgan.

G C Taylor (Farms) Ltd (0628/01/001) - Housing Site Reference H197 should be a housing allocation. The settlement boundary is also requested to be extended to include this site. They consider this site appropriate for the following reasons:

- Infrastructure: There are no known infrastructure constraints that would prevent this site being brought forward for residential development.
- Physical: The site is free from any physical constraints that would prevent it from being developed for residential use.
- Contamination: The site is agricultural land and free from any known contamination.
- Deficit funding: No public funding is required to deliver this site for housing.

- **Marketability:** The site is under option to Muir Homes. This would form an extension to their existing successful adjacent development. This demonstrates a commitment from a housebuilder to deliver the units in the short to medium term. The market demand for this location has been proven by the strong demand and takes up of the adjacent existing development.
- **Land use:** It is considered that residential use would be the most appropriate use for this site. The use would complement the existing surrounding land uses.
- **Ownership:** The site is in the ownership of G C Taylor (Farms) Ltd and they intend to release the site for residential development. The site is under option to Muir Homes.

Invergowrie

Settlement statement

TACTRAN (0057/01/023) - Notes the potential relocation of Invergowrie Railway Station to Dundee West is included in the Regional Transport Strategy Delivery Plan as Project R5.4 and will be subject to further appraisal work involving partners from Tactran, Perth & Kinross Council, Dundee City Council, Network Rail, ScotRail and Transport Scotland.

Site E37

James Hutton Institute (0030/01/01) - Supports the enlargement the E37 development zone as well as continuing to support their current operations. This allows them greater flexibility to deliver the International Barley Hub (IBH) and the Advanced Plant Growth Centre (APGC) projects both of which are currently included within the Tay Cities Deal bid and cannot be contained completely within the footprint of the current built estate. Enlargement will also allow them to continue their support for the Tayside food and drink and agri-tech sectors by attracting spin-in companies such as Intelligent Growth Solutions (IGS) who are currently developing Scotland's first vertical farm on the Invergowrie site.

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. It is recommended that Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (Table 8.1, pages 160-161) (CD056, p.529-530).

SNH (0353/01/029) - Considers the need to add the developer requirement: "Provide new native woodland landscape edge at the western boundary." They state that any development of this scale can generate adverse landscape impacts unless it is led by a masterplan that draws on the landscape context to make the most of this site's assets (e.g. vistas to the Tay). The scale and design of development should sensitively reflect the rural character of the adjacent open landscape. This will help to contain the urban expansion area towards the open fields at the western boundary and provide a transition from urban to rural.

Perth & Kinross Heritage Trust (0272/01/008); HES (0580/01/005) - Recommend that the Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required.

RSPB (0546/01/021) - Would like to see the following changes:

- Add 'including maintenance and enhancement of open ground for breeding and wintering waders' to the last listed developer requirement ('Enhancement of biodiversity and protection of habitats'). The areas of open ground on site are likely to support some breeding and wintering waders (the latter will be linked to the Firth of Tay SPA assemblage). RSPB Scotland does not hold detailed information on bird use of the site, although curlew, redshank and oystercatcher have been recorded. But any planning application should be supported by an ornithological survey of the site to determine the key areas used by waders. It is important that the layout and design of the development allows these open habitats to be maintained and enhanced. Adding this requirement would help the council fulfil its statutory duty to further the conservation of biodiversity and contribute towards achieving the Plan's vision and objectives as set out in section 3.3 (A Natural, Resilient Place).
- Add a further developer requirement: "Ensure that measures are put in place to prevent increased pollution to the Tay Estuary and intertidal habitats". The second addition would help to ensure that the council does not permit development that would adversely affect the integrity of the Firth and Tay and Eden Estuary Special Area of Conservation and Special Protection Area, which would be contrary to the requirements of the Habitats Regulations.

Longforgan

A & J Stephen Limited (0622/01/009) - Suggest site at Rosemunde Pilcher Drive, previous Proposed Plan site H25 as shown on attached extract, to be included within the LDP for 15 - 20 houses, including a proportionate level of affordable housing, within the first plan period, in line with the identified TAYplan 2017 strategic housing requirement for the Perth & Kinross part of the Greater Dundee Housing Market Area (GDHMA). This is for the following reasons:

- Longforgan lies within the Perth & Kinross part of the Greater Dundee Housing Market Area and the approved TAYplan 2017 now recognises that there has to be some context for settlement growth rather than a veto due to the Western Gateway.
- The Proposed LDP2 recognises the requirement to allocate sufficient land to accommodate the TAYplan requirement within these settlements although identifies only one allocation, H24 Moncur Road, Inchtute.
- Inchtute has been the subject of a very substantial level of house building in recent years, with 249 houses recently completed at Mains of Inchtute. The proposed LDP2, H24 Moncur Road allocation for a further 52 - 80 units, in preference to an allocation at Longforgan, does not therefore conform with SPP which requires that LDP's should allocate a range and choice of sites within a single market area.
- By allocating further housing land within Inchtute, in preference to Longforgan, the Proposed LDP does not therefore provide for the required range and choice. A current application for planning permission (17/02159/FLM) for site H24, seeks consent for 66 units.
- The location is consistent with previous Council decisions on appropriate housing sites and the scale is consistent with the anticipated need in the Greater Dundee Housing Market Area.
- As stated, the site was allocated within the previously Proposed Local Development Plan as H25 South Longforgan and, along with H26, both sites were considered capable of delivering 75 houses as the only housing allocations in the settlement (CD053). Through Examination, the Reporter considered that this level of

development would prejudice the delivery of the Dundee Western Gateway and deleted the sites from the Plan. The Reporter however considered that H25, should it be required in the future, remained an appropriate site for development (CD015).

- It is material to note that after site bids and full consideration of the alternative options for development, the previous Plan's Main Issues Report was presented to Council on 18th November 2015 with key recommendations for inclusion of issues and recommended sites within the consultation version of the MIR (CD046).
- At Council, an amendment was however proposed by Councillor Roberts and Paver to delete the officer's preferred site at Rosamunde Pilcher Drive and replace it with land to the west of the village adjacent to Janet Forbes Avenue (RD022).
- It therefore seems perverse that now that there is an identified TAYplan housing requirement within the Perth & Kinross part of the GDMA, the consistently preferred and deliverable site which is akin to an infill site has not been included within the Proposed Plan as a housing allocation.
- The site at Rosamunde Pilcher Drive directly abuts the southern edge of Longforgan and the proposed use is compatible with neighbouring uses which wrap around the proposed site on three sides making it much more of an infill proposal than a settlement extension.
- As stated above, the existing character of the area is urban and the proposal will be akin to an infill development taking into account the local setting.
- Vehicular access will be facilitated from a point of entry off Rosamunde Pilcher Drive, i.e. a current residential street. The site is well contained visually by existing development and appropriate boundary treatment and linkages to the green network will be masterplanned through any allocation of the site.
- All service connections are available and it is not anticipated that there will be any abnormal issues over and above normal servicing requirements.
- There are no physical or technical constraints to development; the site is in a marketable location; the site is controlled by a single local developer with intent to progress subject to planning permission; and if allocated there will be no other competing housing allocations within Longforgan.
- It therefore makes good planning sense to allocate a site which relates to the settlement both in proximity and form, has a history of favourable consideration through the previous Proposed Plan, is at a scale appropriate to emerging TAYplan requirements and of course, is not constrained and is deliverable.

Modifications sought by those submitting representations:

Inchture

Perth & Kinross Heritage Trust (0272/01/007) - Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required.

Muir Homes (0214/01/001) - Remove housing site H24 from the Plan and allocate H197 as a housing site. Alternatively, reduce the density for housing site H24 back to 16 units.

IPL Limited (0437/01/001) - Housing density for Housing Allocation H24 to be reduced back to 16 units.

Muir Homes (0214/02/002); G C Taylor (Farms) Ltd (0628/01/001) - Site Proposal Reference H197 at Inchture for a housing allocation. The settlement boundary is also

requested to be extended to include this site.

Invergowrie

SNH (0353/04/001) - Due to the Site Specific Developer Requirements for E37 only seeking the generic 'Enhancement of biodiversity and protection of habitats' it is recommended that the following additional requirement is added to the list (page 212) to avoid adverse impacts on the Firth of Tay and Eden Estuary SAC:

- 'Development proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).'

SNH (0353/01/029) - Add the developer requirement for E3: "Provide new native woodland landscape edge at the western boundary."

Perth & Kinross Heritage Trust (0272/01/008); HES (0580/01/005) - Both recommend that the Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required.

RSPB (0546/01/021) - Would like to see the following changes:

- Add 'including maintenance and enhancement of open ground for breeding and wintering waders' to the last listed developer requirement ('Enhancement of biodiversity and protection of habitats').
- Add a further developer requirement: "Ensure that measures are put in place to prevent increased pollution to the Tay Estuary and intertidal habitats".

Longforgan

A & J Stephen Limited (0622/01/009) - Site (Reference H199) at Rosemunde Pilcher Drive, previous Proposed Plan site H25, to be included within the LDP for 15 - 20 houses.

Summary of responses (including reasons) by planning authority:

Inchtute

Housing Allocation Site H24

Perth & Kinross Heritage Trust (0272/01/007) - It has been suggested that the Site Specific Developer Requirements for this site should be updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required. Although there is not a site specific requirement, every planning application is assessed against the policies in the Plan. Policy 26: Scheduled Monuments and Non-Designated Archaeology in the Proposed Plan would therefore be applied to this site as part of the planning application process. The Scheduled Monument is located in an area of open grassland on the opposite side of the road. The development of this site is unlikely to have any noticeable impact on the setting of the monument as there has already been a considerable amount of new housing that has already changed the character of this area. There is a site requirement to ensure that the stone wall along the road facing the monument will be retained or reused. This aims to ensure the visual impact will be minimised.

No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan. The Council would suggest the following requirement is added: "Evaluation of archaeological potential and mitigation on site will be required and protection of the setting of nearby Schedule Monument should be ensured."

Muir Homes (0214/01/001); IPL Ltd (0437/01/001) - There are two objections to H24 in terms of the site capacity. H24 is currently allocated in the adopted LDP for 16 units. The site was originally proposed for the Perth Area Local Plan in 2005 (CD263, p.114-115). When this Plan was abandoned to begin a Local Development Plan for Perth & Kinross Council under the Planning etc. (Scotland) Act 2006 (CD036), a further proposal to include this site was submitted in June 2009 (CD264, Inchtute_02_385). This proposal suggested a density of 13 units on the site. The site was then allocated for 16 units in the LDP1: Proposed Plan (CD053, p.122-123). The site was assessed at Examination and the Reporter stated the following: "The additional traffic generated is not sufficient reason for its deletion from the Proposed Plan and the other concerns raised can be addressed by way of the site-specific developer requirements associated with its allocation. A development of this size can be accommodated and supported adequately within the settlement. However, an increase in the number of houses could not be accommodated without unacceptable loss of amenity." (CD015, pp. 530).

The LDP2: Proposed Plan now suggests an increase in density and has proposed a site capacity of 52-80 units. A reason for the change in density at H24 was partly due to a revision of all site capacities in LDP2. This was undertaken in response to the Housing Supply Targets identified for Perth & Kinross Council through TAYplan (2016-36) (CD022). Inchtute, Longforgan and Invergowrie are all located within the Greater Dundee Housing Market Area. The Greater Dundee Housing Market Area covers the whole of the Dundee City Council area plus small parts of Perth & Kinross, Angus and Fife Council areas. TAYplan (2012-32) did not identify a shortfall when the site was originally adopted (CD023). Furthermore, there was a presumption against development in the Carse area as it was considered to compete with Dundee's Western Gateway expansion and the regeneration of Core Areas. TAYplan (2016-36) now identifies a shortfall of 39 units in the Perth & Kinross section of the Greater Dundee HMA (CD022) – this includes the 16 units currently allocated to the site in the Adopted LDP. Whilst there is still a presumption against development in the Carse, this shortfall requires to be met and is small in scale, so it neither competes with the regeneration of Core Areas or the delivery of Strategic Development Areas. The Main Issues Report consulted on two options to address a shortfall arising in this area: an additional site in either Inchtute or Longforgan (CD046, p.50-52). As part of the review, the site capacity range methodology was applied to the site. A Housing Background Paper on this methodology provides further detail on this process (CD018). As the density pattern in Inchtute is generally medium to high, the capacity of this site was significantly raised.

A further reason for the change in density was triggered by pre-application discussions regarding the site with Hadden Group. The market has changed within the area and it is now recognised that smaller houses at a higher density would make the site considerably more viable. In addition this reflects current market trends towards smaller houses at the lower end of the market serving the first time buyer and elderly downsizing demand, and this is welcomed by the Council. Through this discussion, it was acknowledged by the Council that a site of this size could therefore accommodate more than the 16 units originally allocated. A PAN was undertaken on the site (17/00003/PAN) to reflect the raise

in density to that of a major planning application. Following this, two planning applications have been received. The first was validated in May 2017 (17/00943/FLM) for 74 units. This was later withdrawn and a further application was made in December 2017 for 66 units (17/02159/FLM). However, on 15th March 2018, two weeks after the end of the Proposed Plan consultation, the planning application was refused, specifically on grounds raised by the Council's Environmental Health team in terms of noise attenuation from the adjacent agricultural processing plant (CD265, 17/02159/FLM Development Management Report). This is currently being appealed (Reference: PPA-340-2117) and the outcome of this appeal could further assist in determining the capacity of this site. As part of the preparation for the Appeal, a Noise Consultant has been employed by the Council to determine the extent of the developable area for this site. Following the advice given, it is acknowledged that the site capacity range may need to be reduced significantly due to these findings.

No modification is proposed to the Plan. However, if the Reporter is minded to accept the modification to reduce the site capacity due to the Appeal decision then it might trigger a shortfall in the Greater Dundee HMA. If there is a shortfall of housing land supply in the Greater Dundee HMA, then that shortfall is met by allocating the site H199 at Longforgan as a potential alternative (see further discussion regarding this in the Longforgan section).

Site proposal H197

Muir Homes (0214/02/002); G C Taylor (Farms) Ltd (0628/01/001) - An alternative site is proposed at Inchtute referenced as H197. This site is located adjacent to the settlement boundary on low lying land typical of the area. It is a continuation of the recent Muir Homes development and extends out into flat agricultural land. This site was proposed during the Call for Sites stage of the Plan. A full site assessment was undertaken to identify any key constraints regarding the site (CD075). The Main Issues Report consulted on two options to address a shortfall arising in the Greater Dundee HMA: an additional site in either Inchtute or Longforgan (CD046, p. 50-52). In the MIR, the site, known as Mains of Inchtute, was far smaller than the one originally submitted or the site now proposed. The MIR stated that only the westernmost part of the site, immediately adjacent to the existing housing, could be considered as an alternative option to the site proposed at Longforgan. During the MIR consultation, there were a number of representations against this site with concerns about Inchtute. These included: the over development of Inchtute, concerns about school capacity, flooding, loss of biodiversity, increased traffic and landscape impact (CD141, MIR Responses, p.51-53). Furthermore, with a raised density on the allocated H24 site being identified through a review of site capacities (CD018, p.34) as well as a planning application for 66 units (17/02159/FLM), this option was not taken forward to the Proposed Plan stage.

It is notable that the site now proposed is a small section of a much larger field with very little containment. The strategic planting that the respondents refer to is limited and does not currently create an effective settlement edge. The site proposed does not lend itself to a new natural settlement boundary and would require considerable amounts of new planting to reduce the visual impact of housing. The site is also located within Prime Agricultural Land which is currently being farmed. By comparison, the H24 site is well enclosed by stone walls and mature trees and is located within the settlement boundary. Whilst it is acknowledged that the site assessment for H197 did not highlight any significant environmental issues to prevent development, it was identified that the site would require significant landscaping and tree planting to screen the development and minimise the visual impact from the south-eastern border. The respondents also state that the site could

better accommodate a modest number of housing than H24. An argument in favour of H24, however, would be that the site can only accommodate a modest number of houses as the site is far more contained than the alternative H197 site proposed. In terms of marketability, H24 already has had a planning application for 66 units.

Nonetheless, if the Appeal which is currently underway for the H24 site determines a reduced capacity, there may be a shortfall in the housing numbers in the Greater Dundee HMA. The Council, however, do not consider this site to be the solution to this housing numbers issue. Although this site has been through the consultation process of this LDP, the Council consider this site would not be appropriate for a small allocation as it is part of a much larger area and lacks containment. The small strip that was proposed in the MIR would not provide any other benefit than meeting the required housing numbers for this area. Furthermore, allocating this small area could potentially sterilise a far longer term strategy for Inchture. In contrast, the potential site at Longforgan (which is discussed below) could bring potential gain to the community in terms of supporting a school expansion and a recreational area. Although the Longforgan site has not been consulted upon in this Plan period, the site is far more preferable in terms of its location within the village and its containment.

No modification is proposed to the Plan.

Invergowrie

Site E37

SNH (0353/04/001) - With specific reference to the outcomes of the Habitats Regulations Appraisal, it is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in Table 8.1 of the Appropriate Assessment (CD056) would ensure the Plan meets the requirements of the Habitats Directive in respect of future development at Site E37 and any likely significant effects on the integrity of the Firth of Tay and Eden Estuary SAC as a result.

If the Reporter is so minded, the suggested additional text by the respondent should be added to the Site Specific Developer Requirements:

- Development proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).

Perth & Kinross Heritage Trust (0272/01/008); SNH (0353/01/029); RSPB (0546/01/021); HES (0580/01/005) - A number of other updates have been suggested to the Site Specific Developer Requirements for this site, covering native woodland, the River Tay catchment, biodiversity and archaeology. Although these issues are not specified in the requirements, every planning application is assessed against the policies in the Plan. In this case, Policies 38: Forestry, Woodland and Trees, Policy 39: Biodiversity, Policy 45: River Tay Catchment and Policy 26: Scheduled Monuments and Non-Designated Archaeology all provide protection and would be highlighted through the planning application process. The Council therefore does not consider it necessary to repeat all these requirements as they are already protected through the LDP policies.

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

The Council would suggest the following Site Specific Developer Requirements are added:

- Provide new native woodland landscape edge at the western boundary.
- Evaluation of archaeological potential and mitigation on site will be required and protection of the setting of nearby Schedule Monument should be ensured.

Longforgan

A & J Stephen Limited (0622/01/009) - A site has been proposed for inclusion at Longforgan as an alternative to H24 at Inchtute. This site was in the LDP1: Proposed Plan as H25 (identified as H199 for the purposes of this Plan) and was met with a number of objections through the consultation of the plan (CD015, p.564-567). At Examination, the Reporter recommended that H25 could not “form an essential component of the settlement strategy of this local development plan” as the site was located in a non-tiered settlement and could prejudice the successful delivery of the Dundee Western Gateway (CD015, p.571). The site was therefore deleted from the Plan.

The Housing Supply Targets for Perth & Kinross Council through TAYplan (2016-36) now identifies a shortfall of 39 units in the Perth & Kinross section of the Greater Dundee HMA (CD022). Inchtute, Longforgan and Invergowrie are all located within the Greater Dundee Housing Market Area. The Greater Dundee Housing Market Area covers the whole of the Dundee City Council area plus small parts of Perth & Kinross, Angus and Fife Council areas. TAYplan (2012-32) did not identify a shortfall when the site was originally proposed (CD023). Furthermore, there was a presumption against development in the Carse area as it was considered to compete with Dundee’s Western Gateway expansion and the regeneration of Core Areas. Whilst there is still a presumption against development in the Carse in TAYplan (2016-36), this shortfall requires to be met and is small in scale, so it neither competes with the regeneration of Core Areas or the delivery of Strategic Development Areas.

The site is located very centrally within the village, adjacent to the primary school. The school may require expansion in the near future – this has not yet been determined but the logical area for expansion would be within the school grounds. As this site is adjacent to the primary school, it would be preferable to see any additional playground requirements to be located within the proposed site. If development were to prevent this extension from being undertaken, there may be a requirement to move the school to an entirely new site to ensure it meets with current educational requirements. As the school is in a central location within the village, the preferred approach would be to retain its position.

In terms of site proposals that have been received during this and the previous LDP process for Longforgan, H199 is the most preferential in terms of location. There were no significant issues identified through the site assessment process (CD075, p.43-53). It is well contained and a logical extension to the settlement boundary. It is prime agricultural land currently used as grazing ground, but it is adjacent to residential properties and the school. It is accessible from Rosamunde Pilcher Drive and is more closely related to an infill site than an expansion to the village. There is a lack of centrally located recreational space in Longforgan at present. This site could also provide an opportunity to meet this need whilst still allowing for small scale development.

The reasons this site was taken out of the previous Proposed Plan by the Reporter are no longer as pertinent. The site is much smaller than the original allocation in LDP1. There was no shortfall at that time in the Greater Dundee HMA. Furthermore, the site was not

taken out due to site specific objections, but rather because it was seen as competing with Dundee's Western Gateway. Nonetheless, it must be noted that this site was not identified at an earlier stage within this plan process and has not had the benefit of stakeholder engagement or public consultation.

No modification is proposed to the Plan. However, if, in the event of a shortfall in housing land supply in the area, the Reporter is minded to accept the modification to allocate the site at Longforgan (reference H199), the Council would be comfortable with making this change if the overall housing numbers for the Greater Dundee HMA were met.

Site Specific Developer Requirements should include:

- A community engagement exercise to establish the design of the site.
- Requirement for improvements to community, educational and play facilities within village.
- Ensure built form and layout respond appropriately to the Conservation Area and its landscape setting.
- A Transport Assessment.
- Improvements to core paths within the site and connections into the village centre and wider core path network.
- Enhancement to habitats for biodiversity.

Reporter's conclusions:

Inchtire

Housing Allocation Site H24

1. Any proposal for this site would need to accord with the development plan as a whole. This includes Policy 26 Scheduled Monuments and Non-Designated Archaeology. The site-specific developer requirements favour the retention of the existing stone wall and I note that, although H24 lies partly within the conservation area, there are no other designated heritage assets within or close to the site boundary. No modification to the site-specific developer requirements is necessary.

2. H24 is allocated for the provision of 16 homes in the adopted local development plan. Its capacity has been increased to 52 to 80 in the proposed plan because of the need to ensure that there would be no shortfall in housing land supply in the Greater Dundee Housing Market Area. In principle, the level of development proposed does not appear unreasonable for a site of this size. The Housing Background Paper states that there is a requirement to deliver 72 homes for the period 2016-2028 in that part of the Greater Dundee Housing Market Area that lies within Perth and Kinross. Although part F of TAYplan Policy 4 Homes states that there is a presumption against land releases in the Dundee Core Area, including the Carse of Gowrie, this does not mean that the requirement to make adequate provision for housing land supply can be ignored.

3. I note that the reporter for the adopted local development plan found that building any more than 16 homes on H24 would cause an unacceptable loss of amenity. H24 is located between two noise sources. The first of these is the A90. During my site inspection I noted that a significant amount of noise is generated by traffic travelling along this road. The second source of noise is a potato sorting and packing facility. This is an important employment site that is safeguarded in the proposed plan. During my site inspection I was unable to identify any serious problem with noise. However, I visited the

site in late April, before the main crop was ready for harvesting. I accept that once the crop is harvested, the amount of activity and associated noise would be likely to increase.

4. Market conditions have changed since the local development plan was adopted. Smaller homes at a higher density are now in demand. So, it is possible that a well-designed, high density scheme on a smaller footprint could meet housing demand over the period of the proposed plan without causing harm to amenity. Planning application reference 17/02159/FLM for 66 homes was refused permission on 15 March 2018. The council subsequently commissioned a noise consultant and now considers that the capacity range of H24 may need to be reduced significantly. However, the site promoter continues to actively support the allocation of H24 and has appealed against the refusal of planning permission (PPA-340-2117). It would be inappropriate for me to prejudge the outcome of this appeal.

5. Given the level of detail before me, I am unable to safely conclude that noise constraints could not be overcome by innovative design and/or noise attenuation measures. Given the uncertain outcome of PPA-340-2117, I am satisfied that an indicative capacity range of 52 to 80 units is appropriate and should remain. Furthermore, should the current appeal proposal not be successful, I note that H199 Longforgan, discussed below, would be an alternative potential windfall site that could accommodate 15 to 20 homes. In addition, for the Greater Dundee Housing Market Area as a whole, the examination of Issue 1 A Successful, Sustainable Place has found that there is a surplus in supply of 24 units. I am satisfied that no modification should be made to the allocation of H24.

Site Proposal H197

6. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Greater Dundee Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Greater Dundee Housing Market Area. Although H197 has been subject to strategic environmental assessment, it was not considered in the Main Issues Report and has not been subject to public consultation.

7. H197 is outside the settlement boundary and would represent a large extension to the settlement, which is already one of the largest in the Greater Dundee Housing Market Area. H197 covers 3.4 hectares and has good quality agricultural soil, which was under cultivation at the time of my site inspection. Policy 49 Soils of the proposed plan expects development on such soils to minimise impact on soil resources. Residential development would impact upon soil quality and would necessarily take the land out of agricultural production permanently. This impact need not necessarily prevent residential development in all circumstances. However, as I explain below, more appropriate sites may exist.

8. As far as the general character of H197 is concerned, it is open and contains no natural features capable of constituting a defensible settlement edge. A limited amount of strategic tree planting has been provided to the north east but the land is poorly contained to the east and south east. If another allocation is required to replace or augment H24, the council would prefer to allocate site H199 in Longforgan. It, too, has good quality soil. However, at 2.2 hectares, it is a smaller, more compact and better contained site when

compared with H197, being surrounded on three sides by the settlement boundary. It would also help to deliver community benefits by supporting the expansion of a primary school and providing new areas of public open space.

9. Given my reasoning above, together with the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Greater Dundee Housing Market Area, I conclude that the allocation of H197 for residential development is not currently justified and that it should not be included within the settlement boundary. No modification is necessary.

Invergowrie

Site E37

10. This allocation is required to support existing and proposed agricultural research programmes in which the James Hutton Institute (the Institute) is involved. Not all of the land covered by E37 is in the control of the Institute. However, this does not prevent it from being allocated for employment uses. This is because details of ownership are not necessarily relevant to whether planning permission should be granted for development.

11. I agree that the site-specific developer requirements should be modified in accordance with the appropriate assessment of the proposed plan. This is because it would alert a developer to the relevance of Policy 36A International Nature Conservation Sites of the proposed plan to any proposal. It would also help applicants to understand what information would need to be submitted for a proposal here.

12. Site-specific developer requirements for native woodland planting and archaeological investigation are also requested. Any proposal for this site would need to accord with the development plan as a whole. This would include Policy 38 Forestry, Woodland and Trees); Policy 26 Scheduled Monuments and Non-Designated Archaeology; Policy 37 Landscape; Policy 39 Biodiversity, and Policy 45 River Tay Catchment. However, in this case, the council has no objection to further developer requirements being added. I agree that it would aid clarity for prospective developers if reference were made to native tree planting and archaeology. I shall recommend that the site-specific developer requirements are modified accordingly.

Longforgan

13. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Greater Dundee Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Greater Dundee Housing Market Area.

14. H199 was considered in the Main Issues Report, has been subject to strategic environmental assessment and has been publicly consulted upon. The council indicates that issues relating to the delivery of the Dundee Western Gateway are no longer so pertinent to the allocation of housing in this area. I have seen no representations that contradict this view. Longforgan Primary School adjoins the northerly boundary of H199 and is at 95% capacity. Subject to being assessed against Policy 5 Infrastructure Contributions, residential development on H199 could help to ensure that the school's

educational and play facilities are upgraded. H199 is well-connected with the rest of the settlement by core paths. Although it has good quality soil, I noted during my site inspection that it is currently used for the grazing of sheep rather than being under cultivation. Moreover, this soil could be dug out and transported elsewhere prior to dwellings being built. It is a compact and well-contained site, surrounded on three sides by land that is within the existing and proposed settlement boundary. This peninsularity makes it almost an infill site.

15. Objections to the proposed allocation of this site (then H25) in the adopted plan related principally to its effect upon the character and appearance of the conservation area. However, these concerns were not reflected in the reporter's reasons for deleting the allocation at that time. Moreover, the reporter was considering site H25 together with another – H26 – “as a joint package”. That is not the case now, with H199 being a standalone site. Apart from this, there has been no significant change in circumstances locally since this site was last considered for allocation.

16. According to the settlement map on page 235 of the proposed plan, the conservation area boundary runs through the northerly section of H199. However, there is a significant change in levels between developed land inside the conservation area and H199. Together with the high walls, mature trees and hedges that separate H199 from the main body of the conservation area, there is very limited opportunity for intervisibility between H199 and the conservation area from public viewpoints. The design of public open spaces associated with development could reasonably ensure that the part of the conservation area that is within H199 could remain open, thereby preserving its character and appearance.

17. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. The need for residents to travel beyond Longforgan to access many goods and services argues against the allocation of H199 for residential development. However, a modest development (15 to 20 homes) here could be accommodated by the settlement and would reasonably accord with TAYplan Policy 1C. In addition, it would help to support Longforgan Primary School and improve the core path network. Consequently, on balance, I agree with the council and those promoting it that H199 is a good candidate site for residential development.

18. I note from the examination report for the adopted plan that there was a significant amount of public opposition to the allocation of sites H25 and H26. It appears from the representations I have seen that there is no longer such strong feeling locally against the allocation of this site. There is currently no numerical justification for allocating this site for residential development. Nevertheless, given the council's apparent support for the development of H199, it is likely to come forward as a windfall site. Any future proposal for residential development on H199 would be subject to public consultation and democratic scrutiny, when all of the issues discussed above could be addressed.

19. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Greater Dundee Housing Market Area, I conclude that the allocation of H199 for residential development is not currently justified and that it should not be included within the settlement boundary. No modification to the settlement boundary to allocate H199 for residential development is appropriate at this time.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 212, add the following bullet points and associated text to the site-specific developer requirements:

- Development proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).
- Provide new native woodland landscape edge at the western boundary.
- Evaluation of archaeological potential and mitigation on site will be required and protection of the setting of nearby Schedule Monument should be ensured.

Issue 33	Highland Area – Aberfeldy	
Development plan reference:	Aberfeldy, page 98-99 E10/H36 – Borlick, Aberfeldy, page 100-102	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
The Lomond Group (0191) Aberfeldy Community Council (0399) John Lumsden (0524) Royal Society for the Protection of Birds (RSPB) (0546) A & J Stephen Limited (0622)		
Provision of the development plan to which the issue relates:	Development sites in Aberfeldy	
Planning authority's summary of the representation(s):		
<u>E10 & H36: Borlick</u> RSPB (0546/01/019) - Whilst the site specific developer requirement to enhance biodiversity is welcomed, it is too vague. Woodland enhancement would help to increase habitat and habitat network links for birds, helping the Council fulfill its statutory duty to further the conservation of biodiversity and contribute towards achieving the Plan's vision and objectives as set out in section 3.3. Specific wording change is suggested. A & J Stephen Limited (0622/01/001) - Object to the sixth site specific developer requirement which requires 'Access from the A827 with secondary link into Old Crieff Road along Borlick Farm access track'. A more suitable secondary access through an alternative route may be possible and this option should be reflected in the LDP in order to assist in the assessment of all possible access options for the site and explore all detailed opportunities for vehicular and cycle/pedestrian connectivity beyond the site. <u>Area of Employment Safeguarding (Core)</u> The Lomond Group (0191/01/001) - Object to the inclusion of the former Fisher's Laundry on Home Street, Aberfeldy within the 'Core Employment Safeguarding' allocation. In early 2016 the site became surplus to the operation requirements of Fishers Laundry. The site was the subject of a full marketing exercise which confirmed that there is no commercial demand for the continued use of the site solely for business/industrial purposes. The site was purchased by The Lomond Group in August 2017 who are progressing proposals for a limited number of new build residential units and a total of five light commercial/business units. These new units will generate the same level of jobs on the site as was the case during the final years that the site was operated by its previous owners. The inclusion of the site within an area safeguarded as a "Core" employment area places an unduly and unreasonable restriction upon the ability of the site to be redeveloped for		

<p>potentially non-employment related purposes. The allocation of the site should be amended so that it would instead fall under Policy 7B: Mixed Use Sites.</p> <p>Aberfeldy Community Council (0399/01/001) - Support proposals for mixed residential and industrial units use for the former Fishers Laundry site and support reducing the area of this site designated as 'employment safeguarding' to enable the proposed development to be considered. Allowing a portion of the site adjacent to Home Street to be redeveloped as housing would improve the townscape in this area and not materially damage the possibilities for future employment.</p> <p><u>New site</u></p> <p>John Lumsden (0524/01/001) - Site H100 (Amulree Road) should be included in the Plan for future property development.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>E10 & H36: Borlick</u></p> <p>RSPB (0546/01/019) - To sites E10 and H36, add the following after 'Enhancement of biodiversity' bullet point: 'including woodland enhancement to include an increase in berry bearing native trees and shrubs'.</p> <p>A & J Stephen Limited (0622/01/001) - The sixth site specific developer requirement for site H36 should be amended to read: 'Access from A827 with secondary link into Old Crieff Road along Borlick Farm access track or other suitable secondary route'.</p> <p><u>Area of Employment Safeguarding (Core)</u></p> <p>The Lomond Group (0191/01/001) - The site of the former Fisher's Laundry should be allocated so that Policy 7B: Mixed Use Areas applies rather than part A of the Policy.</p> <p>Aberfeldy Community Council (0399/01/001) - Reduce the extent of the area designated 'Employment Safeguarding' on the former Fisher's Laundry on Home Street.</p> <p><u>New site</u></p> <p>John Lumsden (0524/01/001) - Site H100 (Amulree Road) should be included in the Plan.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>E10 & H36: Borlick</u></p> <p>RSPB (0546/01/019) - The site specific developer requirements relating to biodiversity for these sites have been carried forward from the adopted Plan. 'Enhancement of biodiversity' is a standard requirement which has been included for many sites in the LDP. A more specific requirement is given in the Plan where a need for a particular form of enhancement has been identified through detailed study or research. No evidence has been submitted that such a specific need has been identified for sites E10 and H36.</p> <p>No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making this change as it would not</p>

have any implications for any other aspect of the plan.

A & J Stephen Limited (0622/01/001) - The site specific developer requirement relating to the secondary access has been carried forward from the adopted Plan and this was not raised as an issue during the Examination of that Plan. No information has been provided in the representation that demonstrates that a secondary access along the Borlick Farm access is no longer the most suitable option, and no proposals have formally been put forward for an alternative secondary access.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would wish that a requirement for multiple access to the site is retained for both vehicles and pedestrians.

Area of Employment Safeguarding (Core)

The Lomond Group (0191/01/001); Aberfeldy Community Council (0399/01/001) - In a change from the adopted LDP, the proposals maps in the Proposed LDP now distinguishes between 'core' and 'general' business and industrial areas. Core areas should be retained for Class 4, 5 and 6. The purpose of differentiating between core and general areas was to enable the Council to protect the most important areas for Class 4, 5 and 6 uses, and conversely to identify those areas where there may be potential for a wider mix of uses.

The site of the former Fishers Laundry site MU369 (MD023) is within the Aberfeldy Business Park. Aberfeldy is one of the largest settlements in the Highland area and plays an important role in the economy of this area. The consolidation and expansion of employment land within the eastern edge of Aberfeldy is important to provide opportunities for sustainable economic growth within an accessible location. The Business Park is therefore identified in the LDP as an Employment Safeguarding (Core) Area and the allocated site at E10 is identified as Area of Proposed Employment (Core). Until such time as the employment site E10 is delivered the Business Park is the only area in Aberfeldy which is specifically identified in the LDP as an area which is to be safeguarded for employment uses under Policy 7A.

The removal of a sizeable part of the Business Park from the Employment Safeguarding (Core) designation will impact on local availability of serviced land and buildings for business, industry or storage and distribution uses in Aberfeldy. It is acknowledged, however, that a marketing exercise has been undertaken and that this concluded that at that time there was '...no commercial demand for the continued use/operation of this site for solely business/industrial purposes' (Representation 0191/01/001). Whilst the delivery of employment land is important the Council recognises that the viability of redeveloping this site wholly for employment uses is marginal at best as, in addition to the demolition and development costs, the former use suggests a high likelihood of contamination on site. There would therefore be merit in considering a mixed use site if limited residential units could cross subsidise the delivery of small business units.

The support from the Community Council for allowing the site to be redeveloped for a mix of residential and commercial/business uses is acknowledged. Changing the designation of this site to mixed use under Policy 7B may enhance the viability of the site, subject to safeguards to ensure the delivery of business units prior to the occupation of the first house.

No modification is proposed to the Plan. However if the Reporter is minded to accept the

modification the Council would wish that the following specific developer requirements are included:

- Class 4 units compatible with neighbouring residential uses will be delivered in advance of the occupation of the first residential unit.
- Residential uses to comprise no more than 50% of the site
- A contamination study and remediation if required
- Flood risk assessment
- Suitable vehicular access and road layout through the site
- Noise attenuations measures may be required

Note that although the site is 0.85ha it would be inappropriate to indicate a capacity range as the number of potential units is unknown at this stage and is likely to be heavily influenced by the detailed design.

New site

John Lumsden (0524/01/001) - Site H100 (MD022) was included as a potential option in the Main Issues Report (MIR) (CD046, pages 57-58). At that time there were two sites allocated for housing in Aberfeldy but there was some uncertainty as to whether one of these – H37 South of Kenmore Road – was going to come forward. Site H100 was put forward as a possible alternative to H37. Since the MIR was published adopted Plan site H37 (CD014, pages 158-160) has received planning consent and work has started on site. Whilst site H100 is considered to potentially offer the best option for the future longer term expansion of the town, it is very unlikely that the market in this area would be able to deliver more houses within the Plan period if a third site were to be allocated. It would be more likely to result in the same number of houses being built, just distributed over three sites instead of two and may undermine market confidence, affecting the viability of one or both of the existing/allocated sites.

No modification is proposed to the Plan.

Reporter's conclusions:

E10 & H36 Borlick

1. The level and type of biodiversity enhancement required on the sites will be informed by survey work undertaken as part of the development design phase. As this work has not yet been undertaken, I consider it would not be appropriate to add an explicit reference detailing a specific type of woodland enhancement. No modification.

2. No detailed information has been submitted as part of the representation regarding access options. However, during my site inspections I observed that the access along Borlick Farm track may be problematic, particularly due to the width of the road. I accept that during more detailed site assessment work it could be possible to identify alternative access arrangements. Therefore a modification is required to ensure flexibility. I consider the modification suggested within the representation is appropriate.

Area of Employment Safeguarding (Core)

3. A representation has provided evidence to seek to demonstrate that there is no commercial demand for the continued use/operation of the site of the former Fisher's

Laundry solely for business/industrial purposes. A summary of the marketing undertaken by Jones Lang LaSalle Ltd has been provided within the representation. This explains that marketing of the site commenced in July 2016 and it included: discussions with active developers; mailshot to over 750 contacts; on-site signage; online advertising; press release; and social media campaign. As a result, the site was purchased in August 2017 by the current owners. I note that within the representation it is submitted that Jones Lang LaSalle Ltd state that there is no commercial demand for the continued use/operation of the site for solely business/industrial purposes.

4. Policy 7 Employment and Mixed Use Areas seeks to retain core business and industrial land for Class 4, 5 and 6 uses. However, it does allow for ancillary retail uses and service facilities, where specific criteria are met. The policy also supports proposals for waste management facilities, this is highlighted on the Aberfeldy inset map. The representation states that Jones Lang LaSalle Ltd only considered business and industrial uses.

5. I visited the site on a busy weekday and observed that there was a lot of activity on the business park and that it was well occupied. The Perth and Kinross Employment Land Audit (2017) identifies that the Highland area has 10.05ha of employment land available, the majority of this 9.90ha is considered to have minor constraints to redevelopment.

6. The council's position is that Aberfeldy is one of the largest settlements in the Highland area and therefore has an important role in the economy of the area. This role is proposed to be enhanced through the allocation of additional employment land on the eastern edge of Aberfeldy, close to the business park. Until the new site is delivered, Aberfeldy Business Park is the only site to be safeguarded for employment development.

7. Paragraph 101 of Scottish Planning Policy requires local development plans to allocate a range of sites for business, taking account of current market demand and a range of other factors. From the information provided within the representation, I do not consider that it has been demonstrated that the delivery of uses supported by Policy 7 of the proposed plan would not be viable or that there would be no market demand for them. The marketing exercise and professional opinion offered appears only to relate to business and industrial uses in isolation.

8. I note that Aberfeldy Community Council support proposals for mixed residential and industrial units on the site. Also that they consider that by allowing a part of the site, adjacent to Home Street, to be redeveloped for housing would improve the area and not damage future employment opportunities. In addition, I note that the council does see merit in considering a mixed use site if the construction of limited residential units could cross subsidise the delivery of small business units given the potential costs of redevelopment of the site. However, this support does not outweigh my conclusion. The evidence submitted does not justify the assertion that the site is not viable and there is no market demand. No modifications.

New site

9. I note that site H100 was included by the council in the main issues report. The conclusions of the site assessment carried out as part of the council's strategic environmental assessment was that the site could be appropriate for housing development, subject to appropriate mitigation and enhancement measures. From the information before me and my observations at my site visit, I have no reason to disagree with these conclusions and consider that the site could potentially be suitable for housing

development.

10. The council has explained that the reasons for not allocating the site relate to the potential impact on the deliverability of site H36 Borlick and site H37 South of Kenmore Road which has planning permission. Given the size of Aberfeldy, I accept that the allocation of additional housing land has the potential to impact on the delivery of existing commitments. I do however consider that site H100 has long term potential for the delivery of housing.

11. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

Reporter's recommendations:

I recommend that the following modification be made:

1. Add the following text at the end of the sixth bullet point in site H36 Borlick:

“, or other suitable secondary route.”

Issue 34	Highland Area – Dunkeld and Birnam	
Development plan reference:	Dunkeld and Birnam – page 184-185 E12 & E13 – Tullymilly, Dunkeld, page 186	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Dunkeld and Birnam Community Council (0189) Joel Jameson (0402) Mike & Jan Silburn (0449) Woodlands Trust Scotland (0462) Galbraith Group (0555/01) Mr & Mrs Scott (0598/07)		
Provision of the development plan to which the issue relates:	Development sites in Dunkeld and Birnam	
Planning authority's summary of the representation(s):		
<p><u>Settlement Boundary Alteration</u></p> <p>Mr & Mrs Scott (0598/07/001) - Object to the Garden & Designed Landscape designation and the omission of the site H109 from the settlement boundary.</p> <p>Site H109 comprises a redundant and disused category B-listed walled garden which would previously have been part of Dunkeld House. Houses were built in the grounds of Dunkeld House 35 years ago (Atholl Park) and further housing within the walled garden would be a natural continuation of this development. A precedent is already established within Perth & Kinross for the development of houses within walled gardens. The walls are in need of restoration and repair; a housing development would cross fund the restoration, repair and safeguarding of the wall.</p> <p>The site has a robust landscape framework with established woodland to the north and west and a row of trees to the south and east. The site would be accessed off the A923 via an existing access road.</p> <p>The Proposed Plan acknowledges that there are few settlement expansion opportunities within Dunkeld. The site is self-contained and is a natural settlement extension; the use of land adjacent to settlements is in line with Scottish Planning Policy (SPP) (CD004, page 13, paragraph 40).</p> <p><u>E12 & E13: Tullymilly</u></p> <p>Woodlands Trust Scotland (0462/01/036) - Concerned that development at site E12 may affect the area of ancient woodland bordering the west, north and eastern edges of the site.</p> <p>Joel Jameson (0402/01/001) - Increasing numbers of pedestrians and cyclists use the Blairgowrie Road (A923). As part of any planning application a full transport assessment</p>		

and baseline air pollution monitoring should be undertaken and measures put in place to improve air quality. The Council are to develop Air Quality planning guidance to be adopted as part of the LDP.

The main entrance to the site on the Blairgowrie road (A923) is a very tight junction so HGVs turning prevents other vehicles from passing on the main road and that fumes concentrate in one location. There is another little used entrance further west on the unclassified road and the use of both entrances or introduction of a one way system should be considered if the number of HGVs using the site is likely to increase considerably. Restrictions to timings of HGV movements should also be considered.

Improvements to air quality and road safety for residents and pedestrians and cyclists on the Blairgowrie Road are needed should development at this site lead to increased HGV movements. This will help PKC meet its obligations under the Environment Act (1995).

Removal of Open Space Designation South of Jubilee Park

Dunkeld and Birnam Community Council (0189/01/001) - Support the exclusion from the LDP the area which was considered at the Main Issues Report (MIR) stage around Jubilee Park (CD046, page 59, paragraph 4.3.30). This area is unsuitable for further development for a variety of planning policy reasons.

Galbraith Group (0555/01/004); Mike & Jan Silburn (0449/01/001) - Object to the designation of land at Torwood House as open space for some or all of the following reasons:

This area does not effectively contribute to the recreational and amenity land which is contained within the wider Dunkeld and Birnam area. It has little value due to topography, current access and tree belt around the site, and there are no established green or core path networks through the site.

This is privately owned garden/agricultural land and does not act as open space/recreational land to the general public. The removal of this site from the open space allocation will not impact on the overall provision of open space.

The open space designation prohibits the landowner from considering options for this area. The removal of the open space allocation will offer the opportunity of a potential affordable housing development site within the curtilage of Birnam where development opportunities are extremely rare and family homes desirable.

The conservation area designation protects the visual amenity and character of the garden and the setting of B-listed Torwood House. The site is not visible to or from the house and the impact of any development would therefore be negligible.

The area is discreet and is not easily accessed or appreciated due to the location in relationship to neighbouring gardens and the adjacent public open space. The visual impact of any development will be minimal due to the already present tree belt surrounding the proposed site, which will remain unaltered.

The site is not subject to flood risk.

Modifications sought by those submitting representations:
<p><u>Settlement Boundary Alteration</u></p> <p>Mr & Mrs Scott (0598/07/001) - Land North West of Dunkeld should be included within the settlement boundary and either left undesignated or be allocated as a housing site (H109). The site should be excluded from the Garden & Designed Landscape designation.</p> <p><u>E12 & E13 - Tullymilly</u></p> <p>Woodlands Trust Scotland (0462/01/036) - Developers should be made aware that site E12 is surrounded by LEPO ancient woodland at all boundaries, except the southern boundary.</p> <p>Joel Jameson (0402/01/001) - Change requested to improve air quality and road safety for residents and pedestrians and cyclists on the Blairgowrie Road should development at this site lead to increased HGV movements.</p> <p><u>Removal of Open Space Designation South of Jubilee Park</u></p> <p>Galbraith Group (0555/01/004); Mike & Jan Silburn (0449/01/001) - The open space allocation at Torwood House should be removed.</p>
Summary of responses (including reasons) by planning authority:
<p><u>Settlement Boundary Alteration</u></p> <p>Mr & Mrs Scott (0598/07/001) - Garden & Designed Landscapes are designated by Historic Environment Scotland and as such are outwith the remit of the LDP.</p> <p>No modification is proposed to the Plan.</p> <p>Mr & Mrs Scott (0598/07/001) - Site H109 (MD035) was put forward at pre-MIR stage for residential development. It is now proposed for inclusion within the settlement boundary and either left undesignated or be allocated for housing. Either way the potential impact is considered to be the same; if the site is included within the settlement boundary this would suggest that it has development potential even if it is not allocated for a particular use.</p> <p>The site is within the B-listed Dunkeld House Walled Garden, the Dunkeld battlefield, and the Dunkeld House Garden and Designed Landscape. Whilst the Historic Environment policies of Proposed LDP2 do not prohibit development on such sites, the Strategic Environmental Assessment (SEA) concluded that there is the potential for adverse impact on the historic environment, and on the River Tay (Dunkeld) National Scenic Area, should this site be developed for housing (CD072, pages 90-100).</p> <p>Policy 19 Housing in the Countryside and the associated Supplementary Guidance do allow for the construction of new houses within existing walled gardens (CD167, section 3.1(b)), but the scope for any development is likely to be constrained by the above-mentioned environmental and cultural heritage constraints on the site and in the wider area.</p> <p>Extending the settlement to include this site would not result in a logical settlement</p>

boundary given that it sits apart from the rest of Dunkeld, any development here would therefore be unlikely to read as part of the settlement. Furthermore, the existing settlement boundary round Dunkeld has already been drawn to allow scope for some infill residential development. Any future proposals for housing development on this site would be more appropriately assessed against the existing policy framework. While the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation.

No modification is proposed to the Plan.

E12 & E13: Tullymilly

Woodlands Trust Scotland (0462/01/036) - Policy map E identifies the High Nature Conservation Woodland in Perth & Kinross Council area (page 67). Policy 38B: Trees, Woodland and Development presumes against the removal of ancient semi-natural woodland. Any potential impact on the ancient woodland would be assessed at planning application stage. It is not therefore considered necessary to make specific reference under site E12 to the ancient woodland which surrounds it.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with adding to the end of the fourth site specific developer requirement '...', and ancient woodland' as this would not have any implications for any other aspect of the plan.

Joel Jameson (0402/01/001) - There is already a site specific developer requirement for a Transport Assessment for the sites at Tullymilly. At present it is not known whether the development of sites E12 and E13 will result in increased HGV movements. This will depend on the occupier(s) of the sites, however, it is considered unlikely that there will be a significant air quality issue resulting from the development of these sites. The detailed concerns which are raised in the representation are more appropriately assessed at planning application stage.

No modification is proposed to the Plan.

Removal of Open Space Designation South of Jubilee Park

Galbraith Group (0555/01/004); Mike & Jan Silburn (0449/01/001) - A larger area around Torwood House was put forward as a potential housing site at MIR stage. The respondents now seek removal of the existing open space designation rather than a housing allocation. Either way the potential impact is considered to be the same; if the open space designation is removed this would suggest that site H104 (MD034) has development potential even if it is not allocated for a particular use.

The whole of Dunkeld and Birnam fall within the River Tay (Dunkeld) National Scenic Area. One of the Special Qualities identified in this area is the 'exceptionally rich, varied and beautiful woodlands' (The Special Qualities of the National Scenic Areas, CD163 page 129). The woodland on the site is part of a larger area of ancient woodland which extends from Torwood House eastwards. There is a further area of ancient woodland along the bank of the River Tay and the two are linked by Jubilee Park which is a public park and gardens. The SEA of the site therefore concluded that housing development would impact on the ancient woodland and the corresponding habitat / biodiversity and landscape value

of the site. There is also potential for adverse impact on the cultural heritage value of the site (CD072, pages 36-46).

The site is designated as open space in the adopted LDP and forms part of a larger open space designation at Jubilee Park and along the bank of the River Tay (CD014, page 163). It was also designated as part of this wider open space in the preceding Highland Area Local Plan 2000; that Plan sought to protect important pieces of open space, particularly those adjacent to riverbanks (CD169, page 18).

It is acknowledged that this area is privately owned land. Policy 14: Open Space Retention and Provision, however, seeks to protect all areas of open space including those which have value to the community for amenity purposes. It is clear that the woodland at Torwood House has formed part of a wider network of amenity open space along the river since at least 2000, and provides a wooded backdrop to Jubilee Park. Whilst it is not publicly accessible land, it makes a valuable contribution to the setting of this section of the River Tay and the wider landscape.

Although not seeking a housing allocation, the respondents have indicated that if the open space designation is removed they do intend to explore the potential for a housing development on the site. Policy 38B: Trees, Woodland and Development presumes against the removal of ancient semi-natural woodland and Policy 14: Open Space Retention and Provision presumes against the loss of amenity open spaces. It is therefore considered important that the open space designation in and around Jubilee Park is retained in its entirety.

No modification is proposed to the Plan.

Reporter's conclusions:

Settlement Boundary Alteration

1. It is not within my remit to consider the boundary of the garden and designed landscape designation, this is the responsibility of Historic Environment Scotland. A request to remove or modify the boundary of a site should be made to Historic Environment Scotland.

2. Site H109 comprises a vacant walled garden, which would previously have been part of Dunkeld House, the wall is category B listed. Woodland lies to the north and west with further trees to the south and east. I note that approximately 35 years ago six dwellings were built within the grounds of Dunkeld House and that it is submitted that the development of properties within the walled garden would be a continuation of the development of houses around Dunkeld House. I also note that the building of properties would help to fund the restoration, repair and safeguarding of the wall.

3. In addition to being listed, the council's site assessment identifies that the walled garden lies within Dunkeld Battlefield, Dunkeld House Garden and Designed Landscape and there are also archaeological sites both within and adjacent to the site. Paragraph 141 of Scottish Planning requires planning decisions affecting a listed building to give special regard to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Paragraph 142 allows enabling development where it can be clearly shown to be the only means of preventing the loss of an asset and securing its long-term future. However, it states that any development

should be the minimum necessary to achieve this and it should be designed and sited carefully to preserve or enhance the character and setting of the asset.

4. With regard to battlefields, paragraph 149 of Scottish Planning Policy requires planning authorities to seek to protect, conserve and where appropriate enhance the key landscape characteristics and special qualities. Paragraph 148 requires planning authorities to protect and where appropriate seek to enhance gardens and designed landscapes. Paragraph 150 places a requirement on planning authorities to protect archaeological sites and monuments as an important finite and non-renewable resource, preserving them in situ wherever possible.

5. As a result of the level and quality of heritage designation on and adjacent to the site there is clearly the potential for any future development to impact on the historic assets, even acknowledging the position of the site within the landscape setting and the development which has taken place within the grounds of Dunkeld House. An assessment of the significance of the assets and the potential impact of new development on their significance would need to be undertaken in order to inform any future development. From the submissions it would appear this level of detailed work has not been undertaken. It would therefore not be appropriate for the proposed plan to designate the site.

6. However, should an application come forward in the future there are policies within the proposed plan that would be used to assess such a proposal. For example: Policy 27A Listed Buildings makes reference to enabling development; Policy 29 Gardens and Designed Landscapes sets out how applications affecting designations will be assessed; and Policy 19 Housing in the Countryside provides criteria against which proposals for new housing outside settlement boundaries would be considered. In addition, Housing in the Countryside Supplementary Guidance provides guidance on the construction of new houses within walled gardens.

7. Whilst I note that the representation suggests that the site would be a natural settlement extension, I disagree with this. From my observations at my site inspection I consider that the site is not well related to the existing settlement as a result of both the distance from other properties and the physical separation as a result of the woodland and trees. The site therefore appears separate from Dunkeld.

8. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of TAYplan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

E12 & E13 Tullymilly

9. Paragraph 194 of Scottish Planning Policy requires the planning system to protect and enhance ancient semi-natural woodland as an important and irreplaceable resource. This approach is reflected within Policy 38B Trees, Woodland and Development. I note that ancient woodland is not referred to within the site specific developer requirements associated with sites E12-E13. Whilst I acknowledge that any future planning applications on the site would be assessed against Policy 38B, given the importance of ancient woodlands and to ensure clarity of implementation, I find a modification is required to refer

to ancient woodland. The wording of the modification reflects that which was suggested by the council.

10. The site specific developer requirements for sites E12-E13 refer to the need for a transport assessment and for road and access improvements. I consider the highway safety issues referred to within the representation would be more appropriate to be considered at the planning application stage where details of the scheme would be known. With regard to air quality, Policy 55 Air Quality Management Areas identifies that the council has a responsibility to improve air quality and that the proposed plan looks to do this by seeking to prevent the creation of new pollution hotspots. The policy requires that any proposed development that could have a detrimental effect on air quality must provide appropriate mitigation measures. It also highlights that supplementary guidance will set out how air quality will be considered when determining planning applications and when the need for an air quality assessment is likely to be triggered. I consider this approach to be appropriate and therefore find that it is not necessary to include a specific reference to air quality within the developer requirements section. No modifications.

Removal of Open Space Designation South of Jubilee Park

11. Site H104 (Birnam 1) forms part of a wider area of open space that is designated within the current local development plan. The site is not accessible to the public but this has not changed since the site was allocated within the current plan. I observed at my site inspection that the site is predominantly wooded and forms part of the important green infrastructure of the wider area.

12. Scottish Planning Policy defines open space as a space within or on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function. It does not state that open space must be publicly accessible.

13. The council's site assessment highlights a number of ecological constraints, as well as the need for a series of surveys of woodland and other habitats/species. It states that the site lies within the River Tay (Dunkeld) National Scenic Area and that the majority of the site is ancient woodland which forms part of the setting of the River Tay. The assessment identifies that even with mitigation any additional development is likely to have some impact on the national scenic area. In addition, Torwood House is identified as having archaeological importance and is category B listed and the site lies within a conservation area.

14. Whilst I acknowledge that the site is not publicly accessible and does not have any green networks or core paths running through it, I find that the site forms part of the green infrastructure of the area, it also has ecological and historic value. Although ecology and historic environment matters can be protected through other policies within the plan I find that the site contributes to the amenity of the area and should therefore remain as open space.

15. I note the landowner's concerns regarding the future development potential of the site and also the suggestion that affordable housing could be provided. The designation as open space does not prohibit the landowner submitting a planning application. However, as part of any future planning application it would need to be demonstrated how the proposal meets the requirements of Policy 14 Open Space Retention and Provision. The proposal would also be considered against other policies within the proposed plan, such

as Policy 38B: Trees, Woodland and Development which includes a presumption against the removal of ancient semi-natural woodland.

16. The evidence submitted does not justify the removal of the open space allocation. I note that Dunkeld and Birnam Community Council support the exclusion of the area around Jubilee Park as they consider it is unsuitable for further development. No modifications.

Reporter's recommendations:

I recommend that the following modification be made:

1. Within the Site Specific Developer Requirements section of sites E12-13: Tullymilly on page 186 add "and ancient woodland" to the end of the fourth bullet point.

Issue 35	Highland Area – Pitlochry	
Development plan reference:	Pitlochry, page 284-285 H38 – Middleton of Fonab, Pitlochry, page 286 H39 – Robertson Crescent, Pitlochry, page 287	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Julie & Stephen Harfield (0054) Ormungandr Melchizedek (0139) Woodland Trust Scotland (0462) Pitlochry Estates (0470) A & J Stephen Limited (0622) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Development sites in Pitlochry	
Planning authority's summary of the representation(s):		
<u>Pitlochry Settlement Statement</u> Woodland Trust Scotland (0462/01/010) - Woodlands around Pitlochry pose a development constraint but these are not specifically mentioned in the settlement summary. Development on ancient woodland is completely inappropriate and the extensive areas of ancient woodland around Pitlochry should be mentioned as areas which need protection from development, and would pose constraints in terms of development boundaries extending into these areas. <u>H38: Middleton of Fonab</u> Woodland Trust Scotland (0462/01/011) - Welcome the requirement for compensatory planting but this should specifically require native tree planting. SEPA (0742/01/081) - Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. In the absence of such information, SEPA reserves their position on the acceptability of these proposals. The protection of groundwater accords with the objectives of the Water Framework Directive and the Council's associated duties under the Water and Environment and Water Services (Scotland) Act 2003. The findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater. Pitlochry Estates (0470/01/004); A & J Stephen Limited (0622/01/014) - Object to the requirement for a vehicular link to the Logierait Road for some or all of the following reasons. This access is not deliverable due to levels and the significant associated costs. Discussions are ongoing with Perth & Kinross Council (PKC), as owners of the Fonab Business Park lying to the west of the site, regarding the proposed access following the A9		

dualling. These discussions have confirmed that the proposed A9 dualling will not restrict access to the site. A secondary vehicular access is not required for a site of this size. A pedestrian link could still be provided on the southern boundary allowing for pedestrian and cycle access.

Pitlochry Estates (0470/01/004) - The site should be extended to the north to meet the Perth & Kinross Business Park. The area between the H38 allocation and the existing development already contains a number of houses and the extension of the site would lead to better overall site design.

H39: Robertson Crescent

Pitlochry Estates (0470/01/005); A & J Stephen Limited (0622/01/015) - Support the allocation and extension of site H39 Robertson Crescent. A&J Stephen Limited (0622/01/015): Support the capacity range of 67 - 105 as stated in the Proposed Plan.

Julie & Stephen Harfield (0054/01/001); Ormungandr Melchizedek (0139/01/001) - Object to site H39 for some or all of the following reasons:

- Pitlochry does not have the necessary infrastructure in place for the scale of development, for example, employment opportunities, public transport links, capacity of doctors surgery and other facilities, water pressure, capacity of the water treatment plant, overall lack of facilities for leisure and recreation
- Potential scale of development
- Impact on easily accessible viewpoints and effect on the tourism industry

Ormungandr Melchizedek (0139/01/001) - The small area of regenerating woodland at the edge of H39 adjacent to Robertson Loan should be extended up the slope to the north-east and be protected and pro-actively managed to maximise its biodiversity potential. It should not be reduced in size other than to allow for the new access road. This area alongside the Moulin Burn is ideal as a wildlife corridor that connects the hills behind Pitlochry to the centre of town. This is an opportunity to maximise the biodiversity potential of a local asset and would be more efficiently designated as a wildlife area.

Gardens can increase biodiversity (as opposed to fields used for grazing) but it is important to maximize the available area of multilevel wildlife habitat between developments (before the developments are implemented) so as to ensure that habitat fragmentation is not perpetuated. The potential for local biodiversity should be maximised, for example, through larger gardens, and species diverse hedges should be installed on the boundaries of the new properties.

Any houses built should be affordable, preferably bungalows, and not become holiday homes.

New Sites

Pitlochry Estates (0470/01/001, 0470/01/002, 0470/01/003, 0470/01/006) - Sites at H128 (Armoury Woods) and H129 (Former Amusement Carpark) should be re-allocated for housing, site H131 (Land at Burnbane) should be re-allocated for affordable housing, and site E130 (Land at Bobbin Mill) should be re-allocated for employment land, for the following reasons:

- Pitlochry is a tier 3 principal settlement in TAYplan and is one of the largest

settlements in Highland Perthshire yet Pitlochry's housing allocation is only around 190 units. This is low compared to other tier 3 settlements like Aberfeldy and Alyth & New Alyth.

- Development opportunities for growth outwith the settlement boundary are restricted; these sites are located within the settlement boundary.
- Change of use of sites H128, H129, and H131 to housing would contribute to achieving Scotland's affordable housing target.

Armoury Woods (site H128)

Pitlochry Estates (0470/01/001) - Historically site H128 was identified as part of the area made available for Pitlochry Cottage Hospital. As part of that arrangement the site was to form development to provide housing link to the hospital and therefore should be allocated as housing land. Engagement with housing associations to help facilitate the site coming forward for residential development will continue.

The Council's reasons from their site assessment (CD072, pages 296-307) for not including the site in the Proposed Plan are overly restrictive or can be easily mitigated as follows:

- Impact on the River Tay SAC and loss/fragmentation of woodland – A Habitat Regulations Appraisal would be used. None of the trees have Tree Preservation Orders. Relevant biodiversity studies can be carried out prior to development. Aspects of the woodland would be retained in line with the Scottish Government's Control of Woodland Removal policy and a Landscape Framework would accompany a future planning application. The removal of trees would be minimised and there may be an opportunity for active management of the area.
- Greenfield Site – Many of the allocations in the Plan are on greenfield sites. This site is a mix and the redevelopment of the brownfield element would compensate for partial development of a greenfield site. It is suitable for affordable housing as it is free from significant constraints.
- Employment Land/Open Space – The site is mainly brownfield and contains several redundant stable buildings. It does not have an active use and is in a neglected state. Development would positively enhance the built and natural environment. Housing would be compatible with neighbouring land uses and could provide easily accessible accommodation for hospital workers.
- Climatic Issues – Siting of houses would take account of solar orientation. Exclusion of the site on grounds of climatic issues could be overcome through sustainable design and the light felling of trees.
- Old Stable Buildings – Re-use or restoration of the ruinous stable buildings would not be a viable option.
- Topography – The siting and layout of the development proposal will be considered at the application stage to ensure it integrates well with the topography.

Former amusements car park (site H129)

Pitlochry Estates (0470/01/002) - The Council's reasons from their site assessment (CD072, pages 308-318) for not including the site H129 (Former Amusement Carpark) in the Proposed Plan are overly restrictive or can be easily mitigated as follows:

- Employment Land/Open Space – The site is partially brownfield and contains an area of hardstanding and a small area of grassland. Reallocation of the site would

return it to an active use which would positively enhance the built and natural environment. Housing would be compatible with neighbouring land uses and could provide easily accessible accommodation for hospital workers.

- Topography – The site is primarily flat. Siting and layout of the development proposal will be considered at the application stage to ensure it integrates well with the topography.

Land at Bobbin Mill (site E130)

Pitlochry Estates (0470/01/003) - The Council's reasons from their site assessment (CD072, pages 319-329) for not including site E130 (Land at Bobbin Mill) in the Proposed Plan are overly restrictive or can be easily mitigated. Justification for including site E130 for employment land rather than housing (as was proposed at previous Plan stages) is set out below:

- Open Space – Site E130 was historically classed as employment land, indicating that it was suitable for development at one time. This site was historically made up with rock and hardcore and is therefore brownfield. If the site is re-allocated for employment land it would be designed with respect to the character and the amenity of the surrounding area, and in line with policies on Community Facilities, Sport and Recreation. A planting framework would also be provided.
- Greenfield Site – The assumption that this site is greenfield has since been acknowledged by the Council's Strategy and Policy Manager as incorrect.

Land at Burnbane (site H131)

Pitlochry Estates (0470/01/006) - Site H131 is used in part for car parking (the lease to PKC has expired). The remainder of the site is scrub land with a northern fringe of woodland making it suitable for residential development. The western part of the site is identified as existing employment land.

The Council's reasons from their site assessment (CD072, pages 330-340) for not including the site in the Proposed Plan are overly restrictive or can be easily mitigated as follows:

- Affordable housing on site H131 could offset the affordable requirement on the allocated sites at H38 and H39.
- Employment land – Part of the site is currently identified as existing employment land, change of use of the remainder to affordable housing could include home working facilities.
- River Tay SAC and Environmental Concerns – A Habitat Regulations Appraisal would be used and a Flood Risk Assessment carried out as necessary. None of the trees have Tree Preservation Orders. Relevant biodiversity studies can be carried out prior to development. Aspects of the woodland would be retained in line with the Scottish Government's Control of Woodland Removal policy and a Landscape Framework would accompany a future planning application. The removal of trees would be minimised and there may be an opportunity for active management of the area.
- Brownfield/greenfield site – Many of the allocations in the Plan are on greenfield sites. This site is a mix and the redevelopment of the brownfield element would compensate for partial development of a greenfield site. It is suitable for affordable housing as it is free from significant constraints and well located.

- Cultural heritage – Assessment of the impact would be integral to the design process for a future layout of a residential development proposal.
- Climatic issues – Siting would take account of solar orientation.
- Topography – The siting and layout of the development proposal will be considered at the application stage to ensure it integrates well with the topography.
- Service infrastructure – The core path would be protected and a realignment route could be agreed with PKC advance of a future planning application.
- Constraints – The layout of the proposed would be designed to mitigate noise impact from the railway.

Modifications sought by those submitting representations:

Pitlochry Settlement Statement

Woodland Trust Scotland (0462/01/010) - The woodlands around Pitlochry should be specifically mentioned in the settlement summary as a development constraint.

H38: Middleton of Fonab

Woodland Trust Scotland (0462/01/011) - The site specific requirement for compensatory tree planting on site H38 should specify that this should be native tree planting.

SEPA (0742/01/081) - A development requirement should be attached to H38 requiring intrusive ground investigation is undertaken in line with SEPA's Guidance on assessing the impacts of cemeteries on groundwater before any development occurs at the site (RD023).

Pitlochry Estates (0470/01/004); A & J Stephen Limited (0622/01/014) - Delete reference in 4th developer requirement to the requirement for a road connection to Logierait Road.

Pitlochry Estates (0470/01/004) - Extend site to the north to meet the Perth & Kinross Business Park.

H39: Robertson Crescent

Julie & Stephen Harfield (0054/01/001) - No specific change sought but assumed that the site should be deleted from the Plan.

Ormungandr Melchizedek (0139/01/001) - The woodland at the edge of H39 adjacent to Robertson Loan should extend up the slope to the north-east and designated as a wildlife area. It should be protected and pro-actively managed to maximise its biodiversity potential. The potential for local biodiversity should be maximised and species diverse hedges should be installed on the boundaries of the new properties.

New Sites

Pitlochry Estates (0470/01/001) - Re-allocate site H128 (Armoury Woods) for housing.

Pitlochry Estates (0470/01/002) - Re-allocate site H129 (Former Amusement Carpark) for housing.

Pitlochry Estates (0470/01/003) - Re-allocate site E130 (Land at Bobbin Mill) for employment land.

Pitlochry Estates (0470/01/006) - Re-allocate site H131 (Land at Burnbane) for affordable housing.

Summary of responses (including reasons) by planning authority:

Pitlochry Settlement Statement

Woodland Trust Scotland (0462/01/010) - There are areas of ancient woodland adjoining or close to the settlement boundary to the south, south-east and north-west of Pitlochry. LDP Policy map E identifies the High Nature Conservation Woodland in Perth & Kinross Council area (page 67). Policy 38B: Trees, Woodland and Development presumes against the removal of ancient semi-natural woodland. Any potential impact on the ancient woodland around Pitlochry would be assessed at planning application stage. It is not therefore considered necessary to make specific reference to the woodlands around Pitlochry in the settlement summary.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to adding the following to the second sentence of paragraph 2 on page 284 '...flood plain around the town, the ancient woodlands adjoining or close to the settlement boundary, and the A9....'

H38: Middleton of Fonab

Woodland Trust Scotland (0462/01/011) - The details of any compensatory planting would require to be submitted at planning application stage. The Council does not, however, consider it necessary to require all new trees to be native species as there are cases where non-native trees, such as fruit trees, may be appropriate as part of a mix which could benefit biodiversity and community interests.

No modification is proposed to the Plan.

SEPA (0742/01/081) - The existing site specific developer requirement only requires that the developer of site H38 reserves an area of land for the possible future expansion of Fonab cemetery. The expansion of the cemetery would be undertaken by the Council rather than the developer, once all the necessary investigative works had been carried out and independent of the housing development. It is not therefore considered appropriate to require the housing developer to carry out intrusive ground investigation to establish the acceptability of the ground for a cemetery extension by means of a site specific developer requirement.

No modification is proposed to the Plan.

Pitlochry Estates (0470/01/004); A & J Stephen Limited (0622/01/014) - The site specific developer requirement for connections onto Logierait Road has been carried forward from the adopted LDP (CD014, page 166). The site drawing for H38 (Proposed LDP2, page 286) does, however, also suggest a potential route into the site via the Fonab Business Park to the north west. As the respondent indicates, discussions on taking access to the site via the Business Park have not been concluded but are still ongoing with the landowner (Perth & Kinross Council). It is therefore considered appropriate to retain the existing adopted LDP requirement for connections to Logierait Road to the south east of the site.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would wish that, as a minimum, the requirement for pedestrian and cycle access onto Logierait Road is retained.

Pitlochry Estates (0470/01/004) - The map of site H38 submitted in the representation is the same as that in the Proposed LDP; the small extension to the north west has already been included within the site boundary. No further change is therefore necessary.

No modification is proposed to the Plan.

H39: Robertson Crescent

Julie & Stephen Harfield (0054/01/001): Ormungandr Melchizedek (0139/01/001) - The allocation of site H39 for housing was considered during the Examination of the adopted LDP. The Examination Reporter recognised that there was a need 'to designate substantial housing land in Pitlochry in order for the Proposed Plan to comply with the TAYplan Spatial Strategy' and that the scope for housing in Pitlochry was limited to sites H38 and H39 (CD015, pages 600-601, paragraph 5). There is still a need to identify housing land in Pitlochry (as discussed in Issue 1: A Successful Sustainable Place) and the sites at H38 and H39 are still considered the best available options.

A series of Infrastructure Reports have been produced to ensure that infrastructure capacity within tiered settlements is adequate to support the level of growth envisaged within the LDP. In response to the specific concerns raised in the representations, no issues are identified in the Pitlochry Infrastructure Report (CD358) relating to public transport links, the capacity of the doctor's surgery or other community facilities, or the capacity of the water and waste water networks. The Report does not consider water pressure. Scottish Water has, however, been involved throughout the Plan preparation process and has not identified water pressure as an issue in this area. In relation to facilities for leisure and recreation, a small deficiency in playground provision is identified. For employment opportunities, the amount of seasonal/tourism-related employment in Pitlochry is acknowledged but the LDP does seek to protect existing employment land. Based on the findings of the Pitlochry Infrastructure Report the Council does not agree with the contention that Pitlochry does not have the necessary infrastructure in place for the scale of development proposed on site H39.

Using the new approach to site capacities in the Proposed LDP Policy 1D, site H39 was assessed as being capable of accommodating a medium level of development (16-25 units per hectare) and, taking account of constraints and open space requirements, it was assumed that 85% of the site is developable. This gives a capacity range of 67-105 houses (Housing Background Paper, CD018, pages 19-20). The detailed site layout and design for the site will have to accord with Policy 1: Placemaking which requires development to contribute positively to the quality of the surrounding built and natural environment. It sets out a number of criteria that proposals should meet including creating a sense of identity, respect site topography and surrounding landmarks, the design and density to complement surroundings, and the integration of existing features. It is therefore considered that existing LDP policies, Policy 1 in particular, will ensure that the scale and form of development on the site will not have an adverse impact on the surrounding area and as such it is not considered that the development of site H39 will have an adverse effect on the tourism industry.

No modification is proposed to the Plan.

Ormungandr Melchizedek (0139/01/001) - The existing woodland along the eastern boundary is identified on the site drawing for site H39 (Proposed LDP2, page 287) and there is a site specific developer requirement which requires a minimum 6m buffer strip along the Moulin Burn. Only wildlife areas of national or international importance are specifically designated in the LDP but Policy 39: Biodiversity seeks the protection and enhancement of all wildlife and wildlife habitats whether formally designated /protected or not. Policy 40: Green Infrastructure requires all new development to contribute to green infrastructure and protects against the fragmentation of existing green and blue networks. The detailed layout and site design will be assessed at planning application stage but the enhancement of biodiversity, the provision of a landscape framework, and the linkage of green infrastructure on the site to the wider network are all site specific developer requirements. It is considered that existing LDP policies together with the developer requirements specified give adequate protection to biodiversity on the site. No changes or additional developer requirements are considered necessary in response to the comments made in the representation.

No modification is proposed to the Plan.

Ormungandr Melchizedek (0139/01/001) - Policy 20: Affordable Housing requires 25% of houses on sites of 5 or more to be affordable. This is the maximum percentage of affordable housing that the Council can require in line with SPP (CD004, page 31 paragraph 129). Policy 25: Housing Mix requires an appropriate mix of house types and sizes on sites of 20 houses or more. The Council cannot specify the type of house built on a site but Policy 1: Placemaking requires that development contributes positively to the quality of the surrounding building and natural environment. The purchase of mainstream houses as holiday homes is acknowledged as an issue across the Highland Perthshire area. Unfortunately the Council is unable through the planning system to prevent houses becoming second or holiday homes.

No modification is proposed to the Plan.

New Sites

Pitlochry Estates (0470/01/001, 0470/01/002, 0470/01/003, 0470/01/006) - It is not appropriate to compare the housing land allocation in Pitlochry to that of Alyth and New Alyth. Alyth and New Alyth fall within a different housing market area (Strathmore & the Glens) and the allocations in these settlements have been made to meet a different housing land requirement as set by TAYplan (CD022, page 23). Whilst the housing land allocation in Aberfeldy is slightly higher than that in Pitlochry (in the region of 205 units in Aberfeldy to 156 units in Pitlochry) this reflects the fact that the expansion of Pitlochry is more physically and environmentally constrained than Aberfeldy. It is also relevant to note that all of the abovementioned allocations have been carried forward from the adopted Plan so it is not the case that further allocations have been made in Aberfeldy in the Proposed LDP at the expense of allocations in Pitlochry.

It is not disputed that if sites H128 (MD052), H129 (MD053) and H131 (MD054) were designated for housing they could potentially deliver affordable houses. There is already land allocated for 121-190 houses in Pitlochry which will deliver 30-48 affordable houses. These new sites are not therefore critical to delivering Pitlochry's share of the 50,000 affordable housing target by 2021. As such it is not considered that this justifies the allocation of these sites for housing.

In the superseded Highland Area Local Plan 2000 all four sites were included within a larger 'Opportunity site' for leisure, tourist, business and open space. That Plan noted that 'some small scale residential development may also be appropriate as part of a comprehensive plan for the development of the site.' (CD169, pages 51 & 67). A substantial part of the Opportunity site was subsequently developed for the Pitlochry Community Hospital and in the adopted LDP the designation of the hospital site was changed to 'Employment – existing' (CD014, page 167). The Armoury Woods site (site H128), the former amusements car park (Site H129), and part of the Burnbane site (site H131) were included within that same Employment – existing designation. The Bobbin Mill site (site E130) was re-designated as open space. None of these re-designations were challenged through the Examination of the adopted LDP.

All four sites were originally put forward at pre-Main Issues Report (MIR) stage. The preferred option in the MIR was to review the existing land use allocations with a view to potentially re-designating some parts to more fully reflect their current land use and potential (CD046, page 61, paragraph 4.3.33). This review was carried out and resulted in changes being made to the land use designations in the Proposed LDP and these changes are discussed under consideration of the individual sites below. It was also acknowledged at MIR stage, however, that although this review of existing designations may allow some scope for additional housing, any potential for development was likely to be small scale and could be assessed against the existing policy framework (CD046, pages 54 & 61, paragraphs 4.3.11 & 4.3.33).

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

Armoury Woods (site H128)

Pitlochry Estates (0470/01/001) - This is an area of woodland which forms part of the setting of the hospital, and the south of Pitlochry more widely (MD052). The woodland here is considered to perform the same role as the designated open space to the south of the hospital. The open space designation was therefore extended to include the Armoury Woods site, with the exception of the brownfield area (the former stables buildings) which is left undesignated.

Other than the reference in the superseded Highland Area Local Plan (CD169, page 51) to some small scale residential possibly being appropriate as part of a comprehensive plan for the whole site, at no time since that Plan was prepared have the Armoury Woods been designated for housing, and the Council is not aware of any formal proposal for this site 'to form development to provide housing link to the hospital'. The development potential of the site is likely to be limited due to the proximity of the site to the railway line. The topography and access issues may also question the viability of this as a site.

Policy 38B: Trees, Woodland and Development presumes against woodland removal

unless significant and clearly defined additional public benefits can be demonstrated. The representation notes that this site was previously put forward as an affordable housing site which could perhaps constitute significant public benefit. It is not clear, however, whether the site is still proposed solely for affordable housing, or if any affordable provision on this site would simply offset an affordable requirement on another site in which case the extent of the public benefit would not outweigh the loss of woodland.

The Armoury Woods site proposed for inclusion in the LDP as a housing site is considered to be primarily greenfield – the only brownfield element is the former stable buildings which are excluded from the open space designation in the LDP and so could come forward for redevelopment regardless. It is acknowledged that some of the LDP allocations are on greenfield sites but this is not in itself justification for allowing this greenfield site to be developed for housing, particularly when this area of woodland is considered to perform a valuable open space function.

The site was not excluded from the Proposed Plan on climatic issues.

No modification is proposed to the Plan.

Former amusements car park (site H129)

Pitlochry Estates (0470/01/002) - The site is identified in the adopted LDP as 'Employment – existing' but it is actually a vacant site (CD014, page 167 & MD053). The former amusements site itself (which lies adjacent to the car park site) is operating as business / office area and the owners of that site have not indicated any intention to relinquish it.

Interest has been expressed by the landowner in developing the car park site at various stages in the plan-making process but to date they have not come forward with proposals as to how they would intend to develop the site or what scale of development may be possible. The site is in part on made up ground and no evidence has been produced to demonstrate that it is a viable and effective housing site. The LDP generally does not specifically allocate sites of less than 15 houses. The site is 0.49ha and at a medium density of development is likely to only accommodate 8-12 houses, although this could be higher if it is developed for flats.

It is not considered appropriate to identify this site as a specific proposal in LDP2. It is, however, acknowledged that the site may have some development potential although this is as yet unproven. The 'Employment – existing' zoning was therefore removed in Proposed LDP2 and the area left undesignated. This would allow development proposals for the site to come forward which could be considered through the existing policy framework. As the site is within the settlement boundary the lack of a specific allocation does not preclude the site coming forward for development.

No modification is proposed to the Plan.

Land at Bobbin Mill (site E130)

Pitlochry Estates (0470/01/003) - At previous plan stages the Bobbin Mill site was put forward for housing but is now proposed for employment use (MD051). As abovementioned the site was originally included within a much larger 'Opportunity site' designation in the superseded Highland Area Local Plan which did include business use (CD169, page 167). It was then re-designated in the adopted LDP as forming part of the

extensive open space designation in the south of Pitlochry (CD014, page 167). This site is only 0.27ha. The LDP generally does not specifically allocate sites for employment use of less than 0.5ha.

Brownfield land is defined in the LDP2 as 'land which has previously been developed' (Glossary, page 315). Of the further criteria listed in the LDP2 Glossary the only one applicable to this site is that it is vacant land. The Council has no evidence to dispute the respondent's assertion that the site was historically made up with rock and hardcore. As can be seen in the site photo in the Site Assessment (CD072, page 320), however, the site has naturalised to a large extent. Arguments can be advanced as to whether the site does or does not fall within the technical definition of brownfield. What the Council considers to be of more relevance in this particular case, however, is the fact that the site as it currently stands makes a contribution to the wider open space designation in this part of the town. The Council is therefore of the view that the open designation in this part of the town should be retained in its entirety.

At MIR stage Pitlochry and Moulin Community Council submitted comments which add some weight to the Council's position in relation to the sites put forward by Pitlochry Estates, particularly in relation to the Bobbin Mill site. Although the Community Council did not submit a formal representation to the Proposed Plan it is considered appropriate to make some reference to their MIR comments as these helped inform the preparation of the Proposed LDP2.

At MIR stage the Community Council considered there to be adequate land zoned for housing in Pitlochry and that additional windfall housing should be resisted. Of relevance to the Bobbin Mill site in particular, the Community Council stated that they would not support the release of any of the land currently zoned as open space noting that 'this is essential green space and heavily used by both residents and the large numbers of tourists' (CD359).

No modification is proposed to the Plan.

Land at Burnbane (site H131)

Pitlochry Estates (0470/01/006) - Although site H131 (MD054) has been put forward for affordable housing, it is indicated in the representation that the affordable housing on this site would offset the affordable housing requirement on the existing allocations at sites H38 and H39. It would not, therefore, result in the provision of additional affordable housing in Pitlochry but rather would simply redistribute what is already required by Policy 20 to a different site.

Site H131 is identified in the adopted LDP as 'Employment – existing' (CD014, page 167) but this designation has been removed in the Proposed Plan. The whole of site H131 in the Proposed Plan is undesignated land. The site is 0.45ha. As a very rough estimate, even a high density development (assuming an upper limit of 40 units per hectare) on a developable area of 0.36ha (80% of the total site) would only result in a development of up to 14 houses. The LDP generally does not specifically allocate sites of less than 15 houses. It is not therefore considered necessary or appropriate to allocate this site for housing as it is a small area of undesignated land within the settlement boundary which could come forward for development and be assessed under the existing policy framework. The lack of a specific allocation does not preclude the site coming forward for development.

No modification is proposed to the Plan.
Reporter's conclusions:
<p><u>Pitlochry Settlement Statement</u></p> <p>1. Policy 38B Trees, Woodland and Development identifies that there is a strong presumption against the removal of ancient semi-natural woodland and this policy would be applied to the assessment of relevant planning applications. However, as the ancient woodlands are an important part of the character of the settlement of Pitlochry I consider it would be appropriate to refer to them within the settlement summary. A modification is therefore required. The modification reflects the wording provided by the council.</p> <p><u>H38 Middleton of Fonab</u></p> <p>2. Paragraph 217 of Scottish Planning Policy requires planning authorities to seek opportunities to plant native trees in association with development, where appropriate. I consider this matter in Issue 16 A Natural Resilient Place and conclude that a modification is required to Policy 38A Forest and Woodland Strategy to support the planting of native trees and woodland where it is appropriate. Policy 38A will apply when a planning application for the site is being considered. In addition, the specific developer requirements refer to the enhancement of biodiversity and the need for details of compensatory planting. As a result I do not consider a modification is necessary, particularly because at this stage it is not clear what level or type of tree planting is required on the site.</p> <p>3. The council has explained that any future expansion of Fonab Cemetery would be undertaken by themselves, not the housing developer. The site specific developer requirement only identifies that the developer of the site reserves an area of land for the possible expansion of the cemetery. The council confirms that the construction of the cemetery would be informed by relevant up to date guidance. It would therefore not be appropriate to require the housing developer to establish whether the land is suitable for the provision of a cemetery. I find no modifications are therefore required.</p> <p>4. The plan associated with site H38 identifies both the connections onto Logierait Road carried forward from the current local development plan, as well as a potential route into the site from the Fonab Business Park. As discussions are ongoing regarding the vehicular access to the site I do not consider it is necessary to remove the requirement for connections to Logierait Road.</p> <p>5. The map submitted with the representation suggesting an extension of site H38 is the same as that shown on the Pitlochry settlement map. No modifications are therefore required.</p> <p><u>H39 Robertson Crescent</u></p> <p>6. Pitlochry is identified within the strategic development plan as a tier 3 principal settlement. Policy 1 Locational Priorities requires tier 3 principal settlements to play an important but more modest role in the regional economy and to accommodate a small share of additional development. Policy 4 Homes and Policy Map 4 define the annual housing supply targets that local development plans are required to plan for and requires them to identify sufficient land within each housing market area to meet the housing land</p>

requirement.

7. Pitlochry lies within the Highland Perthshire Housing Market Area and is the largest settlement in the area. It is therefore appropriate for the proposed plan to allocate sites to accommodate the level of growth identified. See also Issue 1 A Successful, Sustainable Place.

8. The council has considered the need for additional capacity in infrastructure across the area. Whilst the Pitlochry Infrastructure Report does identify that there is limited serviced employment land, the proposed plan seeks to address this by safeguarding areas of employment land. With regard to public transport, the report identifies that Pitlochry has bus and rail connections to Perth and also bus connections to Aberfeldy and other settlements. The report explains that the doctors surgery in Pitlochry has capacity as does the waste water network. I note that the report highlights a small deficiency in playground provision. With regard to water pressure, I note that Scottish Water has been involved throughout the plan preparation process and has not identified any issues with regard to water pressure. From the information before me, I consider that Pitlochry has the required infrastructure in place to support the delivery of the proposed site.

9. A representation expresses concern regarding the wide capacity range identified for the site. The site specific developer requirements for site H39 explain that the capacity may be limited as a result of topography. It also highlights that the built form and layout of the site should respond to the wider landscape. In addition, Policy 1 Placemaking, requires the design, density and siting of development to respect character and amenity. Until more detailed design work is undertaken, I consider it is appropriate for the proposed plan to identify a wide capacity range for the site.

10. Page 287 of the proposed plan highlights the existing woodland to the east of site H39, this lies to the north and west of Robertson Crescent. The site specific developer requirements identify the need for a minimum 6 metre buffer strip to be maintained along Moulin Burn and for the green infrastructure on the site to link to the wider network, particularly on the south western part of the site. The proposed plan does not include any local wildlife designations, however, within Issue 16 A Natural Resilient Place, it is explained that the identification of local sites will be addressed through supplementary guidance. In addition, Policy 39 Biodiversity does seek to protect and enhance all wildlife and wildlife habitats, whether formally designated or not. I consider it is appropriate for this matter to be considered as part of the assessment of a future planning application for the site which will be informed by relevant ecological surveys and reports.

11. With regard to linkages between ecological areas, Policy 40 Green Infrastructure requires all new development to contribute to green infrastructure and specifies a number of criteria to be met, including the protection, enhancement and management of existing green infrastructure within and linked to the site. In addition, green infrastructure linkages are also highlighted within the site specific developer requirements for the proposed site. I consider this approach to be appropriate and that it will ensure matters regarding green infrastructure are fully assessed through the planning application process.

12. Policy 20 Affordable Housing requires residential development consisting of five or more units to include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. The policy looks to embed the provision on site. However, in accordance with Scottish Planning Policy, it acknowledges that there may be times where this cannot be achieved. Policy 25 Housing Mix offers

guidance on the types of housing to be provided on sites of 20 or more homes. In addition, Policy 1, requires the design, density and siting of development to respect character and amenity. It is not appropriate for the proposed plan to identify that bungalows should be built on the site. This issue will be considered through the assessment of a planning application for the site.

13. Overall, I am satisfied that the site is suitable for inclusion as an allocation for residential development. For the reasons set out above, no modifications are therefore recommended in response to the representations on site H39 Robertson Crescent.

New sites

14. Pitlochry is one of three tier 3 principal settlements within the Highland Housing Market Area. It is acknowledged that Pitlochry is the largest settlement in the area and that Aberfeldy has a higher housing land allocation within the proposed plan. I consider this approach is appropriate given the expansion of Pitlochry is more constrained than that of Aberfeldy. With regard to the comparison with the allocations within the settlements of Alyth and New Alyth, this is not appropriate or relevant as they are situated within the Strathmore and the Glens Housing Market Area where sites have been allocated to meet different housing land requirements identified within the strategic development plan. Issues regarding the spatial strategy of the proposed plan and the level and distribution of housing are also addressed in Issue 1 A Successful, Sustainable Place. The new sites proposed are considered below.

Armoury Woods (site H128)

15. Site H128 lies within the Pitlochry settlement boundary, I consider it to be accessible as it is on the edge of the town, close to bus stops and a short walk to the railway station. The north of the site lies adjacent to the railway line. At my site inspection I observed that whilst the site includes some old stable buildings it is primarily a greenfield site with significant woodland cover. From my observations, I consider the woodland forms an important part of the setting of the town.

16. I note that the site assessment undertaken by the council has identified potential issues regarding the relationship with the Tay Special Area of Conservation and the need for an assessment of the potential impacts from a proposed development on the designation. In addition, the relationship with the adjacent category A listed Pitlochry Station and the conservation area are also highlighted. A representation has explained how issues identified within the council's site assessment could be overcome.

17. Policy 14 Open Space Retention and Provision proposes to allocate the majority of the site as open space; the designation excludes the area occupied by the stable buildings. This identifies the circumstances where areas of open space could be lost to development and this would be an issue for consideration through the assessment of a planning application. In addition, Policy 38B Trees, Woodland and Development provides detailed guidance on the assessment of the impact of trees as part of the planning application process including the loss of trees.

18. Whilst the site lies within a sustainable location, from the information available to me and my observations there appear to be issues regarding ecology, loss of trees, loss of open space, flooding and heritage which would need to be considered through further assessment and survey work. As I have explained above, I consider the site forms an

important part of the woodland setting of the town.

19. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

Former amusements car park (site H129)

20. Site H129 lies within the Pitlochry settlement boundary, it is partially brownfield and contains an area of hardstanding and a small area of grassland. Whilst the land owner has identified a wish to develop the site, no detailed proposals have been submitted. I note that as a result of the engagement in the plan preparation process, the council has removed the employment allocation from the site, which will increase the options for the future redevelopment of the site.

21. I acknowledge that the site lies within a sustainable location and that the principle of the development of the site may be acceptable. However, the council's site assessment highlights a number of issues with regard to the future development of the site, including: surface water flood risk and river flooding; impact on trees; impact on the River Tay Special Area of Conservation; school capacity; landscape impacts; and impact on heritage assets. The evidence submitted does not allow me to reasonably conclude that these concerns can be satisfactorily addressed. In addition, the site was not included in the main issues report and therefore has not been subject to public consultation.

22. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, as a result of the constraints identified above I consider it most appropriate to leave the site as white land rather than allocate it as a housing site. A lack of allocation will not preclude the site potentially being supported for housing development in the future should the constraints be able to be overcome.

Land at Bobbin Mill (site E130)

23. Site E130 lies adjacent to the community hospital within the settlement boundary. Whilst the representation submits that the site was previously allocated as employment land, this was within the now superseded Highland Area Local Plan. Within the adopted local development plan the site is allocated as open space.

24. There is disagreement between the landowner and the council regarding whether the site comprises brownfield or greenfield land. I note the definition of brownfield land contained within the proposed plan and this accords with the definition contained within Scottish Planning Policy. At my site inspection I observed that the site is overgrown and consider that it forms part of the wider open space designation to the south of Pitlochry. I note the views of the community council regarding the use of the open space and at my site inspection I observed a number of dog walkers and other people using the area as a

recreational resource.

25. The council's site assessment identifies a number of constraints to the future development of the site, including: surface water and river flooding; impact on trees; and impact on the River Tay Special Area of Conservation.

26. With regard to the need for additional employment land within Pitlochry, the Perth and Kinross Employment Land Audit (2017) identifies that the Highland area has 10.05 hectares of employment land available, the majority of this 9.90 hectares is considered to have minor constraints to redevelopment. Whilst the Pitlochry Infrastructure Report does identify that there is limited serviced employment land, the proposed plan seeks to address this by safeguarding areas of employment land in Pitlochry.

27. The evidence submitted does not justify the suggestion that there is a need for additional employment land to be allocated within the proposed plan. In addition, as a result of the constraints identified I find that these would outweigh the benefits of addressing any shortfall in employment land provision. No modifications are therefore required.

Land at Burnbane (site H131)

28. Site H131 lies within the settlement boundary for Pitlochry and is white land within the proposed plan. The majority of the site comprises a car park, and includes some grassed area and trees.

29. I note within the representation that it is submitted that the site could be used to deliver affordable housing to offset the requirement on sites H38 (Middleton of Fonab) and H39 (Robertson Crescent). This would not therefore increase the level of affordable housing provision. In addition, the representation states that part of the site has an employment allocation. However, within the proposed plan the site is not allocated.

30. I acknowledge that the site lies within a sustainable location and that the principle of the development of the site may be acceptable. However, the council's site assessment identifies a number of potential issues with regard to the future development of the site, including: flooding; impact on the Tay Special Area of Conservation; protection of trees; contamination; landscaping; and impact on historic assets. The evidence submitted does not allow me to reasonably conclude that these concerns can be satisfactorily addressed. In addition, the site was not included in the main issues report and therefore has not been subject to public consultation.

31. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, as a result of the constraints identified above I consider it most appropriate to leave the site as white land rather than allocate it as a housing site. A lack of allocation will not preclude the site potentially being supported for housing development in the future should the constraints be able to be overcome.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Insert the following text to the second sentence of the second paragraph of the Pitlochry Settlement Summary on page 284, between "town," and "and the A9":

"the ancient woodlands adjoining or close to the settlement boundary"

2. Amend the fourth bullet point of the Site Specific Developer Requirements for site H38 Middleton of Fonab on page 286 by adding "pedestrian and cycle" between "with" and "connections".

Issue 36	Highland Area – Settlements with Proposals	
Development plan reference:	H40 – Ballinluig North, page 126 Kenmore, page 214 H42 – East of primary school, Kenmore, page 215 Murthly, page 244 H45 – West of Bridge Road, Murthly, page 245	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
C B Innes (0017) Fearn Macpherson Chartered Architects (0058) Perth & Kinross Heritage Trust (PKHT) (0272) Scottish National Heritage (SNH) (0353) Thomas Stuart Fotheringham (0379)		Simon Seath (0417) Woodland Trust Scotland (0462) Atholl Estates (0538) Murthly and Strathbraan Estates (0581) Spittalfield & District Community Council (0609/01 & 0609/02) A & J Stephen Limited (0622)
Provision of the development plan to which the issue relates:	Development sites in Highland area non-tiered settlements	
Planning authority's summary of the representation(s):		
<p><u>Ballinluig – Site H40</u></p> <p>Perth & Kinross Heritage Trust (0272/01/004) - Site H40 has been identified as having archaeological potential and this should be reflected in the site specific developer requirements.</p> <p>Woodland Trust Scotland (0462/01/001) - Site H40 is adjacent to an area of ancient semi-natural woodland at the eastern boundary of the site. The site specific developer requirements should ensure that any potential native edge effects from development are mitigated.</p> <p>Atholl Estates (0538/01/001) - Site H40 should be expanded to include land east of the village for the following reasons:</p> <ul style="list-style-type: none">• Village can accommodate further low density housing;• Extending the existing allocation would enable infrastructure to come forward to service the expansion area;• Core woodland belt can be retained to create a logical eastern boundary;• Logical direction of growth of the village;• Landscape capacity to accommodate the development;• Will address the current forecast housing shortfall in the Highland HMA;• Access options exist through the existing site H40 or off the main road junction. <p>SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to</p>		

the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (CD056, pages 155-156, Table 8.1).

Kenmore Settlement

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

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

Murthly – Site H45

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

Murthly – Extension to site H45

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

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

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

- Recognise the poor waterbody status and flood risk identified. Murthly has a history of bad flooding, particularly around the crossroads area and the area east of the pub/restaurant. Housing development on site H121 could include a surface water drain through the site which would relieve the existing flooding constraints on the

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

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

Murthly – New Sites

Spittalfield & District Community Council (0609/01/002 & 0609/02/001) - Support the non-inclusion in the Proposed Plan of the other Murthly sites (land behind Druids Park – Site H122, land at Gellyburn Field – Site H123, and land adjacent to the pub on Station Road – Site H124).

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

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

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

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

Further issues are considered under the individual sites.

Site H122 – Land behind Druids Park

Murthly and Strathbraan Estates (0581/01/003) - Additional comments on the site assessment (CD072, pages 234-242):

- Waterbody/Flooding – The larger part of Site H122 is not likely to flood and site

layout will take into account the waterbody status and flood risk. Sustainable Drainage and mitigation measures would be incorporated into the scheme to reduce the impacts and probability of flooding.

- Ancient Woodlands Inventory – The site would be a modest extension to the settlement. The Burnbane Plantation Ancient Woodland is a defensible boundary to the south-east. A planting framework would be implemented to limit adverse impacts on the woodland. The north of the site is adjacent to a sewage works centre and this boundary would be planted to shield the site from the sewage works and provide a defensible barrier.

Site H123 – Land at Gellyburn Field

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

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

Site H124 – Land adjacent to pub on Station Road

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

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

development would be fitting with the current buildings within the vicinity of this site. Landscaping/tree planting would be an integral part of this scheme and a framework for development and how to integrate it into the countryside setting would be provided at the application stage.

Modifications sought by those submitting representations:

Ballinluig – Site H40

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

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

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

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

- Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment **so as to ensure no adverse effects on the River Tay SAC.**
- Where the development site is within 30m of a watercourse an otter survey should be undertaken and a species protection plan provided, if required **so as to ensure no adverse effects on the River Tay SAC.'**

Kenmore Settlement

Fearn Macpherson Chartered Architects (0058/01/001) - Amend settlement boundary to include the area which has an existing planning consent (ref 07/01739/FUL) at East of Mains of Taymouth, Kenmore.

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

Murthly – Site H45

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

Murthly – Extension to site H45

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

Murthly – New Sites

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

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

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

Summary of responses (including reasons) by planning authority:

Ballinluig – Site H40

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

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

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

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

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

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

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

No modification is proposed to the Plan.

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

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements.

Kenmore Settlement

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

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

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

Simon Seath (0417/01/001) - In many of the smaller settlements across Perth & Kinross the boundary has been drawn to allow some scope for small scale infill development which can help to sustain existing services and facilities in these communities. Policy 50: New

Development and Flooding presumes against development in areas which are functional flood plan, are at risk of flooding, or would increase the risk of flooding elsewhere. It is therefore not considered necessary to amend the settlement boundary at the southern end of Aberfeldy Road (MD044) on the grounds that the area is subject to flooding as this can be addressed through the existing policy framework.

No modification is proposed to the Plan.

Murthly – Site H45

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

No modification is proposed to the Plan.

Murthly – Extension to site H45

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

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

Murthly and Strathbraan Estates (0581/01/001); A & J Stephen Limited (0622/01/012) - Turning to the proposal to extend site H45 to include site H121. The original small village of

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

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

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

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

Overall it is not considered that the settlement or the surrounding countryside can support additional development of this scale, and the extended site is therefore not considered justifiable under part C of TAYplan Policy 1.

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

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

No modification is proposed to the Plan.

Murthly – New Sites

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

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

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

Site H122 – Land behind Druids Park

Murthly and Strathbraan Estates (0581/01/003) - The site (MD046) is 6.17ha and is similar in size to the extended H45 site. As above-mentioned, it is suggested that the extended H45 site could accommodate 75-90 houses. It is reasonable to assume that, being of a

similar size, site H122 could potentially accommodate a similar sized development; this cannot be considered a modest expansion to a settlement the size of Murthly.

No modification is proposed to the Plan.

Site H123 – Land at Gellyburn Field

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

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

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

Site H124 – Land adjacent to pub on Station Road

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

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

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

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

No modification is proposed to the Plan.

Reporter's conclusions:

Ballinluig - Site H40

1. I note that planning permission has been granted for 19 units on the site. There is the possibility that it may lapse. As there are archaeological constraints I find a modification is required to ensure clarity. The modification reflects the wording provided by the council.
2. Paragraph 194 of Scottish Planning Policy identifies that the planning system should protect and enhance ancient semi-natural woodland as an important and irreplaceable resource. Paragraph 216 identifies that ancient woodland should be protected from adverse impacts resulting from development. Whilst the site specific developer requirements for site H40 include reference to the need for a survey of the existing woodland, I find that as a result of the importance of protecting ancient woodland this should be identified as a site specific developer requirement. My modification reflects the wording suggested by the council. I consider this wording would ensure that any future development proposal included mitigation of potential negative edge effects on the adjacent ancient woodland.
3. The land to the east of site H40 forms part of a larger area of ancient woodland. In accordance with paragraphs 194 and 216 Scottish Planning Policy there is a requirement to protect this ancient woodland from adverse impacts of development.
4. Ballinluig provides a range of services and facilities for the local community, however it is not identified as a principal settlement within the strategic development plan. The proposed plan includes an allocation for housing within the village to support its sustainability. I acknowledge that additional development within the village could support the provision of infrastructure and the protection or enhancement of services. This could potentially include the school, which appears to be under threat as at my site inspection I observed a 'save our school' banner in the village.
5. Whilst the representation that proposes the site for allocation states that it is suitable for development, it does not provide any detailed information to overcome the constraints identified by the council through the site assessment process, in particular the impact of the development of the site on ancient woodland and the landscape. The site was considered as part of the examination of the current local development plan and the reporter concluded that as a result of the ancient woodland designation it would not be appropriate to include the land within the allocation. It was suggested that a detailed tree survey of the site should be undertaken. The representation does not contain any evidence to suggest that such a survey has been undertaken. I therefore cannot be

confident that this significant constraint can be mitigated against as part of a development proposal.

6. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

7. I agree that the site specific developer requirements for site H40 should be modified in accordance with Table 8.1 of the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

Kenmore Settlement

8. The Kenmore settlement summary explains that the village is highly constrained but there is pressure for more housing for workers and to support tourism. Kenmore is not identified as a principal settlement within the strategic development plan. As a result, the proposed plan identifies one site within Kenmore for housing development.

9. Site Op374 has an unimplemented planning permission for recreational facilities and 58 dwellings with occupancy restricted to holiday accommodation only. I note that planning permission has been granted for the siting of 43 caravans on the site. Inclusion of site Op374 within the settlement envelope would, in principle, support the development of residential dwellings not tied to tourism.

10. Given the size, role and function of Kenmore I do not consider it would be appropriate to include an additional large site within the settlement boundary as this could undermine the spatial strategy of the proposed plan and the strategic development plan.

11. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

12. Policy 8 Rural Business and Diversification supports proposals for tourism related developments both inside and outside settlements. Where a site is outside a settlement, Policy 8 highlights that proposals may be acceptable where they offer opportunities to diversify an existing business, or are related to an existing site-specific resource or opportunity. In addition, Policy 9C Chalets, Timeshare and Fractional Ownership provides support for holiday accommodation where it is clear that these will not be used as permanent residences. I therefore conclude it is not necessary or appropriate to expand the Kenmore settlement boundary to include site Op374 as the proposed policy framework would support new tourism development subject to detailed consideration. If the site were

to be included within the settlement boundary there would be a risk that a tourism development may not come forward and could be lost to housing. I find this would not be appropriate for the reasons outlined in paragraphs 10-11.

13. The proposed settlement boundary at the southern end of Aberfeldy Road follows a field boundary and then connects with playing fields/an area of open space. I consider the boundary to be logical and appropriate. I note the concerns expressed within the representation regarding flooding. However, if a planning application is submitted in the future for development on land at the southern end of Aberfeldy Road, Policy 50: New Development and Flooding would be used by the council to assess the proposal. Policy 50 includes a general presumption against proposals for housing development on a functional flood plain and in areas where there is a medium to high risk of flooding. No modifications.

Murthly - Site H45

14. Site H45 is an allocation within the current local development plan for 10 dwellings. The site is currently agricultural land. Policy 1C (Location priorities) of TAYplan allows for some development in non-principal settlements, where it can be accommodated and supported by the settlement. Murthly has a small number of services and facilities available to local residents. The developer requirements for the site identify the need for: a flood risk assessment; a drainage impact assessment and road access improvements. The proposed capacity range is indicated as up to 12 dwellings. Whilst I note the concerns that have been raised in the representations, the issues identified are detailed matters that would be considered through the assessment of a planning application, including the overall site capacity figure. The allocation would make a contribution to the housing requirement for the Highland Perthshire area. No modifications.

Murthly - Extension to site H45

15. The Murthly and Gellyburn settlement summary explains that the settlement has expanded significantly in recent years with new housing development to the north and east. Whilst I note that Murthly and Gellyburn together comprise one of the largest villages in the Highland area, it is not identified as a principal settlement within the strategic development plan. As a result, the proposed plan only identifies one site on the western edge of the village, H45, which continues the pattern of linear, roadside development.

16. The proposed extension to site H45 would extend the settlement substantially to the west into open countryside closing the gap with Douglandfield. I consider that such a large development would change the character of the village, the majority of which lies to the east of the railway line. I note that my views concur with those of the reporter in the examination of the current local development plan. In addition, a significant increase in dwelling provision within the settlement would not support the spatial strategy of the proposed plan or the strategic development plan which directs the majority of growth to principal settlements.

17. The site assessment undertaken by the council identifies a number of constraints to development including, potential flooding issues and concerns over the ability to connect to the public foul sewer. In addition, it highlights potential ecological issues and capacity issues at Murthly Primary School. I acknowledge that there is the potential for the issues identified within the site assessment to be resolved in the ways described in the

representation. Also, that there could be benefits from the development of the site such as additional drainage and flood prevention works as well as the provision of new and expanded services and facilities. However, Murthly has experienced substantial new development over recent years and it is not a principal settlement. I consider that a large extension of site H45 would substantially alter the character of the village, given its size and location and would not accord with the provisions of the strategic development plan.

18. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

Murthly - New Sites

19. Three new sites are proposed within representations, these are discussed below. I note that additional housing has the potential to support the provision of services and facilities, including the expansion of the primary school. Also that habitats regulations appraisal would be used to ensure the environmental quality of the River Tay Special Area of Conservation and surrounding biodiversity. However, I find it is a significant consideration that Murthly has experienced substantial new development and that whilst Murthly and Gellyburn are one of the largest villages in the Highland area, it is not identified as a principal settlement within the strategic development plan. The proposed plan identifies one site on the western edge of the village, H45. This would provide a level of development that is appropriate to the settlement and would continue the pattern of linear, roadside development. In addition, the development site H45 would support the sustainability of the settlement.

Site H122 - Land behind Druids Park

20. Site H122 is a large greenfield site on the north eastern edge of Murthly, which appears to be used for informal recreation. The council's site assessment identifies a number of potential site constraints, including: flooding, sewerage connections, ecology/ ancient woodland, lack of primary school capacity, distance from local services and facilities.

21. I acknowledge that the issues identified within the site assessment have the potential to be resolved in the ways described in the representation. Also, that there could be benefits such as additional drainage and flood prevention works as well as the provision of new and expanded services and facilities.

22. However, the development of the site would result in a significant extension of the village to the east into open countryside. The proposed site would extend the village to the Burnbane Plantation and close the gap with Baldarrach House. As a result, I consider that the scale and position of the site, particularly when viewed alongside the existing small settlement would substantially alter the character of the village.

23. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land

requirement to the Greater Perth Housing Market Area as permitted by policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

Site H123 - Land at Gellyburn Field

24. Site H123 comprises undeveloped agricultural land and runs from the north western edge of Murthly to the west of Gellyburn. The site slopes steeply from the B9099 road. The council's site assessment identifies a number of potential site constraints, including: flooding, biodiversity, lack of primary school capacity, distance from local services and facilities, topography of the site and coalescence.

25. I acknowledge that a number of the issues identified within the site assessment could be resolved in the ways described in the representation. Also, that there could be benefits from the development such as additional drainage and flood prevention works as well as the provision of new and expanded services and facilities. In addition, I note that within the representation it is submitted that the site boundary is indicative and the layout could change to potentially reflect the development opposite which would limit coalescence. Also, that the council has stated that part of the site could be included within the settlement boundary.

26. However, I have concerns regarding the coalescence that could occur between the distinct settlements of Murthly and Gellyburn, even if the proposed site is reduced in size. Whilst the site is only 1.71 hectares and even if only part of the site was developed, I consider the scale of development in relation to the small settlement of Gellyburn would be excessive. As a result of the topography of the site, I consider that any development along the western side of the B9099 has the potential to be very prominent in the wider landscape. I consider that this impact would be increased as a result of the location of the existing development within Gellyburn, which all lies to the east of the B9099, excluding that which lies beyond the Gelly Burn, which is distinctly separate as a result of the woodland. I find that development on the western side of the B9099 would change the character of the linear settlement by extending development into the open countryside.

27. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

H124 - Land adjacent to pub on Station Road

28. Site H124 comprises undeveloped agricultural land that lies to the south of Murthly. Part of the site lies within the settlement boundary that is included within the proposed plan. I note that the site was proposed by the council to be included within the current local development plan but the reporter removed the site due to flooding concerns and an objection from the Scottish Environment Protection Agency.

29. The council's site assessment identifies a number of potential constraints to the future development of the site including: a high probability of surface water flooding;

ecology; primary school capacity; and loss of open space. Whilst I note that there is the potential for the identified constraints to be mitigated, no information has been provided to address the flooding concerns identified.

30. Part of the site is located within the settlement boundary as white land and therefore could potentially come forward for development in the future. I do not agree with the suggestion within the representation that the southern part of the site could be classified as infill development as it would extend the settlement into open countryside and this would be highly visible from the B9099 road when entering the village from the south.

31. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Within the Site Specific Developer Requirements section of site H40 Ballinluig on page 125 add the following text as an additional bullet point:

“Evaluation of archaeological potential and mitigation may be required.”

2. Within the Site Specific Developer Requirements section of Site H40 Ballinluig on page 125 add the following text at the end of final bullet point:

“and mitigation of any negative edge effects on the adjacent ancient woodland.”

3. Within the Site Specific Developer Requirements section of site H40 Ballinluig on page 125 add the following text to the end of bullet points 10 and 11:

“so as to ensure no adverse effects on the River Tay SAC.”

Issue 37	Highland Area – Settlements without Proposals	
Development plan reference:	Butterstone, page152 Camserney, page 153 Croftinloan, page 174 Fearnan, page 191 Grandtully, page 200 Kinloch Rannoch, page 219 Strathtay, page 200	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Graham Forsyth (0104) Glen Lyon and Loch Tay Community Council (0269) Frances Donovan (0298) Alex Glynn (0308) Mrs Glynn (0309) Mr Glynn (0310) John & Lesley Raeburn (0315) Fearnan Village Association (0345)		Scottish National Heritage (SNH) (0353) Angela Sweeney (0371) Peter Hounam (0390) E D Capital (0547) Butterstone Estate (0556) Mr & Mrs Scott (0598/09) A & J Stephen Limited (0622) Nick & Rosalind Grant (0629) M Henderson (0673)
Provision of the development plan to which the issue relates:	Development sites in Highland area non-tiered settlements which do not have specific allocations	
Planning authority’s summary of the representation(s):		
<u>Butterstone – Settlement Boundary Amendment</u> Butterstone Estate (0556/01/001) - Propose an amendment to the settlement boundary. The sites within the proposed settlement expansion will provide residential opportunities for the local community longer term, in an area where affordable housing is in short supply and high demand. The affordable housing allocation can be provided on site. The sites are not situated on prime agricultural land and are directly adjacent to the Butterstone village. The topography is such that the landscaping and trees offer a backdrop to the potential development reducing the visual impact. Field one is currently the playing fields for the New School. The proposed amendment to the settlement boundary will offer the opportunity to cross fund additional facilities for the school; the possibility of development on the playing fields is potentially pivotal to ensure the long-term viability of the school. The school is the largest employer in the area employing 40 full time and part time staff. The sites will be accessed from the existing vehicular routes. The proposed development will respect the setting, and existing scale and pattern of development in the village and provide scope for additional landscaping. Trees can remain intact. The site does not flood. The proposed site would windfall and would make an important contribution to housing land supply in line with the Councils Housing Background Paper (CD018).		

The site is within the Lunan Valley Area. The phosphorous outfall can be mitigated through a technical solution. The required mitigation of 125% in improvement can be demonstrated through the upgrade of the existing water treatment plant for the New School.

Camserney – Settlement Boundary Amendment

M Henderson (0673/01/001) - Propose an amendment to the settlement boundary.

The proposed site is immediately adjacent to the existing settlement boundary. The site is on an elevated plain, is well defined, and forms a natural and logical extension. It is easily accessed by the existing drive which forms the eastern boundary. Boundaries in the immediate area are a mix of stone dyking and post and wire fences with native species hedging. The site boundaries are timber post with wire and tree planting. The north and west boundaries are defined by the boundaries of adjacent domestic properties. The south boundary is set out by a fence, trees and bushes forming a strong natural extension of Camserney. The settlement pattern will be preserved by the open pasture to the south which maintains the gap between Camserney and the road to Aberfeldy/Tummel Bridge. The plot size compares favourably with the others in Camserney.

Inclusion of this site will take into consideration the “character and amenity of the place” in line with adopted Plan policy PM1, and will respect the site topography by providing a more natural response than existing.

This site is likely to be used for domestic purposes and the likely principle of the development would be to provide a home for a locally based family.

This extension to Camserney will not detract from existing amenity spaces nor encroach on private amenity spaces. Under adopted Plan policy RD3 this site would extend the existing grouping of properties without detracting from the form of the existing loose cluster of divergent forms and would likely be supported were it not for the fact it would extend the present settlement boundary.

Croftinloan – Change to Open Space Designation

Mr & Mrs Scott (0598/09/001) - Object to the inclusion of the site at Croftinloan as open space. The site should be white land which would facilitate the construction of a small number of houses.

There exists a robust and natural landscape framework to the site. It is in the centre of the village and is bounded by trees to north, south and east. There are new build houses on the northern and western boundaries. The site is currently agricultural but is of limited use due to its size, shape and proximity to houses. There is an existing access road.

The site is ideally suited to small-scale infill residential development. The Plan encourages such developments in Highland Perthshire settlements. The site has been incorrectly designated as open space; it has no value to the community for recreational or amenity purposes. The site is better suited to residential use. This would be in line with the Council's objective of increasing population within Highland Perthshire settlements.

Fearnan – Settlement Boundary Amendment and New Sites

Glen Lyon and Loch Tay Community Council (0269/01/001); Frances Donovan

(0298/01/001); Alex Glynn (0308/01/001); Mrs Glynn (0309/01/001); Mr Glynn (0310/01/001); John & Lesley Raeburn (0315/01/001); Fearnan Village Association (0345/01/001); Angela Sweeney (0371/01/001); Nick & Rosalind Grant (0629/01/001) - Support the existing settlement boundary and the exclusion of sites H115, H116 and H117 from the Plan for some or all of the following reasons:

- a) There is scope for infill development which can take place without damaging the nature of the village centred round an old rigg system.
- b) No economic or social benefit has been demonstrated by any of the potential development sites which could double the scale of the village in the absence of suitable infrastructure – there is restricted public transport, low employment opportunities, a higher than average age profile, properties are slow to sell and approved developments are on hold due to market conditions.
- c) Additional development is contrary to the TAYplan spatial strategy of directing growth to principal settlements.
- d) No changes to the existing settlement boundary are required or necessary.
- e) Any further relaxation of the bar to development on the south side of the A827 adjacent to the loch should be opposed to protect the natural environment of Loch Tay.

Nick & Rosalind Grant (0629/01/001) - The existing green space should be extended to all of the land between the A827, Quarry Lane and the Brae to protect the historic rigg and prevent any further development.

A & J Stephen Limited (0622/01/007) - Object to the non-inclusion of site H117 for housing.

Fearnan is not a principal settlement but TAYplan allows LDPs to provide for some development in such settlements where this can be accommodated and supported by the settlement and in rural areas if such development meets local needs. The site was included within the Main Issues Report for LPD1 (CD165, page 107) as being capable of some development. The Proposed Plan allocation was directed to another site which was subsequently rejected by the Examination Reporter leaving Fearnan with no appropriate residential proposals. Site H117 is the most logical direction for appropriate and deliverable settlement extension to facilitate local need.

Individual house plots are proposed with opportunity for home working which will allow a reduction in traffic movements. The site lies on the A827 bus route; bus stops and local facilities are within easy walking distance. New footway linkages can be created.

The site rises to the north but a tree belt contains the proposed extent of development. The exiting perimeter tree belts will form green corridors which link the village with the countryside beyond. Development of the site would complete the form of the settlement by creating a visually contained western expansion.

The proposal conforms with Proposed Plan Policy 1: Placemaking. Site H117 relates to the settlement in proximity and form, is at an appropriate scale, can be developed in the style of long rigs, provides range and choice within this rural area and is deliverable.

There are no physical or technical constraints to development and no adverse impacts envisaged on the Loch Tay SAC. Fearnan is a marketable location and the site is owned by a single local developer with intent to progress subject to planning permission. There are no other competing housing allocations within Fearnan.

ED Capital (0547/01/001) - Object to the non-inclusion of site H115 and/or site H116 for housing.

Both sites are immediately adjacent to the existing settlement, are relatively flat, are currently non-prime agricultural land, and are well contained in landscape terms. Access can be achieved. There is an over reliance on fossil fuel in Highland Perthshire with low compliance with the Energy Efficiency Standard for Social Housing. Opportunities would be explored on these sites for energy and fuel-efficient developments. There are no known constraints and the landowners are keen to develop. Both sites are effective in terms of the Planning Advice Note 2/2010 (CD040) criteria of effectiveness. It is considered there will be market demand given the attractive rural location and the proximity to Aberfeldy.

The landowners consider that development of just one of the sites would perhaps be more commensurate with the scale, pattern and harmony of the settlement. Alternatively, an extension to the settlement boundary would facilitate development in the absence of an allocation. Neither site would result in the suburbanisation of the countryside but would be a logical rounding off of the settlement. Fearnan is not remote or lacking in connectivity; a there is a regular bus service.

The land was originally included as a housing allocation in the early stages of LDP1 but it was not promoted by the then owners. The sites are now under different ownership. The sites have been promoted at Call for Sites and MIR stages for LDP2.

Housing development at any of the sites proposed at Fearnan would be acceptable under TAYplan Policy 1C (CD022, page 8) which allows for development outside of principal settlements.

Anecdotal evidence suggests that over two thirds of the properties in Fearnan are second or holiday homes meaning that local residents are often unable to afford the high market prices. The development of affordable housing in rural areas should be better translated through the LDP as a priority for the Council. The Loch Tay and its environs is an important tourist destination. Wages in the tourism industry are generally low and so workers too are often priced out of the buying market and are forced into private rent. In Kenmore a housing site is identified because of a specific need for additional housing for local and key workers. Similarly in Fearnan the sites proposed could meet housing needs for local people and young families who want to stay in the area, and those working in the tourism industry.

Fearnan – Habitats Regulations Appraisal

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. In the interest of good practice the Settlement Summary (page 191) should reflect the outcome of the Habitats Regulations Appraisal (CD056, pages 102-103, Table 5.22).

Grandtully – New Site

Peter Hounam (0390/01/001) - The Plan fails to recognise the way in which Grandtully has changed over the last 10 years. Part of the village is designated a conservation area but Grandtully is now a significant destination with a thriving community and hub of small businesses and this should be supported by the Council.

The recently approved Ballintaggart Hotel and restaurant has little provision for on-site car parking. This will add pressure to the parking for existing businesses at peak seasons. The allocation of a site for employment uses would allow for the provision of small units for business expansion and start-ups and could provide for much needed overspill car parking for visitors and businesses. Two options for sites for employment land are proposed.

The Lageonan Road site would occupy part of a field; it is a level area where small-scale construction would have minimal visual impact. The site is accessible via an adopted road and is bounded by the old railway cutting to the north, the existing farm road to the east, the A827 to the west, and open farm land to the south.

The alternative site to the east of the village could provide proper facilities for the rafting firms that use the riverbank as their exit point from the river.

The landowner and the tenant farmer are aware of this proposal.

There is a general lack of employment land in Highland Perthshire. The Council has been lax in building small business units and the earmarking of suitable sites for employment uses is the minimum the Council should be doing.

Kinloch Rannoch – Habitats Regulations Appraisal

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. In the interest of good practice the Settlement Summary (page 219) should reflect the outcome of the Habitats Regulations Appraisal (CD056, page 108, Table 5.23).

Strathtay

Graham Forsyth (0104/01/001) - Sensitive development should be encouraged to ensure that the village is allowed to evolve sustainably. A range of affordable housing should be developed to encourage families to live there.

Modifications sought by those submitting representations:

Butterstone – Settlement Boundary Amendment

Butterstone Estate (0556/01/001) - The settlement boundary should be amended to allow for an extension on the adjoining playing fields and agricultural land.

Camserney – Settlement Boundary Amendment

M Henderson (0673/01/001) - The settlement boundary should be amended to allow for an extension to the south.

Croftinloan – Change to Open Space Designation

Mr & Mrs Scott (0598/09/001) - Remove the open space designation from the site at Croftinloan and leave as white land.

Fearnan – Settlement Boundary Amendment and New Sites

Nick & Rosalind Grant (0629/01/001) - The existing green space should be extended to all of the land between the A827, Quarry Lane and the Brae.

A & J Stephen Limited (0622/01/007) - Site H117 should be allocated for housing; 22 houses within the first plan period (Phase 1) and 16 houses in the second plan period (Phase 2).

ED Capital (0547/01/001) - The settlement boundary should be extended north and west, or site H115 and/or H116 should be allocated for housing.

Fearnan – Habitats Regulations Appraisal

SNH (0353/04/001) - Seeks the inclusion of the following suggested mitigation measure in the Settlement Summary (page 191) after ‘...sustain the existing community.’ –

‘Fearnan lies within the River Tay Catchment Area; Policy 45 sets out the relevant criteria for development in this area.’

Grandtully – New Site

Peter Hounam (0390/01/001) - A new site should be allocated for employment uses.

Kinloch Rannoch - Habitats Regulations Appraisal

SNH (0353/04/001) - Seeks the inclusion of the following suggested mitigation measure in the Settlement Summary (page 219) after ‘...scope for limited infill development.’ –

‘Kinloch Rannoch lies within the River Tay Catchment Area; Policy 45 sets out the relevant criteria for development in this area.’

Strathtay

Graham Forsyth (0104/01/001) - More land should be allocated for development.

Summary of responses (including reasons) by planning authority:

As discussed under Issue 1: A Successful, Sustainable Place, no additional land is required to meet the housing land requirement in the Highland Housing Market Area. TAYplan Policy 1: Location Priorities (CD022, page 8) directs LDPs to focus the majority of development in principal settlements. In line with the Strategic Development Plan, the majority of the housing land requirement in the Highland Housing Market Area will be met within the principal settlements of Aberfeldy and Pitlochry. There is no need to allocate additional land for housing in any of the settlements suggested in representations on the grounds of meeting the housing land requirement.

TAYplan Policy 1C does allow for some development in non-principal settlements providing that it can be accommodated and supported by the settlement, and the countryside; that it genuinely contributes to the outcomes of TAYplan; and it meets specific local needs or does not undermine regeneration efforts of the cities or respective settlement. On this basis additional housing land allocations in Ballinluig, Kenmore and Murthly have been

carried forward from the adopted LDP. The responses below will therefore focus on whether further allocations in the non-principal settlements which have been suggested in representations can be justified under TAYplan Policy 1C.

Butterstone – Settlement Boundary Amendment

Butterstone Estate (0556/01/001) - It is not entirely clear in the representation whether the respondent is only seeking an amendment to the settlement boundary to include site H363 (MD027), or whether they also wish the site to be specifically allocated for housing. Either way the potential impact is considered to be the same; if the site is included within the settlement boundary this would suggest that it has development potential.

The northernmost part of site H363 was put forward as a housing site to the last Plan and was considered at Examination. Butterstone falls within the Lunan Lochs Catchment Area. In light of this the settlement boundary was tightly drawn in order to protect and enhance the nature conservation and landscape interests of the Catchment Area. The previous Examination Reporter agreed that this was an appropriate approach to take (CD015, page 653, paragraph 4).

Policy EP6: Lunan Valley Catchment Area in the adopted Plan (CD014, pages 54-55) presumes against built development except in certain limited circumstances. This general presumption against development has, however, been deleted from Policy 43: Lunan Lochs Catchment Area of the Proposed LDP. This revised policy wording is supported by SEPA (representation no. 0742/01/011). The main requirement under Policy 43 now is the regulation of total phosphorous discharge from built development. The respondent has provided a phosphorous mitigation calculation with their representation; mitigation for the new houses proposed will be provided by upgrading the existing septic tank for the Butterstone New School to a secondary treatment plant, but this is unlikely to be publicly maintained. It is suggested that this will result in mitigation in excess of what is required for the development. Unlike the last Examination, the location of Butterstone within the Lunan Lochs Catchment Area will therefore not in itself prohibit development.

An indicative layout has been submitted with the representation which suggests that a total of 15 new houses could be built on site H363. Butterstone is a small settlement and it is acknowledged that additional development can help to sustain existing services and facilities in small communities like this. The expansion proposed, however, could potentially double both the size of the village (excluding the tourist accommodation to the north) and the population. In terms of TAYplan Policy 1C (CD022, page 8), it is not considered that either the settlement of Butterstone or the surrounding countryside can accommodate this scale of expansion.

Butterstone is located 4 miles east of Dunkeld and 8 miles west of Blairgowrie. Whilst it is not the most remote of the Highland Perthshire villages the development of potentially 15 additional households who will, in all likelihood, need to travel by car to access most of the services and facilities they need is not in line with TAYplan Policy 1 (CD022, page 8) and the need to avoid unsustainable patterns of travel.

It is noted that the proposed amendment to the settlement boundary will offer the opportunity to cross fund additional facilities for the school and that the possibility of development is potentially pivotal to ensure the long-term viability of the school. Butterstone New School is an independent residential school for young people who find mainstream education difficult to access. It is located just outwith the settlement boundary

to the north of Butterstone village. Whilst it is recognised that the school provides an important facility, it is not considered that the potential benefit to the school can outweigh the likely adverse impact on the existing village of this scale of development.

No modification is proposed to the Plan.

Camserney – Settlement Boundary Amendment

M Henderson (0673/01/001) - At the previous Examination the Reporter extended the settlement boundary at Camserney to include a site immediately to the north of site H424 (CD015, page 653, paragraph 5 & MD030). There is concern that there now appears to be a gradual eating away at the settlement boundary in this part of Camserney. A feature of Camserney is that it is set back off the main road B846 (Camserney settlement map, MD029); amending the settlement boundary again here could set a precedent for the further future infilling of the area right down to the road.

Camserney is a small dispersed settlement with very limited facilities. There is not, therefore, justification for allowing the potential for more houses on the grounds that additional development can help to sustain existing services and facilities in small communities.

There is already scope within the existing settlement boundary for infill development in Camserney and it is therefore considered that the existing boundary is appropriate and should be retained.

No modification is proposed to the Plan.

Croftinloan – Change to Open Space Designation

Mr & Mrs Scott (0598/09/001) - The respondent seeks the removal of the existing open space designation at site H364 (MD032) rather than a housing allocation but does indicate an intention to develop the site for housing.

Croftinloan shares a settlement boundary with Donavoured, East Haugh and Ballyoukan. The series of green spaces and wedges within and between them are a key feature of this group of small settlements and their retention is considered important in maintaining the character and setting of the area. The green spaces around Croftinloan have been designated since at least 2000, in the now superseded Highland Area Local Plan (CD169, page 73). Site H364 is a small paddock area largely surrounded by well-established mixed woodland. It is clear that this space has formed part of a wider network of open space within the group of settlements for the last 20 years. Although it is not recreational land as such, the Council does consider that it has amenity value and it is therefore appropriate for it to be included within the designation under Policy 14: Open Space Retention and Provision.

Site H364 is located within the grounds of the former Croftinloan School which closed in 2000. Since then there have been numerous permissions for houses within the grounds of the former school (as referenced in the delegated report for planning application 12/00877/FLL, CD367). Given the extent of the development which has already been consented in recent years, there is a concern as to whether further development can be accommodated in Croftinloan without changing the character and dispersed pattern of development within this group of settlements. The Council therefore considers that the

open space designation in Croftinloan should be retained in its entirety.

No modification is proposed to the Plan.

Fearnan – Settlement Boundary Amendment and New Sites

Nick & Rosalind Grant (0629/01/001) - The open space designation for Fearnan in the LDP seeks to protect, and prevent the development of, those areas which serve an open space function, either as recreational or amenity space. The designation in Fearnan protects the important traditional rigg layout from development but it is not considered appropriate to extend this to form a blanket designation for all of the land between the A827, Quarry Lane and the Brae as this area includes non-open space uses (Fearnan settlement map, MD036).

No modification is proposed to the Plan.

A & J Stephen Limited (0622/01/007); ED Capital (0547/01/001) - Site H117 (MD039) and the eastern part of site H115 in Fearnan were considered at the Examination for LDP1. Part of site H115 (MD037) had been allocated in the Proposed Plan (Site H41, CD053, page 180) by the Council but both this site, and site H117, were rejected by the Examination Reporter amidst considerable objection from the local community. In relation to both sites the Examination Reporter concluded that 'in accordance with the TAYplan hierarchical settlement approach, the Proposed Plan concentrates the majority of the new housing development in the principal settlements of Highland Perthshire. Fearnan is a fairly remote rural settlement, located 10 miles south-west of Aberfeldy, with few employment opportunities and the development of...additional...houses in this location would not be consistent with the Proposed Plan's vision for sustainable economic growth.' (CD015, pages 631-632, paragraph 3). The Reporter considered that there was insufficient justification for the development or designation of either site for housing (CD015, page 632, paragraphs 3 and 6).

Once again there has been objection from the local community to the sites which have been put forward for development in Fearnan for LDP2, including representations from the Village Association (representation 0345/01/001) and Community Council (representation 0269/01/001).

It is clear from the conclusions that the previous Examination Reporter considered that additional large scale development in Fearnan (relative to the size of the village) would not be appropriate. Fearnan is in a fairly remote rural location. Whilst there are bus services these are infrequent and only run to Aberfeldy (CD366). It is therefore reasonable to assume that many residents will still need or choose to travel by private car to meet many of their needs. Significant additional development would not therefore be in line with the Plan's vision for a Successful, Sustainable, and Low-Carbon Place, nor would it accord with TAYplan Policy 1, (CD022, page 8) and the need to avoid unsustainable patterns of travel.

The purchase of mainstream houses as second or holiday homes is acknowledged as an issue across the Highland Perthshire area, not only in Fearnan. Unfortunately the Council is unable through the planning system to prevent houses becoming second or holiday homes. The low wages in the tourism industry and the resulting difficulties that those reliant on this industry have in being able to afford higher house prices are also acknowledged but again, this is an issue which affects many parts of the Highland area.

Comparison is drawn in the representation by ED Capital to the allocation of a housing site in Kenmore to address the specific need for additional housing for local and key workers in the area. The need for additional housing in Kenmore has arisen as a result of the existing tourism development at Mains of Taymouth Country Estate and development at Taymouth Castle. Approximately half of the area included within the Kenmore settlement boundary is in tourism use. The situation in Fearnan is different; there is no large scale tourism use located within the village that would justify a housing allocation similar to that in Kenmore. It is appropriate for the LDP to allow development opportunities within small settlements to meet the needs of local people but it is considered in Fearnan local needs are more appropriately addressed through small scale infill development, which the existing settlement boundary would allow, rather than the allocation of a large site.

Specifically in relation to site H115, the previous Examination Reporter concluded (in relation to the eastern part of the site) that it 'lies on a plateau at the northern end of the village with an open aspect to the north and west. A housing development on this site would bear little relation to the existing character and form of the settlement' (CD015, page 631, paragraph 2). Nothing has changed which would lead the Council to reach a different conclusion as to the suitability of this site for housing development.

Specifically in relation to site H116 (MD038), this site was included in the Main Issues Report for LDP1 (CD165, page 107) but was not taken forward to Proposed Plan stage. Housing development on this site, particularly at the westernmost edge, would be highly visible from the A827 entering Fearnan and would be likely to project above the existing ridgeline.

Site H115 and H116 are under the same ownership and the respondent suggests that, as an alternative to a site allocation, the settlement boundary could instead be amended. Either way the potential impact is considered to be the same; if the site or sites are included within the settlement boundary this would suggest that they have development potential, but without the additional controls which can be put in place through site specific developer requirements. The respondent also suggests that the development of just one of the sites would be 'more commensurate with the scale, pattern and harmony of the settlement' but no indication has been given as to which site they would prefer to see come forward.

Specifically in relation to site H117, the respondent notes that the extent of the development site is contained by a tree belt and that this would be a visually contained western expansion which is not envisaged to have any adverse impact on the Loch Tay SAC. The previous Examination Reporter, however, concluded that site H117 'would have a considerable visual impact on the character and appearance of the surrounding area and the potential for significant effects on the River Tay Special Area of Conservation' (CD015, page 632, paragraph 6). It is maintained that extending the built up area further westwards along the A827 does have the potential to have an adverse visual impact on the existing character and form of the village.

Fearnan is a small, fairly remote Highland Perthshire village. Two of the sites being put forward have already been ruled out at Examination. The third is not considered to be any more suitable as an allocation; ultimately the development of any of the sites would potentially have an adverse impact on the existing character, setting and form, and would create too large an extension to the settlement. The settlement boundary of Fearnan already offers the potential to accommodate some further small scale infill development and this is considered the most appropriate way in which to address local housing needs in

the village.

No modification is proposed to the Plan.

Fearnan - Habitats Regulations Appraisal

SNH (0353/04/001) - It is considered that amending the Plan to incorporate the mitigation measure as set out in the Habitats Regulations Appraisal (CD056) of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply, and would also set out what will be expected of them in making their planning application.

Grandtully – New Site

Peter Hounam (0390/01/001) - Unlike the housing land requirement, the calculation of the need and demand for employment land is not straightforward. The annual employment land audit sets out the amount of employment land available in each area and also how much land has been taken up for employment uses. At 2017 there was 10.05ha of employment land available in the Highland Area (CD365, page 13) although this has since reduced to 8.45ha following the removal of the allocation E14 at Inver for flood risk reasons. No land, within designated sites, was taken up for employment uses in the Highland area in the 5 year period to 2017 (CD365, page 13). Within the Highland area new employment uses tend to be unique and linked to natural features or resources. Many of these have traditionally emerged on land outwith the designated sites.

It is acknowledged that the existing supply of employment land in the Highland Area is within the principal settlements of Aberfeldy, Dunkeld and Pitlochry. TAYplan Policy 1: Locational Priorities (CD022, page 8) does not just apply to housing land supply but also to the supply of land for new employment uses. In line with TAYplan Policy 1, employment land supply in the Highland Perthshire area is directed towards Aberfeldy which is one of the largest and least constrained of the principal settlements in the Highland area.

Policy 8: Rural Businesses and Diversification does allow for the creation of new rural businesses within or adjacent to existing settlements. Both the sites suggested are adjacent to the existing settlement boundary at Grandtully. Site E366 (MD041), however, is the corner of an open field with no existing boundary that could create a new defensible edge to the settlement. Site E367 (MD042) at Lageonan Road would be more contained and less visually intrusive, but the scale and type of employment use is likely to be restricted by the narrow access into the site.

Whilst the respondent states that the landowner and tenant farmer are aware that these sites have been put forward for development, no indication is given in the representation as to whether they support the suggestion. As such the availability and viability of the sites is unknown. Nor does there appear to be any specific proposals or any indication whether there would be demand for either site.

No modification is proposed to the Plan.

Kinloch Rannoch - Habitats Regulations Appraisal

SNH (0353/04/001) - It is considered that amending the Plan to incorporate the mitigation measure as set out in the Habitats Regulations Appraisal (CD056) of the Proposed Plan,

and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply, and would also set out what will be expected of them in making their planning application.

Strathtay

Graham Forsyth (0104/01/001) - No particular sites or areas are identified for additional development within Strathtay in the representation. The village of Strathtay, and parts of neighbouring Grandtully, fall within a Conservation Area. Whilst it is important to allow villages to grow and evolve, this should not be at the expense of the historic environment. The settlement boundary at Strathtay has therefore been drawn to allow for some additional development, but to limit this to small-scale infill opportunities. Policy 20 requires affordable housing to be provided on sites of 5 units or more.

No modification is proposed to the Plan.

Reporter's conclusions:

Butterstone – Settlement Boundary Amendment

1. Butterstone is a small village containing less than 15 dwellings. A tourism allocation covers approximately half of the land that is included within the current settlement boundary. Butterstone New School is an independent school, lying outside the settlement boundary. I note that the council has defined the settlement boundary in order to protect and enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area.

2. The representation seeks an amendment to the settlement boundary rather than a housing allocation. Reference is made to a 'possible extension to the village' and also to the land being available for windfall housing development. The land proposed for inclusion within the settlement boundary is approximately 2.22 hectares and currently comprises playing fields associated with the school, as well as agricultural land. The plans accompanying the representation suggest that it would be possible to accommodate 15 dwellings on the site, five of which are proposed to be affordable.

3. I note that it is suggested that by expanding the settlement boundary this could provide residential opportunities for the local community in the longer term and also support the long term viability of the school. In addition, that the site could be easily accessed and some limited details are provided as to how a potential development could be successfully integrated into the built and natural environment. Reference is also made to the mitigation of phosphorous outfall.

4. The proposed amendment to the settlement boundary has the potential, based on the submitted scheme, to double the size of this small settlement. I acknowledge that the proposed plan has drawn settlement boundaries in many of the smaller settlements to allow some scope for small scale infill development to help sustain existing services. However, I consider that the proposed amendment would not allow for small scale development particularly given the size of the site when considered against the size of Butterstone, even including the tourism allocation. I find that the settlement boundary as defined could allow for some limited small scale infill development, which would be of a more appropriate scale.

5. Butterstone is not identified as a principal settlement within policy 1 of the strategic development plan. Policy 1C (Location priorities) of TAYplan allows for some development in non-principal settlements, where it can be accommodated and supported by the settlement. Given the scale of expansion proposed when considered against the current size of the village, I consider that this could not be accommodated by the settlement or the surrounding countryside. In addition, given the rural location of Butterstone, future occupants of any dwellings constructed on the land would be highly likely to rely on travel by car to access services and facilities to meet their daily needs.

6. Whilst the representation states that development could meet local needs, full details of these suggested needs are not provided. In addition, the evidence before me does not justify that the future of the school is under threat and that there is a need for development to support it. I therefore find that the proposed expansion of the settlement would not accord with the requirements of the strategic development plan.

7. It is recognised under Issue 1 A Successful Sustainable Place that a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as is permitted by Policy 4D of the strategic development plan. I note that this land was not included in the main issues report, has not been publicly consulted on and has not been the subject of site assessment. Regardless of whether or not there is a shortfall in the Highland Housing Market Area, I conclude that the expansion of the Butterstone settlement to include the land is not currently justified.

Camserney – Settlement Boundary Amendment

8. Camserney is a small dispersed settlement which is not identified as a principal settlement within the strategic development plan. This allows for some development in non-principal settlements, where it can be accommodated and supported by the settlement. As a result of the dispersed nature of Camserney the settlement boundary is drawn in such a way that some infill housing development could be accommodated.

9. The land which has been submitted for inclusion within the settlement boundary is immediately adjacent to its southern boundary. At my site inspection I observed that the gap between the B846 road and the settlement formed an important part of the character of the area. The land to the south of the proposed site is sloping and rises up from the road with the highest point forming the proposed new southern boundary. Any new dwelling constructed on the site could therefore be somewhat hidden from view. The site sits adjacent to residential dwellings, Rappla Lodge to the west and The Longhouse to the north.

10. I note that during the examination of the current plan the reporter extended the settlement boundary at Camserney to include land immediately north of the proposed site. I acknowledge the council's concern regarding the potential for a precedent to be set.

11. Although the amendment to the settlement boundary is proposed only to allow the construction of one dwelling, I consider that the settlement boundary has been drawn in such a way that it would already support the development of appropriate infill development.

12. It is recognised under Issue 1 A Successful, Sustainable Place that a housing

shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as is permitted by policy 4D of the strategic development plan. Furthermore I note that this housing site was not included in the main issues report, has not been publicly consulted on and has not been the subject of site assessment. Regardless of whether or not there is a shortfall, I conclude that the inclusion of the land within the Camserney settlement boundary is not currently justified.

Croftinloan – Change to Open Space Designation

13. Croftinloan is a small settlement and as a result of the relationship with Donavoured, East Haugh and Ballyoukan the proposed plan groups them together under a single settlement boundary. The settlements have a dispersed nature and contain a lot of green open spaces, many of which are interconnected and include trees and woodland belts. At my site inspection I observed that the open spaces are an important part of the rural character of the area.

14. The representation seeks the removal of the open space designation of a site which formed part of the grounds of the former Croftinloan School. It does not request allocation of the site for housing development but does state that if the site had no allocation this would facilitate the construction of a small number of houses. The site has residential development to the north, east and west.

15. Whilst the site may not be used for formal recreation, I consider it has amenity value and it forms an important part of the interconnected green infrastructure of the village. Policy 14 Open Space Retention and Provision states that areas of open space can include areas of land which have value to the community for either recreational or amenity purposes.

16. Although the representation does not request that the site is allocated for residential development, it is clear that the purpose of the submission is to support future residential development on the site. Croftinloan is not identified as a principal settlement within Policy 1 of the strategic development plan. Policy (Location priorities) of TAYplan allows for some development in non-principal settlements, where it can be accommodated and supported by the settlement. As a result of the dispersed nature of Croftinloan the settlement boundary is drawn in such a way that infill housing development could already be accommodated.

17. It is recognised that under Issue 1 A Successful, Sustainable Place, a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as is permitted by Policy 4D of the strategic development plan. Regardless of whether or not there is a shortfall, I find that the site forms an important part of the amenity of the settlement, it is not appropriate or necessary to remove the open space allocation from the land.

Fearnan – Settlement Boundary Amendment and New Sites

18. The glossary of Scottish Planning Policy defines open space as space within and on the edge of a settlement comprising green infrastructure and/ or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function. Policy 14 Open Space Retention and Provision identifies that areas of open space are

areas of land which have value to the community for either recreational or amenity purposes. Within Fearnan, the proposed plan seeks to protect the traditional rigg layout from development and allocates land as open space. I do not consider it is necessary to extend the designation to cover all of the land between the A827 and the Brae as this includes uses that would not meet the definition of open space. I therefore find that no modifications are required.

19. It is recognised that under Issue 1 A Successful Sustainable Place a housing shortfall was identified for the Highland Perthshire Housing Market Area. However, it is proposed that this shortfall should be addressed by reallocating 10% of the housing land requirement to the Greater Perth Housing Market Area as is permitted by Policy 4D of the strategic development plan.

20. Fearnan is a small rural settlement, whilst there are bus services to Aberfeldy they are not regular. It is therefore highly likely that future residents of new dwellings within Fearnan would need to rely on a private car to access services and facilities required for their day to day life. The nearest services are 4 miles away. Fearnan is not identified as a principal settlement within Policy 1 of the strategic development plan. Policy 1C (Location priorities) of TAYplan allows for some development in non-principal settlements, where it can be accommodated and supported by the settlement. This approach is followed within the proposed plan. I consider that the proposed settlement boundary would already allow for some limited infill housing development of a scale appropriate to the size of Fearnan.

21. A representation refers to the need to provide additional housing in Fearnan to meet the needs of those working in tourism as well as the provision of affordable homes. Reference is also made to the level of second homes and holiday homes within the village and the impact of high house prices on local people.

22. The proposed plan acknowledges the impact of the tourism industry on housing. For example Policy 20 Affordable Housing includes a requirement for the provision of 25% of the total number of units proposed to be affordable on sites of five or more dwellings. In addition, Site H42 (East of primary school) in Kenmore has been proposed for allocation to ease the pressure for workers and to help support tourism in the area. I note that the council identify that this need has arisen as a result of the existing tourism development at Mains of Taymouth Country Estate and development at Taymouth Castle. The evidence before me does not justify that Fearnan has a similar specific need for additional affordable dwellings to be provided in the village.

23. I note that a number of representations, including from the Glen Lyon and Loch Tay Community Council and the Fearnan Village Association support the settlement boundary that is defined within the proposed plan.

24. Site H115 has been submitted for inclusion within the settlement boundary. It lies to the north west of the village and is largely flat rough grassland which is part of an agricultural field. Whilst there is some residential development to the south and east, the site is somewhat detached from the village. The site lies within the Loch Tay Special Landscape Area and is open and visible from the adjacent road to Fortingall.

25. I note within the representation that it is suggested that the site is well contained, however from my observations I consider that the site is prominent within the landscape and any future development would be highly visible. I find that the development of the site would have the potential to have a negative impact on the character of the Loch Tay

Special Landscape Area. There would also be potential for significant effects on the River Tay Special Area of Conservation.

26. I note that the representation submits that there will be market demand for housing in this location. However, I disagree with the suggestion that the site is currently effective as a result of the issues identified above regarding potential landscape and ecological impacts.

27. Regardless of whether or not there is a shortfall in the Highland Perthshire Housing Market Area, I find that this site would nevertheless be unacceptable because of the potential adverse impacts identified above. Site H115 should therefore not be included within the Fearnan settlement boundary.

28. Site H116 lies to the west of the village and comprises undeveloped agricultural land. There is residential development to the north, east and south with further agricultural land to the west. Whilst part of the site sits between existing development, given the topography of the site, the western most edge is visible from the A827. As a result, I consider that the development of the site could have a negative impact on the character of the Loch Tay Special Landscape Area and also potential for significant effects on the River Tay Special Area of Conservation. The site is approximately 4 hectares and would result in a significant addition to the small village of Fearnan.

29. I note that the representation submits that there will be market demand for housing in this location. I however disagree with the suggestion that the site is currently effective as a result of the issues identified above regarding potential landscape and ecological impacts.

30. Regardless of whether or not there is a shortfall in the Highland Perthshire Housing Market Area, I find that this site would nevertheless be unacceptable because of the potential adverse impacts identified above. Site H116 should therefore not be included within the Fearnan settlement boundary.

31. Site H117 lies to the west of the village and comprises agricultural land with a tree belt to the south and west. The site fronts onto the A827 and is adjacent to holiday accommodation to the east, with open fields to the north and two residential properties to the west. It lies within the Loch Tay Special Landscape Area. The site is approximately 5.55 hectares and would therefore comprise a significant addition to the village, which would be visible from the A827. The site rises to the north and whilst future development would be partially screened by the existing tree belt, there would be the potential for development to have a negative impact on the character of the Loch Tay Special Landscape Area. In addition, there would be the potential for the development of the site to have significant effects on the River Tay Special Area of Conservation.

32. Regardless of whether or not there is a shortfall in the Highland Perthshire Housing market Area, I find that this site would be nevertheless unacceptable because of the potential adverse impacts identified above. Furthermore I note that this housing site was not included in the main issues report for the proposed plan and has not been publicly consulted on. I find that site H117 should not be included within the Fearnan settlement boundary.

Fearnan – Habitats Regulations Appraisal

33. I agree that the Fearnan settlement summary should be modified in accordance with Table 5.22 of the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

Grandtully – New Site

34. Paragraph 101 of Scottish Planning Policy requires local development plans to allocate a range of sites for business, taking account of current market demand and a range of other factors. The council has provided evidence to illustrate that there is 8.45 hectares of employment land available within the Highland Perthshire Area and that during the five year period to 2017 no designated employment land was developed for employment purposes. Whilst I note the concern expressed within the representation, the evidence before me does not demonstrate that there is a demand for employment land to be allocated within Grandtully.

35. The proposed plan focuses employment designations within the principal settlements of Aberfeldy, Dunkeld and Pitlochry. I consider this policy approach to be appropriate as it accords with the requirements of the strategic development plan. Policy 6 Settlement Boundaries and Policy 8 Rural Businesses and Diversification allow for the development of employment uses adjacent to settlement boundaries where certain criteria are met.

36. I note that whilst the representation states that the landowner and tenant farmer are aware the sites have been put forward for development it would appear that any proposals for the sites are at a very early stage. Furthermore, I note that the sites were not included in the main issues report, have not been publicly consulted on and have not been the subject of site assessment.

37. In conclusion, the evidence submitted does not allow me to reasonably conclude that there is a need or demand for the sites identified. In addition, the evidence submitted does not illustrate that there are no constraints to the development of the sites. However, as a result of the provisions of policies 6 and 8 should a scheme or schemes be developed for either site in the future, the lack of employment allocation will not in itself rule them out for development. A proposal would however have to meet the requirements of the policies contained within the local development plan. No modification.

Kinloch Rannoch – Habitats Regulations Appraisal

38. I agree that the Kinloch Rannoch settlement summary should be modified in accordance with Table 5.23 of the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

Strathtay

39. I note that the representation does not refer to a specific site or part of the village that could be developed. The settlement boundary for Grandtully, Strathtay and Little Ballinluig

has been defined in such a way that would allow small scale infill development which reflects the scale and character of the settlements, particularly as a large part of the area is designated as a conservation area. This would allow the village to evolve sustainably. The evidence submitted does not justify that Strathtay has a specific need for additional affordable dwellings to be provided in the village.

40. This approach accords with the requirements of the strategic development plan, which seeks to focus the majority of new development within principal settlements. I find that no modifications are required.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Within the Settlement Summary for Fearnan (page 191) add the following text as a new sentence at the end of the paragraph:

"Fearnan lies within the River Tay Catchment Area; Policy 45 sets out the relevant criteria for development in this area."

2. Within the Settlement Summary for Kinloch Rannoch (page 219) add the following text as a new sentence at the end of the paragraph:

"Kinloch Rannoch lies within the River Tay Catchment Area; Policy 45 sets out the relevant criteria for development in this area."

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

Community Masterplan Approach

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

Level of Development

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

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

Infrastructure Requirements

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

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

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

Settlement Map (MD077)

Milnathort Conservation Area

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

Facility Mapping

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

Cemetery Search Area

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

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

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

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

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

Landscaping

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

Settlement Boundary (MD077)

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

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

Junction 7 Slip Road Safeguarding (MD078)

The Ferrand Trust (0624/01/002) - Objects to safeguarding of land north of Stirling Road and east of M90 (RD007) for “potential junction upgrade”. Entirely on respondent’s land. Proposal should be removed and included in next LDP review if potential for project progresses. Safeguarding is premature and should not be included at this late stage of the LDP process. Potential junction upgrade first raised at Council committee on 4 October 2017 and not highlighted in MIR stage. Project of this scale should be included at beginning of LDP process The Proposed LDP2 states an infrastructure study advised to

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

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

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

H48, Pitdownie

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

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

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

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

Developer Requirements

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

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

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

The Ferrand Trust (0624/01/003) - Proposes that H48 be extended to include this adjacent field to the south [mapped as H426] and for it to be retained within the settlement boundary (RD008)(MD073). The resultant site would be 6ha but the indicative site capacity should remain at 38-60 units. Extending the allocation to incorporate field would assist in viability of site as it provides for difficult ground conditions to be addressed. First outline planning permission 2008 but held back by the economic downturn and it has emerged that large

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

H49 Pacehill

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

A & C Scholes (0215/01/001); Carol Ferrie (0217/01/001); Christian Darbyshire (0270/01/001); Mark Clark (0337/01/001); Gillian Morris (0277/01/001); Anne Gibb (0284/01/001); Caroline A Shortine (0313/01/001); David and Gerry Boudains (0349/01/001); Pamela and Robin Snedden (0350/01/001); S McCulloch (0458/01/001); Paul McBride (0476/01/001); Trish and Paul Grant (0484/01/001); Norman G Middleton (0537/01/001); Keith Kinloch (0540/01/001); Edith Kinloch (0544/01/001); Colin Ferrier (0605/01/001) - Object to the increase in housing numbers from the previous plan.

Martin Raymond (0280/01/002); Brian Cook (0333/01/001); Cllr Michael Barnacle (0584/01/039) - Raise concerns about the site allocation; for one or more of the following reasons:

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

and loss of recreational open space; woodland and countryside widely used by the community.

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

Site Layout

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

Developer Requirements

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

H50 Old Perth Road

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

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

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

Stewart Milne Homes (0290/01/001) - Welcomes identification of site but requests increase in capacity to 25-50 homes to create a better design environment; making full and appropriate use of land per SPP.

Landscaping and Trees

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

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

Op24 Kinross Town Hall

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

E18 Station Road South

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (CD056, Table 8.1 at pages 159-160).

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

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

E21 Auld Mart Road

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

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

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

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

New Sites

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

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

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

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

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

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

- Site has strong defensible boundary to west (M90) and forms logical extension to and would relate well to existing settlement and can integrate well with proposed open space. Structural planting along western edge would be provided.
- Current housing allocations in LDP2 will not be delivered. Per Homes for Scotland submission (0562/01/002) the 2016 Housing Land Audit (CD051) overestimates housing delivery, could be shortfall of 209 homes in Kinross area. Housing Land Audit 2017 allows for further homes to come forward beyond 2023 and 101 windfall. Site could accommodate these numbers and site could be safeguarded from 2023.
- SEA notes sewer restrictions: Main sewer upgrade and Milnathort sewer flood prevent projects, along with SUDS, should remove constraints. Ury Burn is 2170m away from Loch Leven SPA so would have minimal effect.
- New Kinross Primary School has capacity.

Employment Use

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

E137: Kinross 2 (Turfhills) (MD071)

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

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

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

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

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

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

Kinross Estate Company (KEC) (0466/01/002) - Builds on previous submissions at Call for Sites and MIR stages stating that Housing Land Requirement for Kinross & Milnathort should be revised to reflect a shortfall of 206 units. As a result requests that the site be allocated in the Proposed Plan. This would deliver housing land requirements in a sustainable planned manner through release of greenfield land rather than relying on windfall development. The 10% reduction in the Kinross HMA to protect Loch Leven can be addressed through drainage and improved infrastructure. The site could also enable delivery of the proposed cemetery, new drainage and access, and a new entrance gateway to the northern approach to Milnathort and access to employment site E20 and a new landscaped edge to the settlement. Proposal map and sketch plan supplied along with suggested wording for developer requirements. Milnathort 1 is two adjacent sites owned by KEC previously considered in LDP1 2011 MIR as Housing Sites A & B on land south of Perth Road; Council conclusion was that sites met spatial strategy but were not taken forward into LDP1. Allocation would redefine existing north eastern boundary and enhance the setting of Milnathort. Well located close to services and M90, no known constraints demonstrated by series of assessment reports provided during LDP1 process (Engineering, Flood Risk, Transport, Noise, Landscape & Ecological). Range of access options. Would provide safe accessible sustainable location for new housing; range of tenures, open space and play areas would be provided. Would deliver c.200 units plus cemetery. Would integrate with earlier housing development and town, establish strong sense of place, provide landscape framework enhancing the setting of the approach to Milnathort; opportunities to improve the setting and accessibility of Burleigh Castle can be provided along with landscaping open space, green corridors and biodiversity enhancement.

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

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

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

Modifications sought by those submitting representations:Settlement SummaryRoute Action Plans

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

Community Masterplan Approach

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

Level of Development

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

Infrastructure Requirements

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

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

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

Settlement MapFacility Mapping

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

Cemetery Search Area

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

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

Settlement Boundary

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

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

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

Junction 7 Slip Road Safeguarding

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

H48 Pitdownie

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

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

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

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

Developer Requirements

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

H49 Pacehill

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

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

Housing Numbers

Gillian Morris (0277/01/001); Anne Gibb (0284/01/001); Caroline A Shortine (0313/01/001);

Mark Clark (0337/01/001); Stuart McCulloch (0458/01/001); Paul McBride (0476/01/001); Trish and Paul Grant (0484/01/001); Keith Kinloch (0540/01/001); Edith Kinloch (0544/01/001); Colin Ferrier (0605/01/001) – Object to the increase in housing numbers but not specific about change sought.

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

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

Traffic Issues

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

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

Site Layout

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

Developer Requirements

H50 Old Perth Road

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

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

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

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

Landscaping and Trees

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

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

Op24 Kinross Town Hall (p228)

Scott Paterson (0528/01/005) - Requests development could incorporate swift nest boxes.

E18 Station Road South (page 229)

SNH (0353/04/001) - Recommended that the following criterion is also added to the list of Site Specific Developer Requirements on page 229:

- ‘The SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.’

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

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

E21 Auld Mart Road (230)

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

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

New Sites

H136: Kinross 1 (MD072)

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

Employment Use

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

New Site: Kinross 2 (MD071)

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

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

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

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

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

Summary of responses (including reasons) by planning authority:

Settlement Summary

Route Action Plans

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

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

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

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

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

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

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

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

Community Masterplan Approach

Cllr Michael Barnacle (0584/01/038) - Community masterplans can be put forward to be recognised as material considerations where they serve or are related to the purpose of planning. The Council is aware of the proposal in the Planning Review for local place plans and supports community involvement in the planning process through engagement.

No modification is proposed.

Level of Development

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

No modification is proposed.

Infrastructure Requirements

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

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

drainage is acknowledged through policy 44, the settlement summary, and site specific developer requirements of a drainage impact assessment for relevant sites.

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

No modification is proposed.

Settlement Summary: Settlement Map

Facility mapping

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

No modification is proposed.

Cemetery Search Area

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

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

No modification is proposed.

Settlement Boundary

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

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

Junction 7 Slip Road Safeguarding

The Ferrand Trust (0624/01/002) - The Junction 7 slip road routes (MD078) were introduced following concern raised during the MIR stage by respondents and the

community council over the adequacy of Junction 7 in the light of the level of development in Kinross and Milnathort. In the MIR Responses - Other General Comments (CD143 page 11) it was noted that an infrastructure study had been carried out to inform the Proposed Plan. The Kinross & Milnathort infrastructure study (CD295 page 8) contained an assessment of traffic data which concluded that the proposed level of development required only minor or local improvements or mitigation to the road network. As stated in the MIR response, the Council took this into account during preparation of the Proposed Plan but nonetheless recommended that the Junction 7 slip road routes be protected. The protected lines ensure that the potential for this junction upgrade is not compromised as developing this land would severely limit future options for the slip road. The preliminary design has been designed in accordance with TD 22/06 "Layout of Grade Separated Junctions". The start of the northbound diverge taper must be clear of the existing overbridge structure and this was the starting point for the layout as proposed, resulting in few options as to the land required. At detailed design stage there may be scope to reduce the impact of the junction but currently the design as shown is intended to comply with standards which will be acceptable to the Overseeing Authority.

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

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

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

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

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

H48 Pitdownie

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

P Malcolm (0025/01/002) - Traffic restrictions at the junction of Wester Loan and Manse Road are recognised in the initial outline planning application for this site in the supporting statement (CD298) with upgrades proposed including parking provision. The Decision Notice for the 2018 in principle application (CD299) requires a detailed Transport Assessment at detailed planning application stage. The Council Transport Planning team has also found the site acceptable by testing through the Kinross & Milnathort traffic model (CD297). Impacts on traffic and parking are further addressed in Settlement Summary above.

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

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

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

No modification is proposed.

Developer Requirements

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

No modification is proposed.

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

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

No modification is proposed.

H49 Pacehill

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

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

- The issues raised by the respondents have been considered and addressed through the planning application process resulting in an approved application:

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

No modification is proposed.

Site Layout

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

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

H50 Old Perth Road

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

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

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

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

No modification is proposed.

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

No modification is proposed.

Landscaping and Trees

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

No mitigation is proposed.

Op24 Kinross Town Hall

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

No modification is proposed.

E18 Station Road South

SNH (0353/04/001) - It is accepted that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in Table 8.1 of the Habitats Regulations Appraisal (CD056) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy 36A: International Nature Conservation Sites apply to this site.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements.

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

No modification is proposed.

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

E21 Auld Mart Road (MD075)

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

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

No modification is proposed.

New Sites

H136 Kinross 1 (MD072)

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

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

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

No modification is proposed.

Employment Use

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

No modification is proposed.

E137: Kinross 2 (MD071)

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

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

No modification is proposed.

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

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

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

No modification is proposed.

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

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

There is no shortfall in housing land in Kinross & Milnathort (addressed in Issue 1 A Successful, Sustainable Place - Housing Land Strategy). It is agreed that brownfield site allocation is preferred to greenfield allocation for housing but this argument also applies to

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

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

No modification is proposed.

Reporter’s conclusions:

Settlement Summary

Route Action Plans

1. TAYplan Policy 8 Green Networks supports the improvement and increased connectivity of active travel links. Route Action Plans are in place for the A977 and B9097, although funding has been identified for the A977 only. Improvements within the road boundary would not normally require express planning permission. Nevertheless, I agree that it would aid clarity to point out that development proposals that would affect the road network should take into account any planned improvements to the A977 and B9097. I agree, therefore, that the modifications to the settlement summaries for Balado, Blairingone, Crook of Devon and Drum, Powmill and Rumbling Bridge that I have been invited to consider should be made. In Scotlandwell and Kilmagadwood and Kinnesswood, where no potential improvements have yet been identified, it may not be reasonable to expect development proposals to take into account their impact upon future road improvements. The matter of improved pedestrian links between Scotlandwell and Kilmagadwood is discussed in Issue 24 A Connected Place of this examination. I agree that this is a matter more appropriately dealt with by the council working together with Portmoak Community Council to find a solution that addresses the concerns of residents. It would also aid clarity if the background explanation about route action plans that I have been invited to consider by the council were added to page 89 of the proposed plan.

Community Masterplan Approach

2. There is already an opportunity for community masterplans to be prepared. Any land use planning element to them would be treated as a material consideration in the determination of planning applications but they do not currently have any statutory force.

3. The Planning (Scotland) Bill (the Bill) passed its third reading on 20 June 2019. Section 9 of Part 1 of the Bill establishes a statutory role for Local Place Plans. It does this by inserting new sections 15B and 15C and Schedule 19 into the Town and Country Planning (Scotland) Act 1997 (the Act). The effect of this change would be to require planning authorities to invite communities to prepare a Local Place Plan before commencing the preparation of a local development plan.

4. Section 10 of Part 2 of the Bill amends section 54 of the Act by inserting a new section 54A (amongst others) and Schedule 5A to make provision for Masterplan Consent Areas.

5. However, the Bill is yet to receive Royal Assent and this examination must be conducted within the context of current legislation. If the Bill receives Royal Assent before this examination concludes, then this issue may need to be revisited. However, the situation at this time is that there is no requirement for the council to invite communities to prepare a Local Place Plan and no statutory power available to the council to create Masterplan Consent Areas.

Level of Development

6. The local development plan must accord with TAYplan, which is the strategic development plan for the area. TAYplan Policy 1 Location Priorities identifies Kinross and Milnathort as a Tier 2 Principal Settlement (see TAYplan Map 1 (page 9)). Tier 2 settlements are described as those that have the potential to make a major contribution to the regional economy but will accommodate a smaller share of development than Tier 1 Principal Settlements (i.e. Perth and its satellite settlements).

7. TAYplan Policy 4 Homes expects 84 homes per annum to be provided within the Kinross Housing Market Area (see TAYplan Map 4 (page 23)). The adequacy of the council's housing land supply position is dealt with in Issue 1 A Successful, Sustainable Place of this examination. It has been found that adequate housing land has been identified to satisfy TAYplan requirements in the Kinross Housing Market Area. Consequently, I am satisfied that the level of development proposed in Kinross and Milnathort is appropriate.

Infrastructure Requirements

8. The council produced an infrastructure report for Kinross and Milnathort in November 2017. It recognises the increased pressure upon community facilities that development will cause and the need for a new cemetery. Minor road improvements may also be required.

9. Works within the public roads network would be a matter for the roads authority to address. Local health facilities have latent capacity. A new primary school has been built in Kinross and any lack of capacity in Milnathort Primary School in the short term could be addressed by adjusting the pupil catchment area. No capacity constraints have been identified at the Kinross Community Campus. The Milnathort waste water treatment works were upgraded in 2016 and Policy 44 Loch Leven Catchment Area seeks to limit any negative impacts of development upon this important natural resource.

10. Policy 5 Infrastructure Contributions of the proposed plan allows the negative impacts of new development to be addressed as a part of the development management process. If development proposals would create a new problem, or exacerbate an existing problem, then developer contributions could be required to address this harm. I am satisfied that the negative impacts of development over the period of the proposed plan have either already been identified and addressed or may be adequately managed. Consequently, the living conditions of existing and new residents of Kinross and Milnathort need not be harmed as a result of development pressure.

Settlement Map (MD077)

Milnathort Conservation Area

11. Some respondents support the creation of a conservation area in Milnathort. The principle of creating new conservation areas is dealt with in Issue 13 The Historic Environment of this examination. In short, the designation of new conservation areas is not an appropriate matter for this examination to address.

Facility Mapping

12. The base mapping layer is used under licence from Ordnance Survey, which retains copyright for the content and specification of its data. The supermarket adjacent to junction 6 of the motorway (M90) is described on the base mapping layer as “superstore”. It is unnecessary to highlight the park and ride facility because no development is proposed in relation to this land.

Cemetery Search Area

13. There is no significant local opposition to the search areas indicated on page 226 of the proposed plan, which has been the subject of strategic environmental assessment. I agree with the council that concerns expressed by Scottish Natural Heritage and the Scottish Environment Protection Agency in relation to landscape impacts and groundwater contamination respectively are premature. These are matters that will fall to be assessed once candidate sites have been identified. My comments about candidate site H142 can be found below.

Landscaping

14. This matter is dealt with in my consideration of allocations H49 and H50.

Settlement Boundary (MD077)

15. Representations relating to this matter are dealt with in my consideration of sites H136, H426 and Junction 7 Slip Road Safeguarding (incorporating site H427) below.

Junction 7 Slip Road Safeguarding (MD078)

16. In the adopted plan, the land proposed for safeguarding to allow for the provision of a new southbound-side slip road for junction 7 of the M90 motorway is located partly outwith and partly within the settlement boundary. Sites H426 and H427 (MD073) would be affected by the safeguarding proposal. In the adopted plan they are within the settlement boundary and are allocated as open space. They are referred to in the ‘summary of responses’ section of this document in relation to representations about the settlement boundary. For the proposed plan, the council considers that all land proposed for safeguarding should be outwith the settlement boundary. The Ferrand Trust objects to the safeguarding of this land. It would like the proposed settlement boundary to remain as it is in the adopted plan but for the open space designation covering H426 and H427 to be deleted.

17. The desirability of safeguarding this land is acknowledged in the Main Issues Report (Kinross area general issues). However, the council accepts that the infrastructure report

for Kinross and Milnathort does not support the provision of a new slip road. According to paragraph 2.42 of the report considered by Perth and Kinross Council on 22 November 2017, neither a detailed feasibility study nor a business case have been prepared. Moreover, Transport Scotland has no plans to upgrade the junction and the council has no capital budget provision to facilitate such works. I agree with the council that the best way to ensure that this land remains available for any future development of the national roads network is to exclude it from the settlement boundary. I shall recommend that the settlement map on page 226 of the proposed plan be modified to exclude any reference to the potential junction upgrade and that reference to these works be deleted from the settlement summary on page 224.

18. According to what I saw during my site inspection, sites H426 and H427 are under cultivation. A core path runs close to the northern edge of these sites, but I saw nothing to suggest that the land is otherwise used for recreational purposes, nor that there is any right of public access across it. I agree with the council and the Ferrand Trust that designating H426 and H427 as open space would serve no useful purpose if they are moved outwith the settlement boundary, as I recommend above.

19. The Ferrand Trust nevertheless wishes to see H426 and H427 remain within the settlement boundary. The proposed settlement boundary is drawn tightly around existing developed and allocated land. In the vicinity of H426 and H427 it follows existing property boundaries and the course of Fochy Burn, where there is no crossing point. The likelihood of these features changing throughout the plan period is not significantly higher than the likelihood of the M90 moving. I consider the proposed settlement boundary in this area to be strong and defensible. There is no shortfall in meeting the housing land requirement for the Kinross Housing Market Area. Neither is it necessary to provide more potential windfall sites because sufficient opportunities exist elsewhere within Kinross and Milnathort for infill development. Consequently, I agree with the council that there is no justification for including unallocated agricultural land within the settlement boundary. I cannot recommend, therefore, that the proposed settlement boundary should be altered to include H426 and H427 as unallocated agricultural land.

H48 Pitdownie

20. Outline planning permission (07/00442/OUT) was granted for an unspecified number of homes on 2.9 hectares of this 5.1 hectares site in 2007. The adopted local development plan allocates 40 homes to H48. This permission has been extended several times, most recently in 2018 (18/00338/IPM). Vehicular, pedestrian and cycle access is considered in the Supporting Planning Statement for the 2007 application. The main vehicular access would be from Manse Road. A secondary access, principally for pedestrians and cycles, would be made from Curler's Crescent. During my site inspection, I noted that Manse Road is lightly trafficked and that Curler's Crescent is not subject to a high degree of parking stress because each house has access to dedicated off-road parking. I also note that an application for 67 homes on H48 (19/00522/FLM) was submitted on 30 March 2019 and is currently being determined.

21. A number of conditions were attached to the 2007 permission. Condition 4 requires details of access, car parking and road layout to be approved by the council and implemented accordingly. Condition 5 requires improvements to the junction of Manse Road with North Street to be agreed and implemented. Condition 13 requires a transport assessment to be produced. I also note that, on 22 March 2018, the council's Transport Planning Team raised no objection in relation to 18/00338/IPM.

22. H48 is within the settlement boundary, as it is in the adopted local development plan. The Housing Background Paper for the proposed plan indicates that H48 has a capacity of between 38 and 60 homes. The adopted local development plan allocates 40 homes to this site, which is within the new capacity range for H48. I saw nothing during my site inspection to indicate that the previous capacity or proposed density range would be inappropriate in principle, or that development could not proceed at this time.

23. I am satisfied that the precise capacity of the site and site-specific concerns raised by respondents may adequately be addressed when detailed matters are brought forward for approval. Moreover, I note that H48 has been subject to strategic environmental assessment and that there are no known constraints to development. The deletion of this housing allocation would not, therefore, be well-justified.

24. The northerly section of H48 is adjacent to the M90 motorway. Condition 2 attached to the 2007 permission requires a scheme for protecting future residents from traffic noise to be approved by the council and implemented prior to first occupation of the new homes.

25. Allocating H48 for employment uses would be likely to entail far more significant impacts upon the local roads network than the existing residential proposal would. This is because more heavy vehicles would need to be catered for. Furthermore, although the northerly part of the site is adjacent to the M90, it is unclear how direct access from the motorway to H48 could be achieved. This is because the motorway runs through a cutting at this point and because of the distance of the site from the existing slip road. If access were to be achieved from Manse Road, it would be necessary to bridge the motorway in order to prevent the need for heavy vehicles to access H48 through existing residential streets. None of these options have been assessed by the council and I agree with its view that H48 is not a suitable site for employment uses.

Developer Requirements

26. The conditions attached to the extant planning permission contain no requirement to produce an ecological survey. Further conditions may normally only be attached if they arise directly from the consideration of detailed matters. However, paragraph 4.16 of the Supporting Planning Statement for the 2007 application indicates that the proposed soft landscaping scheme would “provide an opportunity for the creation of new wildlife habitats”. Details of both hard and soft landscaping works are required by condition 6. This provides an opportunity for any concerns about the effects of development upon the natural environment to be addressed.

27. A requirement for native tree planting is requested by Woodland Trust Scotland. This matter is dealt with in Issue 16 A Natural Resilient Place (Policy 38 Forestry, Woodland and Trees). Scottish Planning Policy paragraph 217 states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Requiring all development proposals to plant native species would go beyond the advice in Scottish Planning Policy. It is more properly a matter for the council to decide when it would be appropriate to require native species to be planted. It has been recommended that Policy 38 be modified accordingly. Part e) of condition 6 provides an opportunity for the council to consider whether native species may appropriately be included within the schedule of plants in this case. Part j) of condition 6 also provides an opportunity for control to be exercised over the management of new woodland planting. If planning permission were to expire without development having taken place, the reference to woodland screen planting in the developer requirements is

sufficient to justify similar conditional requirements for any future proposal. Therefore, no modification is required to the developer requirements for H48.

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

28. I have employed the subheading used by the council in the 'summary of responses' section of this document. This is because it is more succinct than that used in the 'summary of representations'.

29. H426 is agricultural land that was under cultivation at the time of my site inspection. In the adopted local development plan it is within the settlement boundary and is allocated as open space. I deal with the issue of whether H426 should be included within the settlement boundary as part of my examination of Junction 7 Slip Road Safeguarding. H426 has been suggested as an extension to H48 without any increase in the number of dwellings proposed. The justification for this is development constraints related to ground conditions on H48.

30. However, there are also significant constraints to residential development on H426. These include the need to bridge Fochy Burn. I also noted during my site inspection that H426 is far less well-drained than H48 is. This would have an impact upon the drainage capacity of Fochy Burn, which would in turn require flood risk to be assessed. Although none of these issues are insurmountable, less constrained sites have been identified for residential development.

31. The landowner does not intend to increase the number of homes proposed on site H48. Building the same number of homes on a larger site would create a lower density layout, which would not make the most efficient use of land. Such an approach would not comply with Scottish Planning Policy paragraphs 2, 29 and 45. Furthermore, the possibility of H426 being developed for housing was not included in the Main Issues Report, has not been publicly consulted upon and has not been the subject of strategic environmental assessment. Consequently, I cannot recommend that H426 be allocated for residential development and/or included within the settlement boundary.

H49 Pacehill

32. This site has detailed planning permission (17/00806/FLM) for residential development and I noted during my site inspection that development has commenced. H49 is contained within the settlement boundary. It has been subject to strategic environmental assessment and the number of homes permitted (77) is within the range (56 to 80) identified in the Housing Background Paper for this site. All of the concerns raised by respondents were taken into account during the determination of 17/00806/FLM. The possibility of judicial review of this decision does not prevent H49 from being allocated for housing. There is therefore no reasonable justification for removing H49 from the proposed plan.

33. As development has commenced, circumstances on the ground have overtaken the plan-making process. Consequently, the requested changes to site layout and site-specific developer requirements are no longer appropriate or necessary.

H50 Old Perth Road

34. Building on previously developed (brownfield) land is preferable to building on green

fields. Most of the brownfield land in Kinross and Milnathort is contained within the settlement boundary. I have compared the settlement boundary in the adopted local development plan with that in the proposed plan. The council proposes fewer greenfield sites for inclusion within the settlement boundary than is the case at present. Those sites that would no longer be within the settlement boundary include H426, H427, H136, land to the north of Lathro Farm and the Bruce and Montgomery Golf Courses. This makes it far less likely that these green fields will be developed for housing over the period of the proposed plan. Nevertheless, the council must demonstrate that sufficient land has been allocated to meet the level of housing need identified in TAYplan. Insufficient brownfield land has been identified to meet this requirement and the release of some greenfield land is therefore necessary.

35. H50 has been subject to strategic environmental assessment and is contained wholly within the settlement boundary. It has previously received planning permission for five detached homes at a very low density (05/01263/OUT and 08/00805/AML). Its allocation as a housing site in the adopted local development plan is for seven homes. The Housing Background Paper for the proposed plan indicates that H50 could support between 20 and 32 homes at a medium density (16 to 25 homes per hectare). I note that Stewart Milne Homes considers that H50 could accommodate between 25 and 50 homes.

36. I recognise that the lower figure in the capacity range for H50 is nearly three times that allocated in the adopted local development plan. I also accept that the density of residential development in the immediate environs of H50 is lower than that proposed for H50. However, I have seen nothing to suggest that the council has applied its apparent methodology for identifying the capacity of housing allocations inconsistently in this case. The council points out that flood risk and access concerns may mean that the actual density of any future approved scheme would be lower than the suggested site capacity range, which is to be treated as indicative only. Conversely, if a developer were to bring forward a scheme for a number of homes that falls outside the identified capacity range, then this would need to be justified on the basis of Policy 1D of the proposed plan. As part of the examination of Issue 2 Placemaking, I have recommended a modification to Policy 1D that addresses both of these scenarios.

37. This 1.8 hectare site comprises open rough grassland. During my site inspection, I noted that the easterly section of H50, closest to Burleigh Burn, is rather wet. In recognition of this and the need to provide new planting along the northerly boundary of the site (to attenuate motorway noise), the Housing Background Paper for the proposed plan indicates that the developable area is likely to be 1.26 hectares. The need to address these matters is also reflected in the site-specific developer requirements set out on page 229 of the proposed plan. These requirements also highlight the need for road and access improvements. This may include the provision of vehicular and multi-user routes linking H50 with H49. During my site inspection I was unable to identify any insurmountable reason why safe vehicular and pedestrian access could not be provided to H50 from either H49 or Old Perth Road.

38. All of the other issues raised by respondents, including the impact upon education and healthcare facilities and biodiversity are matters most appropriately dealt with at the detailed application stage, when the need for any conditions and/or liability for developer contributions would be assessed. I also note that there have been no objections to the development of H50 by local education or healthcare providers.

Landscaping and Trees

39. Stuart Milne Homes wishes to see the fills representing “indicative landscaping” and “open space” deleted from the H50 allocation shown on the settlement map at page 226 of the proposed plan.

40. The open space fill relates to an area of trees separating housing allocations H49 and H50. This area is protected by Pace Hill/Linden Park, Milnathort Tree Preservation Order No. 1 2017, dated 20 February 2017. It also falls outside the boundary of H50. Nevertheless, the possible loss of some protected trees to provide a vehicular access through this area, thereby linking sites H49 and H50, is identified in the strategic environmental assessment for H50 (page 339). Development has commenced on H49. I agree with the council that, when H49 and H50 are built out, this area of woodland will be central and not peripheral to both areas of housing. The existing recreational value of the woodland must also be taken into account. This was evidenced during my site inspection by the people I saw using the network of footpaths through the protected woodland. I see no justification for recommending the deletion of the open space fill between allocations H49 and H50, nor to recommend any changes to the settlement summary.

41. The fourth bullet point of Scottish Planning Policy paragraph 29 expects land to be used efficiently. This establishes the efficient use of land as one of the principles of development that contributes to sustainable development. However, the thirteenth bullet point of the same paragraph identifies another of these principles as: “avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality”. There is a need for policies and decisions to balance all thirteen of these principles in the effort to deliver sustainable development.

42. On page 223 of the proposed plan, the settlement statement for Kinross and Milnathort includes the following phrase: “All development sites adjacent to the M90 will be required to provide appropriate landscaping to improve settlement boundaries”. This is a requirement that has been consistently applied across Kinross and Milnathort and the respondent appears to accept that this is necessary. The other areas of indicative landscaping shown on the settlement map on page 226 of the proposed plan reflect the approved details of applications 05/01263/OUT and 08/00805/AML.

43. Appendix 1 – Site Capacity Ranges of the Housing Background Paper indicates that at least 20 homes might be supported by H50 in comparison with the five homes that have previously been permitted. If a higher density scheme were to come forward, the extent and nature of landscaping to be provided would need to be revisited. However, there would remain a need to attenuate noise from the M90 motorway, to enhance residential amenity, to promote biodiversity and to compensate for the loss of any protected trees. This would entail the planting of new trees and/or the reshaping of the land. Consequently, I see no justification for removing reference to “indicative landscaping” from the settlement map on page 226 of the proposed plan, nor to make any changes to the settlement summary.

44. The council indicates that it intends to publish supplementary guidance relating to the provision of public open space. This guidance is expected to contain advice about the council’s expectations for landscaping and possible maintenance arrangements for these areas. The content of this guidance will be subject to a separate process of public consultation and is not a matter for this examination to address. I also note that

paragraph 76 of the committee report for the development of H49 states that larger functional areas of public open space are expected to be adopted by the council rather than maintained on a communal basis by residents.

45. A requirement for native woodland planting is requested by Woodland Trust Scotland. This matter is dealt with in Issue 16: A Natural Resilient Place (Policy 38). Scottish Planning Policy paragraph 217 states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Requiring all development proposals to plant native species would go beyond the advice in Scottish Planning Policy. It is more properly a matter for the council to decide when it would be appropriate to require native species to be planted. It has been recommended that Policy 38 be modified accordingly.

Op24 Kinross Town Hall

46. Planning permission (17/00773/FLL) was granted for the residential conversion of this building in October 2017. According to the council's sites update, the conversion work was completed in November 2018. During my site inspection, I noted that this is, indeed, the case. Circumstances on the ground have therefore overtaken the plan-making process. Consequently, the requested change to the site-specific developer requirements is no longer appropriate or necessary.

E18 Station Road South

47. I agree that the site-specific developer requirements should be modified in accordance with Table 8.1 of the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted for proposals within this allocation. I shall therefore recommend that the requested modifications be made.

48. A respondent would like appropriate ecological surveys to be carried out before development. He would specifically like to see the loss of rough grassland mitigated for and the provision of nesting boxes for swifts to be provided. Promoting biodiversity is a matter dealt with in Issue 16 A Natural Resilient Place (Policy 39 Biodiversity) of this examination. Policy 39 requires proposals to demonstrate that any ecological impacts of development could be satisfactorily mitigated for.

49. Swifts are included on the amber list of Birds of Conservation Concern and on the Scottish biodiversity list. Policy 39 states that the council will apply the principles of the Planning for Nature: Development Management and Wildlife Guidance (2017) when making decisions on planning applications. This guidance highlights the importance of designing for swifts as part of new development. If the presence of swifts is known or suspected, then Policy 39 criterion (a) would require a developer to ensure that a detailed survey be undertaken by a qualified specialist. Consequently, I see no need to recommend a modification to the site-specific developer requirements for this allocation.

50. The Scottish Environment Protection Agency points out that strategic environmental assessment has identified a potential flood risk on this allocation. The Flood Risk Management (Scotland) Act 2009 places a duty on local authorities to reduce overall flood risk. The seventh bullet point of Scottish Planning Policy paragraph 29 indicates that taking account of flood risk is one of the principles of development that contributes to

sustainable development. Scottish Planning Policy paragraph 266 sets out the circumstances in which a potential developer may be required to prepare a Flood Risk Assessment following the application of the flood risk framework set out in Scottish Planning Policy paragraph 264.

51. Consequently, I agree that the site-specific developer requirements for this allocation should be modified in order to draw the attention of potential developers to the possibility that a Flood Risk Assessment may be required for their proposal.

E21 Ault Mart Road (MD075)

52. E21 is part of a larger candidate housing site, H144. Planning permission for a storage building and associated fencing was granted in May 2018 (18/00575/FLL). During my site inspection, I noted that development has commenced, with the fence having been completed.

53. Once 18/00575/FLL is fully implemented, most of E21 would be in Class 4 or Class 6 use. I saw no indication of uses currently being undertaken that would necessarily cause significant harm to the living conditions of occupants of homes in Auld Mart Road or Auld Mart Lane. Any proposal for Class 5 uses on the remaining parts of E21 would need to demonstrate that it would not cause unacceptable harm to the living conditions of occupants of surrounding houses. Vehicular access to Orwell Road from South Street is made via Auld Mart Road. Vehicles using this route pass the side or rear gardens of about five houses in Auld Mart Lane. Given its relatively small size, the number of heavy vehicle movements associated with businesses operating from E21 is unlikely to be of a scale that would cause serious harm to the living conditions of occupants of these homes.

54. I note that application 07/00716/FLL for residential development on E21 was refused planning permission and dismissed at appeal in 2010. I accept that trading conditions may have been difficult in recent years but the implementation of 18/00575/FLL is an indication that there is an existing demand for Class 6 premises. During my site inspection, commercial activity appeared to be continuing at a number of premises surrounding E21. Indeed, I saw no obvious evidence of a change in the general trading situation since the examination of the adopted local development plan. I also note that E21 has been subject to strategic environmental assessment, which gives no indication that employment uses in this location would be inappropriate. No modification to this employment allocation is justified.

New Sites

H136 Kinross 1 (MD072)

55. As there are no specific representations relating to H140, the subheading I have employed here is the same as the one used by the council in the 'modifications sought' and 'summary of responses' sections of this document.

56. The housing land supply position for Perth and Kinross is dealt with in Issue 01 – A Successful Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

57. In the adopted local development plan, H136 is allocated as public open space. As H46, this land was initially allocated for housing by the council but was deleted during the examination of the adopted local development plan primarily because of concerns about the effect of any new access road upon the usability of Davis Park.

58. The settlement boundary has been amended to exclude this area from the proposed plan and remove its open space designation. Mr Miles objects to this. According to what I saw during my site inspection, H136 is currently under cultivation. The Old Railway Track Trail (a core path) runs along the easterly side of H136 and ends at Gallowhill Road, thereby linking Davis Park with the residential area to the north of it. I saw nothing to suggest that H136 is used by the public for recreational purposes, nor that there is any right of public access across it. The proposed settlement boundary in the main part follows the core path but also includes some public open space to the west of it. For part of its length it follows the rear fence line of houses to the east of the path. I consider this to be a well-defined boundary that reflects the existing pattern of development and the way that the land is currently used by people. Moreover, these features are very unlikely to change throughout the plan period.

59. The M90 has been a strong and defensible settlement boundary for the duration of the adopted local development plan. Nevertheless, I agree with the council that there is no justification for including unallocated agricultural land within the settlement boundary and that continuing to designate it as public open space would serve no useful purpose. There is no shortfall in meeting the housing land requirement for the Kinross Housing Market Area. Neither is it necessary to provide more potential windfall sites because sufficient opportunities exist elsewhere within Kinross and Milnathort for infill development. Consequently, I cannot recommend that the proposed settlement boundary should be altered to include H136.

60. Wallace Land Investments remains convinced that adequate vehicular access to H136 may be achieved without the need to take any land from Davis Park. According to a drawing submitted with its representation (10022-MP-P002-A), vehicular access to H136 would be achieved by widening the existing access road from Springfield Road. During my site inspection I was driven along this road. I noted that it is metalled but is single vehicle width with no passing points. To the south west of this road the land drops off sharply. A children's slide is built into this slope, taking full advantage of this change in levels. If this access road were to be widened to provide for a two-way flow of traffic, the slide would need to be relocated and the banking would need to be extended or a substantial retaining wall would need to be built. Either option would entail the loss of land from Davis Park.

61. I therefore agree with the reporter for the adopted local development plan that works to widen the existing access road would be likely to require a substantial redesign of Davis Park. Although some of the existing amenity of the park might be retained and possibly enhanced, Wallace Land Investments has not explained in its representations how this could happen. Without this information, I agree that widening the existing access road would have the effect of separating Davis Park from the residential community that it serves and that this would be inconsistent with adopted local development plan policies that seek to protect areas of open space.

62. Criterion b) of Policy 14A Existing Areas of the proposed plan permits the loss of areas of open space if proposed development would involve a minor part of the site which would not affect its continued use as a recreational or amenity resource in the proposed

plan. In this case, the new access road would require a redesign of Davis Park. In my view, this would make Davis Park a less attractive place for families to use and would therefore tend to sever the cultural as well as the physical connection between the park and the community it serves. Consequently, the provision of an access road to serve H136 would not accord with this emerging policy. Wallace Land Investments indicates that H136 has a capacity of between 125 and 150 homes. This would be likely to generate a minimum of between 250 and 300 vehicle movements per day. Added to this would be the movements of delivery vehicles. This amount of traffic would require safe crossing arrangements to be made and there would need to be restrictions placed upon where children could play.

63. H136 has been subject to strategic environmental assessment. However, it was considered and rejected in the Main Issues Report by the council because better options for housing land allocations are available elsewhere and because of the access and open space issues discussed above. Given my reasoning above, together with the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area, I conclude that the allocation of H136 for residential development is not currently justified and that it should not be included within the settlement boundary.

Employment Use

64. The allocation of H136 for employment use within any foreseeable timeframe would entail the same problems of vehicular access and loss of public open space as its allocation for residential use would. Indeed, it would be even more problematic because heavy vehicles would be using a road next to a park where play equipment is used by children and in close proximity to people's homes. No modification is required.

E137 Kinross 2 - Turfhill (MD071)

65. I have employed the subheading used by the council in its 'summary of representations' because it is more complete than the subheadings for this site used in the 'modifications sought' and 'summary of responses' sections of this document.

66. This site extends to 48 hectares, with about 18 hectares considered suitable for development. The reporter for the examination of the adopted local development plan noted that employment allocations in this area (E17 Turfhill and E36 Turfhill) had been rejected in 1997 and 2003. He found that there would need to be a compelling reason to justify the release of E17 for development at that time. He also pointed to the potential commitment of land at Station Road South for employment purposes. This is allocation E18 in the proposed plan and I noted during my site inspection that employment uses now exist here.

67. He went on to say that the issues relating to E36 were not so clear cut. This area contains the council's roads department depot. However, the issues he identified in relation to E17 also applied to this site. They related principally to 1) breaching the strong, defensible settlement boundary created by the M90; 2) the lack of visual and functional connection between E36 and the settlement; 3) the absence of convenient and safe pedestrian and cycle links with the settlement, and 4) the identification of sufficient employment sites elsewhere.

68. During my site inspection I noted that little has changed since the reporter for the adopted local development plan made his assessment. In particular, there remains no

safe and convenient pedestrian or cycle access across the motorway junction from Station Road to the vicinity of the council depot. I also note that E137 was considered and rejected in the Main Issues Report for the proposed plan because it would conflict with the town centre first approach to the siting of commercial development set out in TAYplan Policy 5 Town Centres First. This policy establishes Perth as a sequentially more preferable location for land uses that generate significant footfall, such as leisure and speciality shopping. Also relevant is TAYplan Policy 3 A First Choice for Investment. The Strategic Development Areas identified in TAYplan closest to E137 are West/North West Perth and Oudenarde, Bridge of Earne.

69. I agree that most of the site constraints identified in the strategic environmental assessment for E137 could be overcome but I do not agree that it is necessary for this site to be brought forward at this time. Op11 meets the needs primarily of those using the motorway network and its existence does not of itself justify further employment-generating development nearby. I agree with the council that there are sufficient employment sites within the settlement boundary to support locally generated need. Development designed to attract people from farther afield would more appropriately be met elsewhere, in accordance with TAYplan Policies 3 and 5. The allocation of E137 is not well-justified at this time.

H142 Milnathort 1 - Old Perth Road (MD074)

70. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

71. H142 was considered and rejected in the Main Issues Report for the proposed plan because better options are available in Kinross; there is no need for additional housing land, and it is part of an attractive landscape offering views across to Burleigh Castle, Loch Leven, the Lomonds and Benarty Hill. It has been subject to strategic environmental assessment, which identified similar issues. The reporter for the adopted local development plan agreed that the landscape value of the site is high.

72. I agree that the visual amenity value of H142 is high, particularly because it is sited at the northerly gateway into the settlement. I also accept that residential development here could help to deliver the new cemetery space that is needed and that many of the identified site constraints could be overcome. However, as the site is located outside the settlement boundary, the principal issue in this examination is whether it is necessary to allocate this site for residential development.

73. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H142 for residential development is not currently justified.

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

74. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned,

it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

75. H144 was considered and rejected in the Main Issues Report for the proposed plan because it is considered preferable for it to be allocated for employment use and there is no need for any more housing land to be allocated. It has also been subject to strategic environmental assessment which identified similar issues.

76. New development associated with a building with a Class 6 use has commenced on the southerly part of the site (E21 – Milnathort 3). Planning permission (19/00058/FLL) has also been granted for an additional modular office and car parking on H144. I noted during my site inspection that development has commenced here too. These are both strong indications that there is still a demand for employment uses in this location. During my site inspection, undertaken on a weekday morning, there was no noise coming from any of the buildings on the northerly part of the site (Milnathort 2). H144 is within the settlement boundary and I agree that it is better to recycle previously used land for housing rather than build on green fields. However, the same applies to employment development. The allocation of H144 as employment land would therefore reduce pressure on the development of the greenfield allocation at E20 just as much as a residential allocation would reduce pressure on H48 and H50, which are allocated for residential use but not yet developed.

77. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area, and on the basis of my reasoning above, I conclude that the allocation of H144 for residential development is not currently justified.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Add the following phrase to the end of the settlement summaries for Balado, Blairingone, Powmill and Rumbling Bridge:

“Any proposals for development within the village requiring traffic mitigation should complement the mitigation identified in the Route Action Plan for the A977.”

2. Add the following phrase to the end of the settlement summary for Crook of Devon and Drum:

“Any proposals for development within the village requiring traffic mitigation should complement the mitigation identified in the Route Action Plan for the A977 and B9097.”

3. On page 89, after the third paragraph, insert the following new paragraph:

“The local roads of the area are a dynamic network affected by changes in travel patterns and major developments. From time to time new pressures arise such as the opening of the Clackmannanshire Bridge at Kincardine and the major development proposed at Westfield in Fife. Although both of these developments are outwith the Council area, like developments within Perth & Kinross, they can necessitate the

creation of route action plans. Most route action plans can be developed within the road boundary and do not feature in the LDP. Where proposals with land use implications outwith the road boundary are identified they may need to feature in a future LDP. Where development proposals arise adjacent to, or impacting upon, a road which is the subject of a route action plan, cognisance should be taken of these plans.”

4. On page 224, delete the first bullet point and its associated text.
5. On page 226, delete the map detail which depicts the route of potential junction upgrade work and delete reference to ‘Potential Junction Upgrade’ in the map key.
6. On page 230, add the following additional two bullet pointed paragraphs to the site-specific developer requirements for allocation E18 Station Road South:
 - “The SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall;
 - Flood Risk Assessment.”

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: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
<div>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) A C Morrison (0211) Katherine Wallace (0212) Steven McLeary (0320) Lisa Marshall (0346) Christopher Marshall (0347) Scottish Natural Heritage (SNH) (0353) Edinburgh MI (0373)</div> <div>Lesley Tennent (0384) Fossoway & District Community Council (0393) Bob Kay (0436) Jeff Gunnell (0456) Woodland Trust Scotland (0462) Amparo Echenique (0489) Christopher MacFarlane (0490) Mike Hally (0516) Wendy McPhedran (0517) Krys Hawryszczuk (0536) Portmoak Community Council (0541) N Alexander Esq (0549) Councillor Michael Barnacle (0584) Mr & Mrs Scott (0598/02 & 0598/03) John Beales (0601) Dave Batchelor (0632) Steve Long (0739) Scottish Environment Protection Agency (SEPA) (0742)</div>		
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):		
<u>Balado</u> <u>Settlement Summary</u> <u>Foul Drainage</u> 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

Cllr 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

Cllr 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.

Cllr 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

Cllr 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.

Cllr Michael Barnacle (0584/01/042) - Development proposals should be seen in the light of work by Fossoway 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.

Cllr 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)]

Mr & Mrs Scott (0598/02/001) - Object to exclusion of proposed 19.85 ha site north of Naemoor Road from settlement boundary (see New Sites: H389 below)

Mr & Mrs Scott (0598/03/001) - Object 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.

A C 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.

Cllr 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)

Mr & Mrs Scott (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)

Mr & Mrs Scott (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.

Cllr 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).

Cllr 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.

Cllr 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)

Cllr 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 (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.

Cllr 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 (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 (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:
<p><u>Balado</u></p> <p><u>Settlement Summary and Boundary</u></p> <p><u>Foul Drainage</u></p> <p>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.</p> <p><u>E35 Balado Bridge</u></p> <p><u>Contaminated Land</u></p> <p>SEPA (0742/01/078) (0742/02/034) - Include developer requirement for investigation of potential radium 226.</p> <p><u>Flood Risk</u></p> <p>SEPA (0742/01/077) - Include flood risk assessment (FRA) as developer requirement</p> <p><u>Foul Drainage</u></p> <p>SEPA (0742/01/026) + (0742/01/080) - Update wording to identify potential foul drainage issues and timescales involved in achieving a solution at this site.</p> <p><u>Air Quality</u></p> <p>SEPA (0742/01/079) - Add to developer requirement for by identifying that reason for air quality consideration is the adjacent poultry farm.</p> <p><u>H51 Balado</u></p> <p><u>Foul Drainage</u></p> <p>Cllr Michael Barnacle (0584/01/023) - Require H51 to connect to mains drainage.</p> <p>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.</p> <p><u>Blairingone</u></p> <p><u>Settlement Summary and Map</u></p> <p><u>Ground Conditions</u></p> <p>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.</p>

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

Cllr 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

Cllr 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

Cllr Michael Barnacle (0584/01/042) - 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 (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

Mr & Mrs Scott (0598/02/001) - Request settlement boundary to include site north of Naemoor Road (addressed in New Sites H389 below)

Mr & Mrs Scott (0598/03/001) - Request 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); A C Morrison (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

Mr & Mrs Scott (0598/02/001) - Add allocation for 19.85ha site North of Naemoor Road

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

Mr & Mrs Scott (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.

Cllr 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.

Cllr 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.

<p><u>Rumbling Bridge</u></p> <p><u>Settlement Map</u></p> <p>Cllr Michael Barnacle (0584/01/044) - 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(CD319).</p> <p><u>E24 Rumbling Bridge</u></p> <p>Stewart Roberts (0084/01/001); David Gibb (0085/01/001) - Request removal of their property boundaries from the site allocation.</p> <p><u>Scotlandwell and Kilmagadwood</u></p> <p><u>Settlement Boundary</u></p> <p>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.</p> <p>N Alexander (0549/01/001) - Requests extension of settlement boundary to include Scotlandwell1 H161 [addressed in H161 Scotlandwell 1 below].</p> <p><u>H54 Scotlandwell</u></p> <p>SEPA (0742/01/100) - Requests addition of developer requirement for peat survey and management plan</p> <p><u>New Site: H161 Scotlandwell 1</u></p> <p>N Alexander (0549/01/001) - Requests inclusion of H161: Scotlandwell 1 in LDP2.</p> <p><u>New Site: H163 Scotlandwell 3</u></p> <p>John Beales (0601/01/001) - Requests amendment to settlement boundary and allocation of H163.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>Balado</u></p> <p><u>Settlement Summary</u></p> <p><u>Foul Drainage</u></p> <p>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</p>

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

Cllr 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

Cllr 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

Cllr 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)

Cllr 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 A C Morrison (0211), John Wheatley (0140) and Cllr 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); A C 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)

Mr & Mrs Scott (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 as large site has been provided.

No modification is proposed.

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

Mr & Mrs Scott (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 HospitalOp19 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.

Cllr 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.

Cllr 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: Cllr 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)

Cllr 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 KilmagadwoodSettlement 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 (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 (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.

Reporter's conclusions:

Balado

Settlement Summary

Foul Drainage

1. I agree with the council that any potential developer would be aware of issues relating to sewage and water supply at an early stage of site investigation. The settlement summary expects all new development to be connected to publicly maintained waste water treatment works and attention is drawn to the fact that Balado lies within the Loch Leven Special Protection Area, with explicit reference being made to Policy 44 Loch Leven Catchment Area.

2. Any development proposal would need to accord with Policy 51 Water Environment and Drainage. Policy 51B Foul Drainage clearly sets out the requirements for connection to the public sewer or for the provision of a private solution. The withdrawal of the Scottish Environment Protection Agency's objection to 18/00540/FLL, which related to the development of eight new homes outside the proposed settlement boundary of Balado, indicates that it is not impossible for an acceptable private solution to be found.

3. No modification is required.

E35 Balado Bridge

Contaminated Land

4. I agree that there is a reasonable likelihood of land contamination on this former military airfield and that this may well include radioactive substances. Although the Scottish Environment Protection Agency would be consulted were a planning application to be submitted, it is reasonable to include reference to the possible presence of radioactive waste in the site-specific developer requirements for this site. I have recommended a modification accordingly.

Flooding

5. This site has been subject to strategic environmental assessment. This identified the southern part of the site as lying within the medium probability area for river flood risk. It advises that a flood risk assessment would be required to ascertain the developable area of the site. I agree that the site-specific developer requirements should refer to this and shall recommend a modification accordingly. As the council has a statutory duty to assess any culverted watercourses, there is no need to refer to this as a developer requirement.

Foul Drainage

6. As a result of ground conditions, the Scottish Environment Protection Agency expresses concern about whether future development could be connected to the public sewer within the period of the proposed plan and whether an alternative, private solution would be possible. It raises similar concerns about water abstraction. I agree with the council that any potential developer would be aware of such issues at an early stage of site investigation. The settlement summary expects all new development to be connected to publicly maintained waste water treatment works and attention is drawn to the fact that Balado lies within the Loch Leven Special Protection Area, with explicit reference being made to Policy 44 Loch Leven Catchment Area.

7. Any development proposal would need to accord with Policy 51 Water Environment and Drainage. Policy 51B Foul Drainage clearly sets out the requirements for connection to the public sewer or for the provision of a private solution. The withdrawal of the Scottish Environment Protection Agency's objection to 18/00540/FLL, which related to the development of eight new homes in Balado, indicates that it is not impossible for an acceptable private solution to be found. No modification is required.

Air Quality

8. I agree with the council that specifying a potential source of air pollution would not be appropriate because it might limit the objectivity of any tests. No modification is required.

H51 Balado

9. This site is contained within the settlement boundary and is allocated in the adopted local development plan for housing. Appendix 1 – Site Capacity Ranges of the Housing Background Paper indicates that it could support up to 35 homes. Although it has not been subject to strategic environmental assessment for the proposed plan, it was so assessed for the adopted local development plan and there has been no significant change in circumstances since then.

10. As a result of ground conditions, the Scottish Environment Protection Agency expresses concern about whether future development could be connected to the public sewer within the period of the proposed plan and whether an alternative, private solution would be possible. It raises similar concerns about water abstraction. I agree with the council that any potential developer would be aware of such issues at an early stage of site investigation. The settlement summary expects all new development to be connected to publicly maintained waste water treatment works and attention is drawn to the fact that Balado lies within the Loch Leven Special Protection Area, with explicit reference being made to Policy 44 Loch Leven Catchment Area.

11. Any development proposal would need to accord with Policy 51 Water Environment and Drainage. Policy 51B Foul Drainage clearly sets out the requirements for connection to the public sewer or for the provision of a private solution. The withdrawal of the Scottish Environment Protection Agency's objection to 18/00540/FLL, which related to the development of eight new homes in Balado, indicates that it is not impossible for an acceptable private solution to be found. No modification is required.

Blairingone

Settlement Summary and Boundary

Ground Conditions

12. From what I saw during my site inspection, most of the land around Blairingone is used for the grazing of livestock (mainly sheep), with a small proportion under cultivation. 'Blairingone 1' (H149) has been subject to strategic environmental assessment. These two plots of land, north and south of the A977, are now identified as allocation MU74. The strategic environmental assessment identifies a history of mining in the area. It states that an assessment has been undertaken for the northern half of MU74 (H74 in the adopted local development plan). The southern part of MU74 has not been assessed but is believed to have been previously infilled. Ground conditions are then identified as a development constraint. The settlement summary refers to the need for proposals to be supported by an engineer's report into the stability of ground conditions, with particular regard to be paid to old mine workings. No modification is necessary.

Landscaping and Developer Requirements

13. Amparo Echenique expresses a number of concerns. The site-specific developer requirements for MU74 states that a landscape visual impact assessment should be undertaken and for the findings of that assessment to inform the production of a masterplan. No modification is required.

14. Blairingone is a non-principal settlement with a defined settlement boundary. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. Policy 6 Settlement Boundaries of the proposed plan gives local expression to TAYplan Policy 1C and is dealt with as Issue 5 Settlement Boundaries of this examination. Policy 6 expects development to be contained within settlement boundaries but provides for some exceptions. In examining this policy, I explained the reasons why it would be unduly restrictive not to make provision for exceptions in Policy 6. This is primarily because it would constitute a more restrictive approach than could be justified by TAYplan 1C, which allows local development plans to

provide for some development outside principal settlements.

15. The southern part of MU74 would significantly increase the size of the settlement. I note that the inclusion of this land was not supported in the Main Issues Report, which suggested a less traditional approach to delivery, including community methods. Nevertheless, I note that the Fossoway Community Strategy Group (the Group) supports its inclusion within the settlement boundary. It is identified as site B5 on the Group's Landscape Capacity Analysis and is considered suitable for development.

Settlement Boundary

16. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

17. The Fossoway Community Strategy Group (the Group) has prepared a Landscape Capacity Analysis for Blairingone. It seeks to include some areas within the settlement that are not shown on the settlement map on page 142 of the proposed plan. I note that none of these additional sites have been subject to strategic environmental assessment or are considered in the Main Issues Report. Up to 30 homes would be provided on MU74 and I note from the examination report for the adopted local development plan that the Group states that there is local support for this level of development. There has also been some infill development within the settlement recently. For example, I noted during my site inspection that a housing scheme being marketed as "The Meadows" is currently under construction.

18. Site B3 on the Landscape Capacity Analysis is suggested for inclusion within the settlement. The reasoning for this is because it is considered unsuitable for development due to the presence of overhead electricity transmission lines and associated pylons. Including this land within the settlement would make it more likely to be developed, so it would better suit the Group's purpose if it were to remain outside the settlement.

19. The Group's proposed settlement boundary also seeks to exclude some land that is contained within the council's proposed settlement boundary. I have seen no detailed justification for excluding such plots. The area to the south and east of the southerly part of MU74, where the Group would like to see woodland screening, is allocated for "indicative landscaping" by the council. Thus, there would seem to be no conflict between what the Group would like to see and what the council expects for this area.

MU74 Blairingone

Ground Conditions

20. The southerly part of MU74 has been contaminated with poultry, abattoir and human waste. The Scottish Environment Protection Agency suggests that the presence of abattoir waste may give rise to heavy metal contamination. The proposed site-specific developer requirements includes "updated ground condition investigation". However, I consider that reference needs to be made to dealing with land contamination as well as land stability. The council has invited me to consider a modification in this respect, which I shall

recommend.

Landscaping

21. A requirement to retain and augment existing native woodland planting is requested by some respondents. This matter is dealt with in Issue 16: A Natural Resilient Place (Policy 38 Forestry, Woodland and Trees). Scottish Planning Policy paragraph 217 states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Requiring all development proposals to plant native species would go beyond the advice in Scottish Planning Policy. It is more properly a matter for the council to decide when it would be appropriate to require native species to be planted. It has been recommended that criterion (f) of Policy 38A be modified accordingly.

22. The proposed site-specific developer requirements includes a woodland survey, the retention of important trees, appropriate (new) planting and setting development back from the woodland. I consider this requirement sufficient to address the concerns about preserving and augmenting native woodland in this case. Moreover, any proposal for the development of MU74 would need to accord overall with the development plan. This would include criteria (b) and (f) (as modified) of Policy 38A: Forest and Woodland Strategy, which support proposals that would protect existing trees and woodland and make provision for the planting of native species where the council considers it appropriate. No modification is necessary.

23. Criterion (e) of Policy 1B of the proposed plan requires proposals to create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. This could reasonably include formalised public access (active travel routes) through landscaped areas and woodland. No modification is necessary.

Site and Infrastructure

24. Appendix 1 – Site Capacity Ranges of the Housing Background Paper states that MU74 has been assessed as having a capacity range of 61 to 95 homes. This would not accord with TAYplan Policy 1 Principal Settlement Hierarchy, which establishes a sequential approach to the siting of development. In the countryside, TAYplan seeks to avoid suburbanisation and unsustainable patterns of travel and development. In order to ensure that the development of MU74 would accord with TAYplan Policy 1C for development outside principal settlements, the council states that the number of homes to be provided up to 2028 would be restricted to 30. I am satisfied that this approach is acceptable. No modification is required.

25. A mixed-use allocation allows for the provision of facilities that would support the needs of new and existing residents, including new shops and community buildings. Any proposal would be subject to public consultation, during which time, local residents would be able to help shape development. The Fossoway Community Strategy Group has indicated that there is support for the development of MU74 in principle, including up to 30 homes; the provision of a new village hall, and a by-pass. One reason for this support is that residential development would help to justify the need for a primary school nearby.

26. Any proposal for the development of MU74 would need to accord overall with the development plan. This would include Policy 5 Infrastructure Contributions. This policy is

dealt with as Issue 04 of this examination. Consequently, the most appropriate way to address any infrastructure needs arising as a result of the development of MU74 would be through the planning application process, where the need for a developer to provide, or contribute towards the provision of, infrastructure would be fully considered. No modification is therefore required.

E22 Vicars Bridge Road

27. I agree with the council that the proximity of E22 to a waste water treatment plant makes it unsuitable for development that would be likely to generate high footfall, such as shops and community facilities. Its allocation as employment land is more appropriate. Furthermore, as I have discussed above, a mixed use allocation for MU74 provides adequate opportunity for any new shops and community facilities to be provided close to where people live. No modification is necessary.

Crook of Devon and Drum

Settlement Summary

28. The former fish farm is not allocated for any particular use and residents would have an opportunity to comment upon the merits of any speculative proposal that were to be brought forward during the planning application process. I agree that the final sentence of the settlement summary could be read as being applicable to the former fish farm alone. The council intends to make a non-notifiable modification to make it clear that the stated preference for roadside development applies to the entire settlement and not only to the former fish farm. I note that the same sentence appears in the adopted local development plan as a stand-alone paragraph. No further modification is required.

Settlement Map

29. The Fossoway Community Strategy Group (the Group) has prepared a Landscape Capacity Analysis for Crook of Devon and Drum. It seeks to include Gairneyburn Cottage and two other buildings (one in the later stages of construction) within the settlement that are not within the boundary shown on the settlement map on page 177 of the proposed plan. No justification appears to have been advanced for including this land within the settlement boundary. During my site inspection, I noted that there is one currently undeveloped plot in this area. However, I am satisfied that sufficient opportunities exist for infill development within the settlement boundary proposed by the council – most notably the former fish farm. No modification is necessary.

30. Site CD13 of the Group's Landscape Capacity Analysis and buildings within the Monarch Deer Park have been suggested for inclusion within the settlement. The reasoning for this is that the land is considered unsuitable for development due to the contribution it makes to the setting of the settlement. Including this land within the settlement would make it more likely to be developed. So, it would better suit the Group's purpose if it were to remain outside the settlement. No modification is necessary.

31. The Group's proposed settlement boundary also seeks to exclude some land that is contained within the council's proposed settlement boundary. This includes allocated site MU266, land around Drumbog and land at the extreme south-westerly extent of the settlement, on either side of the A977. I deal with issues related to MU266 below. I have seen no detailed justification for excluding the other two areas from the settlement

boundary proposed by the council. No modification is necessary.

32. The area of open land between West Crook Way and St Serf's Road is recognised as amenity space by the council and is maintained at public expense. It also has a path across it which links West Crook Way with the core paths network in the vicinity of St Serf's Church. As such, I would expect to see this land identified as open space on the settlement map. The council considers that its identification as such is unnecessary to protect it from development. Nevertheless, given the status and attributes of the land that I have described, I consider it appropriate to allocate it as open space and shall recommend that the map on page 177 is modified accordingly.

33. Any developer contributions to support the maintenance or improvement of the recreation ground in Waulkmill would need to be justified by reference to Policy 5: Infrastructure Contributions on a case-by-case basis. This policy is dealt with as Issue 04 of this examination. Consequently, the most appropriate way to address any future deficiency in open space provision within the settlement would be through the planning application process, where such matters would be fully considered. No modification is therefore required.

Settlement Boundary

Line South of MU266 (H420) (MD064)

34. This land is not essential for vehicular access to MU266, although I note that the landowner of MU266 supports this proposed modification to the settlement boundary. Better pedestrian links with MU266 and the extension of the path that starts in St Serf's Road and runs along the route of the former railway line would deliver some public benefit. However, I agree with the council that it is not necessary for this land to be included within the settlement boundary to allow this to happen. No modification is necessary.

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

35. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

36. The justification for the development of H404 is an alleged need to fund the provision of a new school drop off point for Fossoway Primary School. However, this proposal is not considered necessary by either the school or the council's Traffic and Network Manager. During my site inspection, I noted that the route between the school and RT400 is along a narrow, winding road without an unbroken segregated footway along its entire length. In my view, RT400 cannot currently be considered to represent an appropriate site for a school drop off point, even if the need for it were established. Furthermore, if it were necessary to provide a new drop-off point, it would be unnecessary for RT400 to be included within the settlement boundary to allow this development to take place. No modification to the settlement boundary is justified.

37. Given my reasoning above, together with the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area, I

conclude that the allocation of H404 for residential development is not currently justified. No modification to the settlement boundary is necessary.

MU266 Junction of A977 and B9097

38. Crook of Devon and Drum is a non-principal settlement with a defined settlement boundary. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. There are some services in Crook of Devon, including Fossoway Primary School, a few shops, a car repair business and a public house. It is also relatively well-served by public transport. I agree that the settlement would be able to support an additional 30 homes. There remains significant local opposition to the allocation of this site, the history of which is summarised in John Wheatley's representation. One of the reasons for this opposition relates to the loss of separation between Drum and Crook of Devon. I also note that the Fossoway Community Strategy Group has neither included MU266 within its proposed settlement boundary nor indicated that the land is considered suitable for development.

39. The reporter for the adopted local development plan agreed that land comprising MU266 should not be allocated because it would erode the countryside gap between Crook of Devon and Drum and would be prominent on the approach to the village from the east. Although MU266 is a smaller site overall than that proposed in the adopted plan and fewer homes are proposed, it includes the same area that currently separates Crook of Devon from Drum. I also note that it is not recommended for development in the main issues report for this examination. It has been subject to strategic environmental assessment and further public consultation. Nevertheless, there remains much equivocation about the suitability of the site for development.

40. I noted during my site inspection that nothing has changed with regard to the physical characteristics of the land or the general pattern of development of the settlement since the current local development plan was adopted. Crook of Devon is medium to high density, whereas Drum is low density. Approaching from the east on the A977, the more built-up character of Crook of Devon is not apparent until one turns the corner at the junction with Station Road. Even with the provision of a landscape buffer, building on MU266 would certainly erode the character and countryside setting of the settlement and harmfully diminish its openness. This harm would be compounded because of the prominence of the site at the easterly gateway into Crook of Devon.

41. The council's decision to allocate the site for mixed use with up to 30 dwellings was initially justified on the basis of the improvements to public drainage and to the A977 that could be achieved. Other improvements, such as a roundabout, may be delivered by the developer. This justification is similar to that for MU74 (Blairingone) but does not enjoy the same degree of community support. The link between the ability of development to meet identified needs either directly or indirectly (by justifying the provision of community infrastructure) is also weaker than is the case with MU74. Moreover, the council states that traffic calming measures will be carried out regardless of whether development proceeds on MU266. The primary justification for allocating MU266 has now shifted to the need to provide affordable housing. A site-specific developer requirement proposes that 50% (15) of the homes should be "affordable". What support there is for the provision of affordable housing in the representations depends upon the affordable homes being provided first. However, the council acknowledges that the timing of the delivery of affordable housing cannot be guaranteed to take place "before the private sector housing,

due to financial programming”.

42. According to the Fossoway Community Strategy Group’s Landscape Capacity Analysis for Crook of Devon and Drum, there are sites of a similar scale to MU266 within the settlement boundary that are considered suitable for development. These include the former fish farm, land at the junction of the A977 with the Yetts o’ Muckhart road, as well as land opposite Drumbog. So, the deletion of MU266 need not prevent residential development, including the provision of affordable housing, from taking place on windfall sites. There is an identified surplus of 102 units within the Kinross Housing Market Area. So, deleting MU266 would not create a shortfall in housing land supply.

43. In my assessment, notwithstanding the council’s intention to reduce the number of homes to 30 and to create a landscape buffer to the A977, the public benefits expected by the council would not be sufficient to justify the harm that development of MU266 would cause to the character of the settlement and its countryside setting. Consequently, I shall recommend that allocation MU266 be deleted and that the settlement boundary should exclude this land.

Developer Requirements

44. As I have decided to recommend the deletion of this allocation, I shall also recommend that the content of page 178, including the site-specific developer requirements, should be deleted.

Affordable Housing

45. As there are sites within the settlement boundary that are nominally capable of delivering 15 or more homes, the deletion of MU266 need not necessarily prevent the amount of affordable housing proposed from being provided over the plan period.

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

46. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

47. H389 was not considered in the Main Issues Report for the proposed plan, has not been subject to strategic environmental assessment and I have seen no evidence of any public consultation being undertaken in relation to its inclusion as a candidate housing site. It covers about 19.85 hectares and could potentially support a large number of homes. Crook of Devon and Drum is a non-tiered settlement with an identified settlement boundary. A large housing allocation here would not accord with the TAYplan strategy of meeting housing need in tiered settlements first. Moreover, according to the Fossoway Community Strategy Group’s Landscape Capacity Analysis, there are already a number of potential windfall sites within the settlement boundary that could deliver the number of homes that Crook of Devon and Drum are likely to need over the plan period.

48. In order for H389 to be considered a part of the settlement, there would need to be good links with the shops and other services within Crook of Devon. This would require

adequate vehicular access across the River Devon, close to the junction of Naemoor Road with the A977. The existing bridge is single lane width and is subject to a weight restriction (10T mgw). There is also a sign at the junction of Naemoor Road with the A977 which warns that the road is “unsuitable for caravans, buses and HGVs”. A significant amount of residential development on H389 would require improvements to Naemoor Road and the bridge to be made. The site promoter gives no indication as to how these necessary improvements would be funded, nor whether they would be practicable. I noted during my site inspection that a core path bisects H389. Having traversed this path, I agree with the council that the development of H389 would have a harmful effect upon the countryside setting of the settlement.

49. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H389 for residential development is not currently justified.

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

50. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

51. The Main Issues Report for the adopted local development plan indicated that H155 could deliver 90 homes. H390 is a similar size and is put forward as a potential expansion site once H155 is fully developed. Crook of Devon and Drum is a non-tiered settlement with an identified settlement boundary. Any large housing allocation here would fail to accord with the TAYplan strategy of meeting housing need in tiered settlements first. Moreover, according to the Fossoway Community Strategy Group’s Landscape Capacity Analysis, there are already a number of potential windfall sites within the settlement boundary that could deliver the number of homes that Crook of Devon and Drum are likely to need over the plan period.

52. H155 has been subject to strategic environmental assessment but H390 has not. Neither site was considered in the Main Issues Report. H155 was rejected by the reporter who examined this issue for the adopted local development plan. The reasons for its rejection were the need to provide a new river crossing and unresolved drainage issues. I agree with the reporter’s assessment and nothing appears to have changed since the local development plan was adopted.

53. The issue of improving vehicular access across the River Devon has not been resolved. The existing bridge is single lane width and is subject to a weight restriction (10T mgw). There is also a sign at the junction of Naemoor Road with the A977 which warns that the road is “unsuitable for caravans, buses and HGVs”. A significant amount of residential development on H155 or H390 would require improvements to be made to both Naemoor Road and the bridge over the River Devon. No indication is given as to how these necessary improvements would be funded, nor whether they would be practicable. I also agree with Fossoway Community Council that the Monarch Deer Park makes an important contribution to the countryside setting of the settlement.

54. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H155 and/or H390 for residential development is not currently justified.

Ochil Hills Hospital

Op19 Ochil Hills Hospital

Boundary

55. Kenneth J Clayton requests that the boundary of Op19 be modified to exclude his property and land comprising a part of Athronhall Farm. These areas are shown as indicative landscaping on the settlement map on page 247 of the proposed plan. During my site inspection, I noted that they are currently thinly wooded, with heathland ground cover below. I also note that drawing number 7N-EX-MP-DR-A-05001, dated 30 January 2018, shows these areas of land as being outside the associated development site boundary. Furthermore, I note that a significant area of buffer planting is proposed between Mr Clayton's property and the nearest proposed house. I therefore agree that it is unnecessary to include the disputed areas of land within the proposed development site boundary (Op386 on MD081). However, as it appears to be a residence, it is reasonable to include Mr Clayton's property within the settlement boundary (Op19 on MD082). I shall recommend that these modifications are made to the settlement map on page 247 of the proposed plan.

Housing Numbers

56. Planning permission was granted for 35 homes in 2012 (05/02058/OUT, 10/02159/AMM and 12/00247/FLM) and development commenced in 2015. However, issues relating to the provision of a public water supply and changes to its phosphorus mitigation strategy have delayed delivery. As a result, the developer indicated that the scheme may no longer be viable with the existing numbers.

57. Ochil Hills Hospital opportunity site is a non-tiered settlement with an identified settlement boundary. A large housing allocation here would not accord with the TAYplan strategy of meeting housing need in tiered settlements first. Consequently, I issued a further information request (FIR14), seeking views upon whether the allocation should be deleted from the proposed plan. In its response to FIR14, the developer stated that additional funding has been secured to overcome the identified issues of deliverability and that its representations submitted in January 2018 should be treated as having been withdrawn. No modification is therefore necessary.

Woodland

58. Woodland Trust Scotland would like the site-specific developer requirements to refer to native tree screen planting. This matter is dealt with in Issue 16 A Natural Resilient Place (Policy 38 Forestry, Woodland and Trees). Scottish Planning Policy paragraph 217 states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Requiring all development proposals to plant native species would go beyond the advice in Scottish Planning Policy. It is more properly a matter for the council to decide when it would be appropriate to require native species to be planted. It has been recommended that

criterion (f) of Policy 38A be modified accordingly.

59. The proposed site-specific developer requirements include “protect and enhance existing woodland” and “a comprehensive woodland management plan...”. I consider these requirements to be sufficient to address concerns about tree planting. Moreover, any proposal for the development of Op19 would need to accord overall with the development plan. This would include criteria (b) and (f) (as modified) of Policy 38A: Forest and Woodland Strategy, which support proposals that would protect existing trees and woodland and make provision for the planting of native species where the council considers it appropriate. Much of the site is evidently classified as being under ancient woodland. Nevertheless, I am satisfied that the requirement to “protect” existing woodland is sufficient to ensure that this status is respected. No modification is necessary.

Drainage

60. The Scottish Environment Protection Agency would like the site-specific developer requirements to be modified to reflect all drainage options for the site. Even though the number of homes will remain at 35, there would still appear to be potential issues with connecting development to the public sewer. Thus, the option of providing a private drainage solution needs to remain open to consideration. As far as mitigation is concerned, the need for development to accord with Policy 44 Loch Leven Catchment Area is already referred to in the settlement summary on page 247 of the proposed plan. Consequently, the council has suggested that bullet points 4 and 5 on page 248 of the proposed plan be deleted and replaced with a more generic requirement. I agree and shall recommend that these modifications be made.

Powmill

Settlement Boundary and Summary

61. The issue of ancient semi-natural woodland is dealt with as part of the examination of allocation E23 below.

62. The Fossoway Community Strategy Group (the Group) has prepared a Landscape Capacity Analysis for Powmill. It proposes the inclusion of some areas not identified by the council as within the settlement, as well as the exclusion of others. No detailed justification is provided for those sites that the Group would like to see excluded. No modification is therefore required for these.

63. The Group would like additional areas of land to be included within the settlement boundary. Some of these areas (P5, P6 and P9 on the Group’s Landscape Capacity Analysis) are considered suitable for development. Powmill is a non-tiered settlement with an identified settlement boundary. It has limited services, comprising the Milk Bar; a convenience store; a butcher’s shop and a bakery. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. However, building a high number of homes in Powmill would not accord with the TAYplan strategy of meeting housing need in tiered settlements first. The Group agrees that allocation H53 has development potential. I deal with issues related to this allocation below.

64. I note that the reporter for the examination of the adopted local development plan

considered it appropriate to recognise the distinction between Powmill and Gartwhinzean Feus by ensuring that the countryside gap between them is maintained. I agree. I also agree that maintaining this separation need not prevent a new pedestrian route linking the two parts of the settlement from being created. Therefore, modification of the settlement boundary is neither necessary nor appropriate.

65. I agree with the council and the reporter for the adopted local development plan that sites P4 and the proposed village green and sports area on the Group's Landscape Capacity Analysis would be better protected from development if they were to remain outside the settlement boundary. Public consultation, including design-based workshops, is to be encouraged. The settlement summary refers to these being held to inform the next local development plan. However, the programming, content and organisation of these is not a matter that it would be appropriate for this examination to address. No modification is necessary.

E23 Powmill Cottage

66. According to what I saw during my site inspection, some of this land has been cleared, with hardstanding laid down. I saw no woodland anywhere within E23. There are trees on the steep slopes running down to Gairney Burn. I note that these trees are included within an area allocated as open space on the settlement map on page 288 of the proposed plan. This land is therefore protected from any development. One of the site-specific developer requirements is enhancement of biodiversity, natural space and a riparian strip. Moreover, any development proposal would need to accord with the development plan as a whole. This would include criterion (b) of Policy 38A Forest and Woodland Strategy, which seeks to protect existing trees and woodland. Therefore, no modification is necessary to ensure that development would not harm ancient woodland.

H53 Gartwhinzean

67. Planning permission was granted for 12 homes on H53 by 06/01947/FUL. Despite being extended by 13/00130/FUL, development did not commence and planning permission has now expired. Lesley Tennent and Councillor Barnacle are concerned that the proposed site capacity (46 to 73 homes) is too high. Unlike other settlements, where higher numbers of dwellings are proposed, Powmill has no school and the only services are those that I have identified in paragraph 63 above. No material change has taken place since the adopted plan was examined. At that time, two options for the development of H53 were consulted upon. The option with the most support was the one for 30 homes.

68. H53 is within the settlement boundary and parts of it are previously developed land. The entire allocation could deliver more than 30 homes over time. I accept that the phasing of development could manage its impacts. The question is, how many homes should be allocated to H53 for the period of the proposed plan? In my view, the paucity of services in Powmill means that the development of up to 73 dwellings over the plan period could not be supported by the settlement and would therefore fail to accord with TAYplan Policy 1C. Consequently, I agree with the reporter for the adopted local development plan that the number of homes to be built on H53 should not exceed 30 over the plan period. I have recommended a modification to the box on page 289.

69. Following my recommendation to delete allocation MU266 Crook of Devon and Drum (30 homes), there is an identified surplus of 72 units within the Kinross Housing Market Area. So, reducing the capacity of H53 to a maximum of 30 homes would not

create a shortfall in housing land supply. A surplus of 29 homes within the Kinross Housing Market Area would remain.

70. H53 has been subject to strategic environmental assessment. The need for a flood risk assessment to address concerns about surface water flooding is already accounted for in the site-specific developer requirements. During my site inspection, I noted that there are very clear indications of contamination across the previously developed part of the site. I agree that a site-specific developer requirement is needed to address this issue and shall recommend a modification accordingly. However, it would be inappropriate to prejudge the findings of any investigation. Consequently, I consider it more appropriate to make the developer requirement for the investigation of land contamination generic rather than one that seeks to establish the presence of a particular contaminant.

71. There are bus stops in Gartwhinzean Feus and Powmill. However, I noted during my site inspection that the 205 service appears to have been withdrawn. The provision of public transport cannot be addressed directly by this examination. As the settlement is located in the countryside and is a non-tiered settlement, it would not be unusual or unexpected for residents to be required to travel to access the full range of services needed by households on a regular basis. For example, I note that Powmill is within the catchment area for Fossoway Primary School, in Crook of Devon. The absence of public transport is not sufficient reason to prevent other identified needs of a settlement from being planned for.

72. Concerns about vehicular access and the effect of development upon residents of Mill Gardens would most appropriately be addressed as part of the planning application process, during which time local residents would have an opportunity to comment upon detailed elements of a proposal. I also note that the site-specific developer requirements include the provision of road and access improvements.

73. Councillor Barnacle and others wish to see improvements to the junction of the A977 with the A823 delivered in association with the development of H53. I agree with the reporter for the adopted local development plan that the number of homes allocated to H53 should not exceed 30. Consequently, no access from the A823 would be required. This means that the junction improvements that could have been required for the larger proposed allocation of 120 homes may no longer be justified. I also note that the site-specific developer requirements include the need for a transport assessment to be produced. Any proposal for the development of H53 would need to accord overall with the development plan. This would include Policy 5 Infrastructure Contributions. This policy is dealt with as Issue 04 of this examination. Consequently, the most appropriate way to address any infrastructure needs arising as a result of the development of H53 would be through the planning application process. It would be during this time that the need for a developer to provide, or contribute towards the provision of, infrastructure would be fully considered.

74. In my examination of Issue 38 Kinross-shire Area – Kinross/Milnathort I recommended that additional text be added to the settlement summary for Powmill to address the issue of route action plans. No further modification is necessary.

75. I noted during my site inspection that there is an area of woodland to the west of H53 but that it lies outside the settlement boundary and outside the extent of H53. It is unlikely to be directly affected by the development of H53. Moreover, any development proposal would need to accord with the development plan as a whole. This would include criterion

(b) of Policy 38A Forest and Woodland Strategy, which seeks to protect existing trees and woodland. I also note that the site-specific developer requirements include the production of a Landscape Framework, which could reasonably include a landscape buffer to separate the woodland from development. Consequently, no modification is necessary to ensure that development would not harm native woodland. Neither is it likely that a need would arise for compensatory planting.

New Site H370 - Land north of Powmill Farm House Steading

76. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

77. H370 is previously undeveloped ('greenfield') land and is situated outside the settlement boundary, on the northerly extremity of Powmill. An indicative layout for 15 dwellings has been submitted. It appears to include the provision of a new neighbourhood shop, which would replace the existing Milk Bar café. This is a scaled back proposal based upon the details of a much larger candidate site (MU159), which was considered in the Main Issues Report and was subject to strategic environmental assessment. However, H370 was not included in the Main Issues Report, has not been subject to strategic environmental assessment and has not been subject to public consultation.

78. According to the Main Issues Report for the adopted local development plan, the inclusion of site 715, which included the extent of H370, was considered acceptable in principle by the council only if other sites could not be brought forward. There were representations against a northerly extension to the settlement and it was ultimately excluded from the settlement boundary, with H53 being preferred.

79. I agree that Aldie Road and the track leading to Powmill Farm Steadings would constitute strong settlement boundaries. I also accept that, as a greenfield site, H370 has fewer constraints to development than does H53, especially with regard to land contamination. However, despite planning permission for development on H53 having expired, I have seen nothing to suggest that it is incapable of providing energy efficient, affordable housing of the kind proposed for H370. Moreover, H53 is already inside the settlement boundary, where Policy 6: Settlement Boundaries expects development to be contained. I also note that, despite being subject to a number of applications, the acceptability of residential development on H370 has not yet been established by grant of planning permission.

80. I agree with the council that it is usually preferable to allocate previously developed ('brownfield') land before greenfield sites. H53 comprises mostly brownfield land and has the capacity to deliver more homes than are needed over the plan period. Consequently, it is a sequentially more preferable site for housing development when compared with H370. During my site inspection (conducted at lunchtime on a weekday in early April), I noted that the Milk Bar café was doing a brisk trade, with all tables being occupied. I accept that trading conditions may not always be as favourable as they were when I visited. However, allocating H370 for housing would not appear to be necessary to allow the Milk Bar café to become a neighbourhood shop, if that is what trading conditions favour in the future.

81. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H370 for residential development is not currently justified.

Rumbling Bridge

Settlement Map (MD086)

82. I address issues relating to the allocation of E24 below.

83. The Fossoway Community Strategy Group (the Group) has prepared a Landscape Capacity Analysis for Rumbling Bridge. As far as the settlement boundary is concerned, it proposes the inclusion of one additional area and the exclusion of three existing areas. No detailed justification has been provided for those sites that the Group would like to see excluded. No modification is therefore required for these.

84. The Group would like an area of land (R5 on the Group's Landscape Capacity Analysis) to be included within the settlement boundary as being 'capable of limited development'. However, this plot was not considered in the Main Issues Report and has not been subject to strategic environmental assessment. Nevertheless, I accept that it has come forward as a result of local democratic debate. Rumbling Bridge is a non-tiered settlement with an identified settlement boundary. It is served by public transport but has no other services apart from those provided for tourists. TAYplan Policy 1C: Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement.

85. Sites R1 and R2 on the Group's Landscape Capacity Analysis are within the settlement boundary and are identified as having development potential as windfall sites. I consider that these potential windfall sites would be capable of meeting the housing needs of Rumbling Bridge throughout the plan period. There is no need, therefore, for additional sites considered suitable for development to be included within the settlement boundary. No modification is either appropriate or necessary.

E24 Rumbling Bridge (MD085)

86. It is unclear whether the E24 allocation includes an area of indicative landscaping or not. MD086 shows the indicative landscaping as being part of the allocation. However, the settlement map on page 291 of the proposed plan shows indicative landscaping adjoining the boundary of E24. For the purposes of this examination, I have treated the E24 allocation as being inclusive of indicative landscaping (i.e. as shown on MD086).

87. During my site inspection, I noted that the top of the roof of only one of the houses in Birkfield is visible from the A977, adjacent to E24. However, as the ground level in the developable part (shaded blue on MD086) of E24 is lower than the A977, it is unlikely that any part of any of the houses in Birkfield could be seen from developable land within the allocation. As the area allocated for indicative landscaping is in private ownership as landscaped garden land, I consider it very unlikely that its status would change throughout the plan period. It already contains several mature trees and effectively screens houses in Birkfield from the developable part of E24. I also note that the need for indicative landscaping has been omitted from the Fossoway Community Strategy Group's Landscape

Capacity Analysis. The indicative landscaping allocation for E24 is therefore redundant.

88. I agree that the boundary of E24 should be modified in accordance with the new boundary shown on MD085, such that the area allocated for indicative landscaping is deleted. I agree with the council that the site-specific developer requirement for a landscape framework should also be deleted because it, too, is now redundant. I shall recommend that the necessary modifications be made.

Scotlandwell and Kilmagadwood

Settlement Boundary

89. The feasibility of improving pedestrian links between Scotlandwell and Kilmagadwood is currently the subject of discussion between Portmoak Community Council and Perth and Kinross Council. I agree with the reporter for Issue 24 A Connected Place, who finds that co-operation between the two councils is the most appropriate means of providing safer pedestrian links and that any more detailed reference to this matter in the proposed plan is unnecessary. Support is provided for path and parking improvements in the settlement summary. There is no need to modify the settlement boundary to allow such works to take place.

90. Maintaining separation between the two parts of the settlement is also important because it preserves views into and out of the conservation area. I agree with the reporter for the examination of the adopted development plan that it would be unfortunate to erode the gap between the two settlements because this would weaken their separate identities. Not modifying the settlement boundary, rather than allocating it as open space, is the best way to prevent the two parts of the settlement from coalescing.

91. I deal with issues related to H161 Scotlandwell 1 below.

H54 Scotlandwell

92. Any proposal would need to accord with the development plan as a whole. This would include Policy 49 Soils, which requires an appropriate peat survey and management plan to be prepared for sites that are covered by the Scottish Natural Heritage Carbon and Peatland Maps. Nevertheless, it would aid clarity for potential developers if this matter were to be referred to as a site-specific developer requirement.

New Site H161 - Scotlandwell 1

93. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

94. Scotlandwell and Kilmagadwood is a non-tiered settlement with an identified settlement boundary. Building a high number of homes here would not accord with the TAYplan strategy of meeting housing need in tiered settlements first. H54 is already inside the settlement boundary, where Policy 6 Settlement Boundaries of the proposed plan expects development to be contained. Up to 32 homes may be built on H54 and this would

exceed what the reporter for the adopted local development plan considered would be necessary to meet housing need. I agree that 32 homes would be more than sufficient to meet the limited development needs of Scotlandwell and Kilmagadwood for the period of the proposed plan. This is the principal reason why H161 should not be allocated for housing development at this time.

95. However, there are other reasons why H161 would not be an appropriate housing site. These are identified in the strategic environmental assessment for the site. They include the effect that development here would have upon views into and out of the conservation area. Neither is the development of H161 necessary to sustain Portmoak Primary School, which is operating at 73 per cent capacity. There are other reasons given but they do not carry as much weight as those I have referred to. H161 is outside the settlement boundary. I consider that adequate opportunities already exist for windfall development within the proposed settlement boundary and outside the conservation area.

96. I acknowledge that development often leads to wider economic benefits. The development of H161 would help to sustain a local equestrian business. However, this would constitute a primarily private benefit. The local development plan must guide development to locations that support the widest public interest. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H161 for residential development is not currently justified.

New Site H163 - Scotlandwell 3

97. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

98. I accept that many of the constraints identified by the council could be overcome by good design. The delivery of more affordable housing would be welcome and the environmental and access improvements suggested would also deliver a positive public benefit. However, I have concerns that, even if views across open countryside from the burial ground could be protected to some degree, development would nevertheless create a tunnelling or funnelling effect, which would hinder a meaningful interpretation of this heritage asset and obscure the importance of its siting and the unique sense of place within the wider landscape that is a major element of its significance. Neither is the development of H163 necessary to sustain Portmoak Primary School, which is operating at 73 per cent capacity. H163 is outside the settlement boundary. I consider that adequate opportunities already exist for windfall development within the proposed settlement boundary and outside the conservation area.

99. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H163 for residential development is not currently justified.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 121, add the following bullet points and associated text to the site-specific developer requirements for site allocation E35 Balado Bridge:
 - consideration of potential land contamination issues, including an assessment of risk from radioactivity.
 - Flood Risk Assessment.
2. On page 143, add the following bullet point and associated text to the site-specific developer requirements for site allocation MU74 Blairingone:
 - investigation of any contaminated land on the site together with a programme of appropriate remediation works.
3. On the settlement map on page 177, add a green ('open space') fill to the recognised amenity land sited between West Crook Way and St Serf's Road.
4. On the settlement map on page 177, delete allocation MU266.
5. On the settlement map on page 177, delete reference to "Mixed Use Proposal" in the key.
6. On the settlement map on page 177, alter the settlement boundary to exclude deleted allocation MU266.
7. Delete all content on page 178.
8. On page 247, alter the settlement boundary for Op19 to accord with that shown by the purple pecked line on drawing MD082.
9. On page 247, alter the site boundary to accord with that shown on drawing MD081.
10. On page 248, delete the fourth and fifth bullet points and their associated text.
11. On page 248, add the following bullet point and associated text to the site-specific developer requirements for site allocation Op19 Ochil Hills Hospital:
 - Provision of a suitable drainage scheme which provides required mitigation.
12. On page 289 replace the table heading "Number" with "Capacity Range"
13. On page 289, replace "46-73 homes" with "46-73 (limited to 30 during the lifetime of the Plan)...".
14. On page 289, add the following bullet point and associated text to the site-specific developer requirements for H53 Gartwhinzean:
 - investigation of any contaminated land on the site together with a programme of appropriate remediation works.

15. On the settlement map on page 291, delete the 'indicative landscaping' fill.
16. On the settlement map on page 291 delete reference to 'Indicative Landscaping' in the key.
17. On page 292, delete the third bullet point and associated text.
18. On page 298, add the following bullet point and associated text to the site-specific developer requirements for site allocation H54 Scotlandwell:
 - an appropriate peat survey and management plan to minimise impact and implement suitable mitigation measures.

Issue 40	Kinross-shire Area – Settlements Without Proposals	
Development plan reference:	Carnbo page 153 Cleish page 158 Drunzie page 182 Greenacres page 203 Keltybridge & Maryburgh page 213 Kinnesswood page 222	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
James Cullens (0240) John Collier & Sons (0279) Mr and Mrs John Baillie (0411) Cleish and Blairadam Community Council (0510)		David Todd (0535) Portmoak Community Council (0541) Cllr Michael Barnacle (0584) A & J Stephen Limited (0622) Andrea Kosova (0643)
Provision of the development plan to which the issue relates:	Non-tiered settlements in Kinross-shire without allocated sites	
Planning authority's summary of the representation(s):		
<p><u>Carnbo</u></p> <p><u>Carnbo Settlement Boundary (p153)(MD057)</u></p> <p>David Todd (0535/01/001), Andrea Kosova (0643/01/001) - Object to settlement boundary incorporating proposed development of 5 houses south of A91 at West of Carnbo [mapped as H419 (MD055) and H421(MD056)] Council stated that this land for (now lapsed) planning permission for 5 homes [11/00325/FLL] lies within the village envelope and utilises brownfield land and therefore should continue to be shown within the settlement boundary to encourage redevelopment of brownfield land. [in Other General Comments to MIR, (CD143 page 12)] The Council appears to have confused this with the land referred to in Councillor Barnacle's comments as a builder's yard. However the land proposed for development is mainly greenfield pasture and scrub. The proposed houses will:</p> <ul style="list-style-type: none">- take more green field land- increase flooding risk and environmental impact on Loch Leven catchment.- The proposed houses and density are out of character with the hamlet and crowd existing properties.- There is no need to develop this land as no need for new houses.- Carnbo has no services and no need for further development as identified in the MIR and that more development will further alter the character.- Drainage is a problem locally with no mains drainage or sewerage, issue of Drum treatment works. In this context Council resisted 4 houses on east of Carnbo in MIR.- Likely to affect bats and owl roosts <p>Cllr Michael Barnacle (0584/01/029) - Supports settlement boundary.</p>		

Carnbo Settlement Summary

Cllr Michael Barnacle (0584/01/030) - No more housing until mains drainage available.

Cleish

Settlement Summary

Cleish and Blairadam Community Council (0510/01/007) - Wish to see the Conservation Area Assessment description included within the LDP and on the Perth & Kinross Council's website.

Drunzie (MD067)

Mr and Mrs John Baillie (0411/01/001) - Propose three areas [marked as areas A (0.5ha)[mapped as H414 (MD192)], B (0.14ha) [mapped as H428(MD193)] and C (0.15ha) [mapped as H413 (MD191)] on provided drawing (RD020)] to be included in the settlement boundary. The areas were previously zoned but have been removed. More houses are needed to support rural communities. Adding a few more houses is more deliverable than large developments. Representors are committed to and have capital to deliver serviced house plots and road access quickly. Access is directly off existing public road. The Council has previously supported the concept of a balanced settlement either side of the road.

Greenacres (MD196)

Cllr Michael Barnacle (0584/01/026) - States the site has expanded beyond the planning department's potential and has concerns the current boundary will be breached on the north west, could the landscape framework be augmented to enclose the site to the north and south.

Cleish and Blairadam Community Council (0510/01/006) - Support the settlement boundary although noting that development has proceeded outwith the southern boundary.

Keltybridge and Maryburgh

Maryburgh Settlement Boundary (MD080)

John Collier & Sons (0279/01/001) - Requests amending settlement boundary of Maryburgh to option B as shown in the SEA Appendix G (CD082 page 11) [this incorporates H317 Maryburgh 1 (MD079)]. The minor change would provide opportunities for limited small scale development.

Cleish and Blairadam Community Council (0510/01/005) - Is content with the settlement boundary and in particular (0510/01/010) supports the settlement boundary not including site H317 Maryburgh 1 as this provides an open view and gateway in the approach to Maryburgh, open character would be adversely affected, no access from public road and any access would be dangerous.

Cllr Michael Barnacle (0584/01/025) - Is content with the proposed settlement boundary

Maryburgh Settlement Summary

Cleish and Blairadam Community Council (0510/01/009) - Wish to see acknowledgement within the settlement statement that Maryburgh was a planned village associated with the Blairadam estate to strengthen the importance of mirroring the settlement pattern.

KinnesswoodSettlement Boundary (MD070)

A & J Stephen Limited (0622/01/008) - Requests settlement boundary change to accommodate proposed new site south of Bishop Terrace [see New Site: H311: Kinnesswood 1] (also known as Stephen's Field) per submission under New Sites below.

Portmoak Community Council (0541/01/008) - Supports the exclusion of Stephen's Field from the settlement boundary

Cllr Michael Barnacle (0584/01/040) - Supports settlement boundary.

New Site: H410: North of Gamekeepers Road (MD069)

James Cullens (0240/01/001) - Proposes new site (2.13ha) on north [north west] of village, outside [but adjacent to] current settlement boundary [mapped as H410 (MDXXX)], for housing including social housing and amenable to part of the land also being used for community garden orchard or allotments, or other commercial or community use. The site has not been promoted in the Local Development Plan review but was put forward for the Kinross Area Local Plan. Kinnesswood has suitable facilities and accessibility. Development of the site would have access from A911 and secondary access from Gameskeepers Road and be within walking distance of shop and primary school. The site is an effective site per PAN 2/2010 (CD040) including marketability. No known ecological or heritage issues.

New Site: H311 Kinnesswood 1: South of Bishop Terrace (MD068)

A & J Stephen Limited (0622/01/008) - Request site allocation for single plot with opportunity for homeworking. Site included in previous Proposed Plan settlement boundary for single plot development. Reporter excluded from Adopted Plan on basis site contributes to the attractive countryside setting of the village. Respondent does not agree as development on both sides of road and land rises beyond the site where there are further houses. Community Council have supported in the past as agreement to transfer 6ha of hill land to the community. Site directly abuts settlement and use compatible with neighbouring use and character. Access from Bishop Terrace. No physical constraints, owned by developer with intent to progress.

Modifications sought by those submitting representations:CarnboSettlement Boundary (MD057)

Andrea Kosova (0643/01/001) - Objects to, and David Todd (0535/01/001) seeks removal of, 5 house development [as set out in 11/00325/FLL] from settlement boundary.

Settlement Summary

Cllr Michael Barnacle (0584/01/030) - Requests no more housing until mains drainage available.

Cleish

Settlement Summary

Conservation Area

Cleish and Blairadam Community Council (0510/01/007) - Wish to see the conservation Area Assessment description included within the LDP and on the PKC website.

Drunzie

Mr and Mrs John Baillie (0411/01/001) - Amend settlement boundary to include areas A[H414,(MD192)], B [H428](MD193)]and C[H413(MD191)] on enclosed map (RD020)(MD070).

Greenacres

Cllr Michael Barnacle (0584/01/026) - Not specific about change sought but has concerns the current boundary (MD196) will be breached and asks if the landscape framework be augmented to enclose the site to the north and south.

Keltybridge and Maryburgh

Maryburgh Settlement Boundary (MD080)

John Collier & Sons (0279/01/001) - Requests amending settlement boundary of Maryburgh to option B as shown in the SEA Appendix G (CD082) [incorporating site H317 (MD079)].

Maryburgh Settlement Summary

Cleish and Blairadam Community Council (0510/01/009) - Include acknowledgement that Maryburgh was a planned village associated with the Blairadam estate.

Kinnesswood

Settlement Boundary (MD070)

A & J Stephen Limited (0622/01/008) - Change settlement boundary to accommodate proposed new site south of Bishop Terrace [see New Sites: H311 see below](MD068).

New Site: H410: North of Gamekeepers Road (MD069)

James Cullens (0240/01/001) - Requests addition of new 2.13ha site at North of village for housing and community use.

<p><u>New Site: H311 Kinnesswood 1: South of Bishop Terrace (MD068)</u></p> <p>A & J Stephen Limited (0622/01/008) - Request new site allocation to accommodate proposed single plot housing site.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>Carnbo</p> <p><u>Settlement Boundary (MD057)</u></p> <p>David Todd (0535/01/001), Andrea Kosova (0643/01/001) - The settlement boundary remains unchanged from LDP1, and the site concerning the respondents is not identified as a development site. The area the respondents wish to see removed from the settlement boundary is composed of two sections to the west [H421 (MD056)] and south [H419(MD055)] of an adjacent steading development as shown in the location plan from the prior application (CD338). Planning permission was granted over both sections in 2012 (11/00325/FLL) and has now expired. The west section (H421) is subject to a current planning application for two houses (18/00702/FLL). No new application has been proposed for the southern section:</p> <ul style="list-style-type: none"> - In the Report of Handling of the original permission (CD339) both areas were visited by the planning officer and are stated to be of brownfield character . The southern section ‘relates entirely to the dwelling house and garden forming the former residential property known as “Pitcairnie” and was subject to a condition for demolition and decontamination. Demolition has been carried out here and the site is therefore correctly identified as brownfield land. The western section (H421) is described as ‘formerly used in association with the former farm steading’ and has been used to store materials. An objection to the application above cited the prior use here as a “horse training ground” with a temporary timber shed. The site may have originally been greenfield land. However a septic tank has been installed on the site and it continues to be used for storage. Even if parts of the site are considered greenfield land, it is within the context of the settlement of a whole. Removing this section from the settlement boundary would separate the new steading development from the houses to the west and would isolate the house and property to the south. Infill development here would serve to consolidate the village. Consideration of the trees on site would be addressed through the planning application process. - Conditions were imposed with regards flooding and the Loch Leven Catchment to the satisfaction of SNH and SEPA and would be required for any new application. - Any new application will assessed against the LDP2 Policy 1: Placemaking to address design concerns. - There is a need for housing in the Kinross HMA, and although Tayplan strategy directs housing to the larger settlements, the spatial strategy for Carnbo recognises the potential for reuse of these brownfield sites as required by Scottish Planning Policy (SPP) para 40 (CD004). - The Examination Report for LDP1 (CD015, page 780) acknowledged the lack of services but identified that Carnbo was suitable for very limited development provided the infrastructure considerations set out in para 7.5.3 of the LDP1 relating to foul and surface water drainage could be met; and the settlement boundary provided scope for modest infill development. Any impact on the character of the village will be assessed through LDP2 Policy 1.

- The Examination Report for LDP1 at p 780 recognised that conditions regarding drainage would need to be met (see Adopted Local Development Plan (LDP1) para 7.5.3 (CD014, page 215). Conditions were imposed on the 2012 planning application with regards a drainage system to the satisfaction of SEPA and the new application will have to meet SEPA requirements.
- The need for an assessment of impacts on bat and owl roosts would be assessed as part of any application under policy 39.

The settlement boundary is unchanged from LDP1 which was found by the Reporter to reflect the existing settlement pattern. To remove these areas from the settlement boundary would create an artificial separation between the steading development and the houses to the west, and limit the opportunity to reuse brownfield land.

No modification is proposed.

Carnbo Settlement Summary

Cllr Michael Barnacle (0584/01/030) - It is not appropriate to have a ban on housing until mains drainage is available as it has been shown by the application discussed above (11/00325/FLL) that concerns over drainage can be met for limited development to the satisfaction of SEPA (CD340).

No modification is proposed.

Cleish

Cleish and Blairadam Community Council (0510/01/007) - The Proposed Plan generally does not refer to the existence of Supplementary Guidance for Conservation Areas in settlement statements (e.g. Comrie, Coupar Angus, Crieff) as the identification of the Conservation Area in both the text and on the settlement map is sufficient to point to the necessity to refer to the appraisal. The appraisals and where to find them are also noted in Policy 28. The existing document is now available on the Council website at <http://www.pkc.gov.uk/conservationareas>.

No modification is proposed.

Drunzie

Drunzie Settlement Boundary (MD067)

Mr and Mrs John Baillie (0411/01/001) - The settlement boundary has been drawn to reflect the current settlement pattern including an area for 10 new houses for which permission was granted in 2012 extending the village north on the east side of the main road (08/00348/FUL; 11/00277/FLL; 13/00253/FLL; 16/00644/FLL) (CD341) and which building is substantially complete:

- Area A (H414)(MD192) was within the settlement boundary in the Kinross Local Plan 2004 (CD016 page 92) but removed in LDP1 following an advisory against a planning application here (08/01393/OUT) using the Health and Safety Executive planning advice tool with regard to Pipeline Consultation Zones. This was supported by the Reporter at examination (CD015, page 775). The delegated report for the refused application (CD342) found that these houses would not be a harmful change to the character and appearance of the countryside. However HSE still

advises against development here (CD343).

- Area B (H428)(MD193) was already within the settlement boundary in LDP1 and continues to be so in LDP2.
- Area C (H413)(MD191) falls partly within the settlement boundary and would form a natural extension to the new housing by extending north by one or two houses. No objections were raised to the new housing south of here from the pipeline operators and HSE do not advise against development here (CD344). However the current settlement boundary as drawn is contained on the east side of Milnathort Road by an historic structure and a group of mature trees and balanced by Lavender Cottage and the Old Cottage on the other side of the road (see photo CD345). To the north of the proposed plot is an agricultural field. It is considered that extending the settlement boundary north beyond the current boundary would result in new housing forming the entrance to the settlement rather than the current established gateway, and potentially creating a precedent for continuing further along this strip rather than consolidating development closer to the centre of the village.

No modification is proposed.

Greenacres (MD196)

Cllr Michael Barnacle (0584/01/026) - Landscaping is currently indicated in the Proposed Plan at page 203 to provide amenity protection from the M90, and on the majority of the southern edge. The north and south extremes are situated further away from the motorway and further landscaping is not considered required as a matter of principle. The current settlement is contained within the north west boundary and the Council continues to work with site residents to ensure development is contained within the boundaries of the site. Applications for further pitches will require planning permission and will be required to consider landscaping as part of the application as was the case with a previous application here (06/02437/FUL) (CD346).

No modification is proposed.

Keltybridge and Maryburgh

Maryburgh Settlement Boundary (MD080)

John Collier & Sons (0279/01/001) - This site, H317 Maryburgh 1(MD079), was proposed pre-MIR but not taken forward into the MIR as it was considered that the site was not in accordance with TAYplan spatial strategy and sufficient infill opportunities existed (CD284, page 52). Respondents have raised concerns about the landscape impacts and safety of access of an extension here. The site is directly in view of vehicles approaching as they turn the corner into what is now the village entrance and the position on or close to the corner supports concerns about access. As acknowledged in the representation the settlement boundary as drawn already offers opportunity to accommodate further development. The representation does not provide any additional evidence that there is not sufficient opportunity within the existing boundary.

No modification is proposed.

Maryburgh Settlement Summary

Cleish and Blairadam Community Council (0510/01/009) - The proposed amendment

would add information to but is not necessary to achieve the desired outcome as development is already required to reflect the existing settlement pattern.

No modification is proposed.

Kinnesswood

Settlement Boundary (MD070)

H311 Kinnesswood 1: South of Bishop Terrace (MD068)

A & J Stephen Limited (0622/01/008) - This single house site was included in the settlement boundary in the Proposed Plan for both the Kinross Area Local Plan and the Adopted Local Development Plan (LDP1) as noted in the Proposed Local Development Plan Examination Report for LDP1 ((CD015 pages 225, 772, 776). An appeal against permission for a house here was refused in 2005 on the grounds it would detract from existing amenity of the area as the site contributes to the village setting, and the most appropriate use was considered to be continuing and increased recreation (CD347). The Council included the site in the boundary at LDP1 recognising that it could secure access to the open field as the current owners are offering the rest of the field for community ownership. Objections noted in the LDP1 Examination Report (CD015 pages 763-764) reflected the previous appeal decision. At Examination (CD015 page 776) the Reporter removed the site from the settlement boundary due to its impact on setting and amenity. Community Council minutes note that a survey led by the community council found majority support for a house here on the condition that the rest of the field was granted to the community (CD348 page 2). However in its representation to the most recent application the Community Council notes that at a meeting in April 2018 (CD349) it agreed to object to the current application due to its impact on nature and recreation.

The in principle planning application submitted in October 2017 (17/01596/IPL), detailed in the supporting statement (CD350), was subject to significant opposition from the community, including the community council, again primarily on nature and recreational grounds. The application was refused in May 2018 (CD351). The primary reason for refusal was its location outside the settlement boundary. The Report of Handling (CD352) describes how factors of landscape (LDP1 Policy ER6), recreational use (LDP1 Policy CF2), and the extent of local opposition tipped the balance against the proposal:

- Landscape: The respondent argues that the site abuts the settlement and there are houses uphill from the site. At examination of LDP1 the Reporter found the site formed a clear divide between the housing estate and the rising countryside beyond allowing open views towards the hillside. The 2018 report of handling notes (CD352 at page 10) that the proposed house site reads as part of the wider hill land and is separate from the settlement leading to an erosion of the landscape experience although able to be mitigated to an extent through the present undulating topography and additional landscaping. The site does not naturally fill a gap between houses but sits uphill of existing houses on Whitecraigs which abut the east side of Bishop Terrace. There are houses as Bishop Terrace continues uphill but not directly uphill from the site. The site therefore may separate existing houses from the countryside setting although is not unrelated to the rest of the settlement. A house here would impact on views from the back of 25 and 24 Whitecraigs and potentially from Bishop Terrace itself. The land requested to be included in the settlement boundary is also significantly larger than the established settlement pattern, and could have significantly different impacts depending on the location

within the site. The land rises significantly beyond the site so the impact on the setting should not be overstated and, given the topography of the site an appropriately sited and designed house may be able to ameliorate these concerns.

- Recreation: At examination of LDP1 (CD015, page 776) the Reporter found that the site would detract from amenity even with the core path which runs along the north edge of the site retained. The extent of gorse covering the site limits the recreational value other than providing paths through the site. The Report of Handling notes that access could be maintained to the wider area through access along the north and west of the site. Stephen's Field holds significant recreational value for Kinnesswood residents and this 6ha area has long been offered for community ownership should the site proceed. This offer could secure a large part of the area in perpetuity for community use and it is unclear how the community could otherwise secure the site in perpetuity. However judging by the responses to the planning application, local public opinion is clear in its opposition to the loss of the use of this site.

No modification is proposed.

H311 Kinnesswood 1: South of Bishop Terrace (MD068)

A & J Stephen Limited (0622/01/008) - This suggested site (MD080) would not normally be included in the Proposed Plan as an allocation (within the settlement boundary) due to its small size. The adjustment to the settlement boundary is discussed above.

New Site: H410: North of Gamekeepers Road (MD069)

James Cullens (0240/01/001) - This site was last included in the draft Kinross Local Area Plan as H15c and was not carried forward into the finalised Local Plan in response to objections and the landscape impact noted in the Objections & Responses (CD353 pages 87-88). On inquiry of the Local Area Plan (CD354 topic 61 pages 221-223) the Reporter noted that the present entrance to the village from the north-west is attractive in that it is well-defined and mature. This situation has not changed and a development here would have a significant adverse effect on the approach to and setting of the village as shown in photo (CD355). The current proposal does not address these issues. The current settlement summary notes that the boundary has been drawn tightly to limit significant future growth due to the level of growth that has taken place and to protect the character and setting of the village. A site of this size would be contrary to TAYplan settlement hierarchy approach of directing development to the largest settlements. Additionally the site was not put forward at MIR stage and it would be inappropriate to consider at this stage of the plan process.

No modification is proposed.

Reporter's conclusions:

Carnbo

Carnbo Settlement Boundary (p153) (MD057)

1. Carnbo is a non-tiered settlement with an identified settlement boundary. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development outside principal settlements. Policy 6 Settlement Boundaries of the

proposed plan gives local expression to TAYplan Policy 1C and is dealt with as Issue 5: Settlement Boundaries of this examination. Policy 6 expects development to be contained within settlement boundaries. I note that the proposed settlement boundary is unchanged from that shown in the adopted local development plan and the examination reporter did not recommend any changes to its alignment at that time. I also note that there are no allocated or candidate sites to the north or west of Carnbo.

2. Planning permission (18/00702/FLL) has been granted for residential development on H421, which is within the settlement boundary. Consequently, circumstances on the ground have overtaken the plan-making process. It is now a matter for the council to ensure that any conditions attached to this permission that may relate to matters of concern to the respondents are duly discharged.

3. As far as H419 is concerned, I do not recognise the respondents' description of the site as "mainly greenfield pasture and scrub". During my site inspection, I noted that the dwelling that occupied the site (Pitcairnie) has been demolished and that a large metal container is now sited there. Part of H419 is a grassed strip that allows access to the fields to the east of this plot. However, the fenced off part of H419 is undoubtedly previously developed land. I note that this site, too, is within the settlement boundary.

4. Planning permission (11/00325/FLL) has previously been granted for new residential development on H419. Although this has now expired, a new application (19/00710/FLL) for a detached house was submitted on 9 May 2019. This proposal will need to accord with the development plan as a whole. This includes Policy 1 Placemaking; Policy 38 Forest, Woodland and Trees; Policy 39 Biodiversity; Policy 44 Loch Leven Catchment Area; Policy 50 New Development and Flooding; and Policy 51 Water Environment and Drainage. Local residents will have an opportunity to comment upon detailed aspects of this proposal prior to the application being determined.

5. No modification to the proposed settlement boundary is justified.

Carnbo Settlement Summary

6. I agree with the council that a moratorium on residential development until mains drainage is available would not be appropriate. This is a matter that is most appropriately dealt with on a case-by-case basis as part of the assessment of individual planning applications. I also note that the Scottish Environment Protection Agency withdrew its objections to 11/00325/FLL upon the submission of further information and had no objection to 18/00702/FUL. No modification to the settlement summary is justified.

Cleish

Settlement Summary

7. I see no need for the settlement summary to include additional description of the Cleish Conservation Area. I agree that this information should be made publicly available on the council's website. Nevertheless, for the purposes of the local development plan, it is sufficient for the conservation area boundary to be shown on the settlement map and for a brief statement of the significance of the conservation area to be included within the settlement summary. No modification is necessary.

Drunzie

8. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

9. Drunzie is a non-tiered settlement with an identified settlement boundary and contains no shops or services. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. Policy 6 Settlement Boundaries of the proposed plan gives local expression to TAYplan Policy 1C and is dealt with as Issue 5 Settlement Boundaries of this examination. Policy 6 expects development to be contained within settlement boundaries. I note that the proposed settlement boundary is unchanged from that shown in the adopted local development plan.

10. Three candidate housing sites are proposed. They are identified as A (H414), B (H428) and C (H413). None of these were considered in the Main Issues Report and neither have they been subject to strategic environmental assessment or public consultation.

11. As far as H414 is concerned, I note that the reporter for the examination of the adopted plan recommended the removal of this land from the settlement boundary because it is within the Health and Safety Executive's Pipeline Consultation Zone, where residential development is advised against. There has been no change to this situation since then and I agree that a precautionary approach to allocating this site for residential development is still justified.

12. H428 is already within the settlement boundary. In principle it may be suitable for residential development as a windfall site. The same applies to that part of H413 which lies within the settlement boundary.

13. That part of H413 lying outside the settlement boundary is potentially suitable for residential development and the existing wall and fence would make a robust settlement boundary. As far as the existing settlement boundary is concerned, it too is robust, being drawn around a plot containing an outbuilding (apparently in use as garages) and wall built of stone, which have clearly been there for a very long time. I have seen no evidence of any built development having existed beyond this plot, to the north west. The existing settlement boundary in the vicinity of H413 continues to represent a natural edge to the settlement. I also agree with the council's description of this area as a gateway into Drunzie from the north. The mature trees and impressive views of the Lomond Hills that contribute to this attractive gateway into the settlement are worthy of preservation.

14. As there are no shops or services in Drunzie, residents need to rely heavily upon the private car to meet their daily needs. Consequently, any proposal for residential development would not accord with TAYplan Policy 1C because the settlement is currently unable to support new residential development. Moreover, there are sequentially more preferable windfall sites in Drunzie, such as H428. Given my reasoning above, together with the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area, I conclude that the allocation for residential

development of H414, and that part of H413 which falls outside the settlement boundary, is not currently justified. No modification to the settlement boundary is either appropriate or necessary.

Greenacres

15. During my site inspection I noted that development has already taken place outside of the proposed settlement boundary, in an area indicatively allocated for landscaping. This development is the subject of a planning application (18/02341/FLL), which is currently being determined. Circumstances on the ground have overtaken the plan-making process to some degree. It would be inappropriate for me to prejudge the outcome of 18/02341/FLL. Nevertheless, caravans are by definition capable of being moved. So, it is possible that this pitch may become vacant at some point in the future, at which time indicative landscaping could be provided along the southern boundary of the settlement. I see no need for the area of indicative landscaping to be expanded to include the northerly boundary. There are no public views that are likely to be harmed by the siting of caravans here. Moreover, the principal purpose of the landscaping would be to ensure that noise and visual intrusion caused by motorway traffic is mitigated, in the interests of securing good living conditions for site occupants. No modification is therefore necessary.

Keltybridge and Maryburgh

Maryburgh Settlement Boundary

16. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

17. Keltybridge and Maryburgh is a non-tiered settlement with an identified settlement boundary. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. Policy 6 Settlement Boundaries of the proposed plan gives local expression to TAYplan Policy 1C and is dealt with as Issue 5 Settlement Boundaries of this examination. Policy 6 expects development to be contained within settlement boundaries.

18. Candidate site H317 was considered in the Main Issues Report but has not been subject to strategic environmental assessment. During my site inspection I noted that the land is currently used for the grazing of cattle. Although I noted evidence of a foundation slab in the north-easterly corner of the plot, I have seen nothing to suggest that the land has ever been used for anything other than agricultural purposes.

19. Maryburgh is a relatively open settlement, with development extending principally along the easterly side of the road. On the westerly side of the road and within the settlement boundary are open fields, which were used for the grazing of horses at the time of my site inspection. Consequently, there are adequate opportunities for windfall development within the settlement boundary. There is no necessity, therefore to extend the settlement boundary to include H317. Although it is located outside the Historic

Gardens Designed Landscape associated with Blairadam House, I agree with Cleish and Blairadam Community Council that H317 makes a positive contribution to the countryside setting of Maryburgh at a key gateway location.

20. Given my reasoning above, together with the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area, I conclude that the allocation for residential development of H317 is not currently justified. No modification to the settlement boundary is necessary.

Maryburgh Settlement Summary

21. The settlement summary refers to the Historic Gardens Designed Landscape associated with Blairadam House. However, I note that the reporter for the examination of the adopted local development plan recommended that the settlement boundary should exclude this land. I agree with the council that it is unnecessary to add any further detail to the settlement summary because it clearly states that future development proposals should mirror the existing settlement pattern. No modification of the settlement summary is necessary.

Kinnesswood

Settlement Boundary

22. The appropriateness of including candidate sites H410 and H311 within the settlement boundary is discussed below.

New Site H410 - North of Gamekeeper's Road (MD069)

23. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

24. H410 was not considered in the Main Issues Report. Neither has it been subject to strategic environmental assessment or public consultation. Kinnesswood is a non-tiered settlement with an identified settlement boundary. TAYplan Policy 1C Outside of Principal Settlements allows local development plans to provide for some development in non-principal settlements, so long as it can be accommodated and supported by the settlement. Policy 6 Settlement Boundaries of the proposed plan gives local expression to TAYplan Policy 1C and is dealt with as Issue 5: Settlement Boundaries of this examination. Policy 6 expects development to be contained within settlement boundaries.

25. H410 extends to 2.13 hectares. It is currently greenfield land outside the settlement boundary that was under pasture at the time of my site inspection. I agree with the council and the reporter for the examination of the Kinross Area Local Plan that the existing approach to Kinnesswood from the north west is well-defined, mature, established and defensible in the long term. The easterly side of H410 abuts the westerly boundary of the settlement. The site promoter suggests that some of the land could be used as a community garden or orchard. However, if H410 were to be included within the settlement boundary, then it would be difficult to justify the refusal of planning permission for

residential development on the basis of Policy 6. Allocating H410 for residential development would be inconsistent with the TAYplan strategy of meeting housing need in tiered settlements first.

26. The conservation area is a potential constraint to development. Even so, I consider there to be adequate opportunities for windfall development within the settlement boundary and outside the conservation area throughout the period of the proposed plan.

27. Given my reasoning above, together with the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area, I conclude that the allocation of H410 for residential development is not currently justified and that it should not be included within the settlement boundary. No modification is necessary or appropriate.

New Site H311 Kinnesswood 1 - South of Bishop Terrace (MD068)

28. The housing land supply position for Perth and Kinross is dealt with in Issue 1 A Successful, Sustainable Place. As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan. Accordingly, there is no strategic numerical justification for the allocation of further sites for housing within the Kinross Housing Market Area.

29. During my site inspection, I noted that paths cross the site allowing access to the hills above Kinnesswood. These paths are well worn and it is clear from the history provided by the council that the natural qualities of the site and the contribution that it makes to the setting of Kinnesswood are highly valued by local residents. These qualities have also been consistently recognised by decision makers since 2005, when planning permission was refused for the construction of one house. I also note that the reporter for the examination of the adopted local development plan removed the site from the settlement boundary because he considered that the construction of a house would detract from the amenity value of the site, even if the core path were retained. I agree that the openness of the site and the views that it allows across the wooded slopes and heathland to the east of Kinnesswood make a significant positive contribution to the countryside setting of the settlement. Allocating H311 for residential development, even if only for a single dwelling, would cause significant harm to the natural and amenity value of the site, and to the countryside setting of Kinnesswood as a whole.

30. A single dwelling is proposed for this site. However, given what I have said above about the natural and amenity value of the site, I am not satisfied that it could be accommodated by the settlement without causing an unacceptable degree of harm. .

31. Given my reasoning above, together with the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area, I conclude that the allocation for residential development of H311 is not currently justified. No modification to the settlement boundary is either appropriate or necessary.

Reporter's recommendations:

No modifications.

Issue 41	Strathearn Area – Auchterarder	
Development plan reference:	Auchterarder, pages 114-118 Auchterarder settlement summary, pages 114-115 E25 – land south of Windsole, page 116 H228 – North West Kirkton, page 117 H342 – Auchterarder Development Framework Site 3, page 118	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Auchterarder Business Community (0003) Roger & Lesley Paterson (0004) Margaret Fraser (0005) Andrew Forgie (0006) David Homewood (0007) Mary McGraw (0008) Catherine McGraw (0009) Sheena MacPhee (0010) Evelyn Kaye (0014) Ronald W Dalglish (0020) Karen Fraser (0031) John Holme (0032) Catherine MacDonald (0052) Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Margaret Faichney (0126) Nicola and Scott Houston (0128) The Community School of Auchterarder Parent Council (0143) May Husband (0149) Bill Fyfe (0163) Alexander M Weir (0165)		Jessie R Ross (0173) Muir Homes (0214) E S McGee (0234) Colin Campbell (0311) Keryn Evely (0325) Paul and Alison Allanach (0335) Jamie Cameron (0360) Robin Churchill (0386) Alan King (0405) Judith Fraser (0429) Auchterarder and District Community Council (0431) D King Properties (Scotland) Ltd (0461) Stewart Milne Homes (Central Scotland) (0290/04, 0290/05, 0290/06, 0290/07, 0290/08, 0290/09) Richard Shaw (0499) The Gleneagles Hotel (0522) Craigrossie Sand & Gravel (0560) Elizabeth and Wilson Murchie (0702) Scottish Environment Protection Agency (SEPA) (0742)
Provision of the development plan to which the issue relates:	Allocated sites in Auchterarder	
Planning authority's summary of the representation(s):		
<u>Improved access to A9 trunk road and Gleneagles Railway Station</u> David Homewood (0007/01/002) - Reports the community's view that the new trunk road junction at Shinafoot is unwanted; that instead the community wants a flyover at the end of Western Road to connect to the A9 trunk road and Gleneagles Station, which would be safer than the existing trunk road and station access at that location; and that any savings be used to provide off-road parking in the town centre. David Homewood (0007/01/003) - Support for Aberuthven junction improvements although doubts many Auchterarder people will use it.		

Karen Fraser (0031/01/001) - Auchterarder has three access points on to the A9: the main town access, Gleneagles and Aberuthven. Surely it would be more sensible and cost effective to alter the town access and Aberuthven access to make them safer rather than create a new access at Shinafoot.

John Holme (0032/01/001) - Shinafoot is the wrong location for a trunk road junction. Insufficient unconstrained land exists at that location. Instead split level junctions are needed at Western Road and Aberuthven. A footbridge is required to provide safe pedestrian access across the A9 trunk road to Gleneagles railway station

Catherine MacDonald (0052/01/001); Robin Churchill (0386/01/001) - The proposal for a junction at Shinafoot is in the wrong place and would be a waste of money. Instead a flyover is needed at the end of Western Road for southbound A9 traffic. This could be designed so it also safely connects pedestrians and cyclists with Gleneagles railway station.

TACTRAN (0057/01/020) - Support for potential upgrading of existing at grade junction at Aberuthven to a fully grade separate junction as part of a wider Transport Scotland led review of A9 junctions between the Keir and Broxden roundabouts. This proposal would form part of SPTR Project 16 and this project is also included in the Regional Transport Strategy Delivery Plan (CD262) as Project SC6.2.

Bill Fyfe (0163/01/001) - The proposed new junction to A9 trunk road should not be built at Shinafoot but at a location on the south side of Aberuthven instead. This will allow south bound traffic leaving the trunk road to by-pass Aberuthven, which will be safer for the village.

Jessie R Ross (0173/01/001) - A flyover at the end of Western Road would be a much safer option as well as more economical.

E S McGee (0234/01/001) - The Proposed Plan does not give enough priority to the proposed junction north of Auchterarder. The existing trunk road exit south bound at Aberuthven is seriously dangerous when traffic waiting to turn right might have to queue on the fast lane of the dual carriageway because the designated area for traffic waiting to turn right might be occupied.

Paul and Alison Allanach (0335/01/001) - The pedestrian access to the railway station is inadequate since it is too far to walk from the town centre on roads that have no pavements. To access the station by crossing the A9 dual carriageway on foot is too dangerous. The lack of a safe access needlessly limits access to the station and the reinstatement of a pedestrian bridge is recommended. With increasing numbers in Auchterarder with new builds, this should be addressed.

Alan King (0405/01/002) - Junction improvements are essential.

Judith Fraser (0429/01/003) - Better access to Gleneagles railway station is essential. A pedestrian and cycle bridge similar to the temporary one provided for the Ryder Cup would improve its accessibility and reduce car use to get to and from the station.

Judith Fraser (0429/01/004) - Orchil Road is unsuitable and unsafe for general access to the A9 trunk road from the town. An alternative access road is required that skirts the main residential areas and gives access from the town to the A823 and A9 at Loaninghead.

Auchterarder and District Community Council (0431/01/003) - Instead of construction of a new junction at Shinafoot, the Community Council wishes a flyover to the southbound A9 from Western Road; a flyover from the A9 southbound to the A824 at Aberuthven; and the closure of junctions where traffic crosses the central reservation of the trunk road. Better access to Gleneagles Railway Station for pedestrians and cyclists is needed, because the existing pedestrian crossing of the A9 trunk road is dangerous.

Stewart Milne Homes (Central Scotland) (0290/05/001) - Support for the Auchterarder settlement statement penultimate paragraph acknowledging that Transport Scotland is reviewing options for provision of the new junction at Shinafoot as part of the wider review of all the trunk road junctions between Dunblane and Perth. The Auchterarder 'Settlement Summary' goes on to state that if alternatives to Shinafoot are to be brought forward, potentially including a grade separated junction at Aberuthven, these alternatives will be incorporated into a future Local Development Plan. Notwithstanding this, the lack of clarity regarding the alternative junction solution should not cause delays to development coming forward in the meantime.

Richard Shaw (0499/01/001) - Lack of safe access to the A9 trunk road southbound from the town. The alternative route via Orchil Road and A823 is not sustainable in the long term. There is a lack of safe walking and cycling access to Gleneagles railway station. The bus service to the railway station is not punctual or reliable enough.

Craigrossie Sand & Gravel (0560/01/002) - Object to lack of certainty on trunk road junction location. Traffic movements relating to on-going quarrying operations can continue without difficulty on local roads but continued uncertainty creates a compromise to the business and occupancy interests held in land in the area. A full trunk road junction at Aberuthven North is preferred over the less compelling case for a south-bound only junction at Shinafoot. Further discussions are offered with Transport Scotland and Perth & Kinross Council in this respect.

Adverse impact of proposed development on quality of life

David Homewood (0007/01/004) - The Proposed Plan is biased towards the need to provide more housing without consideration of its impact on factors such as quality of life, and overstretched or insufficient infrastructure. Examples given include the Proposed Plan's omission of care in the community; failure to consider the closure of care homes while proposing more housing; and failure to consider the lack of local employment opportunities resulting in Auchterarder taking on the character of a dormitory town, which erodes the community and its spirit.

John Holme (0032/01/002) - Agrees with David Homewood that Auchterarder should not become a dormitory town. A community that can live and shop/socialise in the town with good transport and other connections is needed instead of more houses.

Jessie R Ross (0173/01/001) - No consideration should be given to the proposal for 700 houses until the infrastructure is in place. Auchterarder would become a no-go area only useful for commuters because the local school would become overcrowded harming the education of pupils, and shops and businesses will lose customers who can't park to the next towns.

E S McGee (0234/01/002) - Plans for new housing development in the town should be deferred until there is adequate access from High Street and the A9 trunk road. The

ongoing residential developments in the town are themselves adding to the town's traffic and exacerbating the High Street problems of through traffic and of parking. Comments on unsuitability of Castleton Road, Hunter Street, Benton Road for access. No alternative access roads exist.

Richard Shaw (0499/01/001) - There has been significant house building in Auchterarder that is putting strain on the town's infrastructure and having a detrimental effect on encouraging visitors and local people accessing the town centre. In particular there is a lack of off-street parking facilities; congestion at the Feus and Hunter Street; pressure on health care facilities and increased demand for school provision. Housing demand is weaker than the Proposed Plan assumes. There should be no further house building permitted until all of the town's infrastructure issues already authorised and completed, that all existing authorised housing is completed and the existing authorised area for employment (E25) is developed to avoid the need for commuting. Then housing demand should be reassessed. Object to the current proposals because they put the town in serious danger of being strangled, and becoming just another dormitory town, devoid of line and community spirit.

Town centre issues – except parking

John Holme (0032/01/001) - High Street requires better street furniture. Charrette has not delivered any improvements and no budget is allocated for town development.

The Community School of Auchterarder Parent Council (0143/01/001) - The Proposed Plan recognises that there is a need for town centre congestion to be addressed in the interests of school pupil safety travelling to/from school; but contains no proposals for this issue.

Judith Fraser (0429/01/001) - School access is by one road, School Lane off the High Street. The Proposed Plan has no proposal to improve traffic flow at this location. The access is already dangerous but will only get more so with in increased school roll. It is too narrow for school buses to turn in and out. All traffic uses the same access point, which leads to dangerous congestion at key times. The Proposed Plan should provide alternative access points to the school to separate pedestrian and cycle access from motor vehicles. This could be met by allocating ground adjacent to the school that is currently allocated for housing.

Town centre issues – parking

David Homewood (0007/01/001) - The lack of off-road parking provision in town centre has a detrimental impact on quality of life and is stunting economic growth and footfall in High Street. Limited off-road parking has been an issue since 2001 and the town's population has increased over this period without an increase in off-road parking spaces. The Plan has no proposal to increase off-road parking spaces. It should allocate areas in the town for development of off-road parking, by compulsory purchase if necessary. To take no action would fail to address a glaring infrastructure gap. A paper setting out the options for the development of parking in Auchterarder (July 2010) was submitted.

David Homewood (0007/01/008) - No further housing developments should be agreed until the completion of those authorised under the Auchterarder Development Framework have been completed.

Mary McGraw (0008/01/001) - No more housing land to be allocated in Auchterarder until town centre parking issues are resolved and more car parks are provided.

Catherine McGraw (0009/01/001) - No more houses should be built on the land marked for development, and no new housing land allocations in Auchterarder until town centre parking issues are addressed. Land for car parking should be identified and compulsory purchased if necessary.

Sheena MacPhee (0010/01/001) - Before any more building of houses, provision of local car parking near High Street is needed but this does not mean parking meters are needed.

Evelyn Kaye (0014/01/001) - No more houses should be built in Auchterarder (and no new housing land should be allocated) until land is identified for off-road parking in the town centre. The central car park should be doubled in size by compulsory purchase of the derelict garden at the back of Waverley House (a site to which David Homewood refers to as being behind the recycling point on the east side of the existing car park at Crown Wynd).

Ronald W Dalglish (0020/01/001) - The Proposed Plan makes no provision for increased car parking in Auchterarder in the last 30 years, despite plans for over 800 new houses in that period. Currently, parking in Auchterarder is not adequate.

John Holme (0032/01/001) - Parking in Auchterarder High Street is abysmal. It is easier to go to Perth than try to park in Auchterarder. Docherty's Coaches should be relocated from its Crown Wynd site to the Western Road A9 junction and a multi-storey car park should be developed behind the Crown Wynd car park. All parking in Auchterarder should be free however suggests a maximum stay time limit within an identified area, and exemptions for residents who may hold a permit.

Catherine MacDonald (0052/01/001) - The Proposed Plan gives insufficient attention to parking. Allocate land for off-road parking in the town centre. The centre of town car park could be almost doubled if the derelict land behind Waverley House was developed. Other options submitted by the Community Council should also be pursued. No more houses should be built until land is identified for off-road parking.

Margaret Faichney (0126/01/001) - More off-road parking is urgently needed and this will mean compulsory purchase of land that is not used or derelict. No more houses should be built until the Community Council's suggested solutions have been acted upon. No more green land should be earmarked for housing; instead it should be used in some way to alleviate the lack of parking spaces.

May Husband (0149/01/001) - No new housing allocations until more off-road parking is provided.

Alexander M Weir (0165/01/001) - There is a lack of adequate off-road parking in the town centre. The town's population has increased from 3,549 in 1992 to around 5,280, which is an increase of around 1,700 and the only additional parking spaces in the town are at the Community School of Auchterarder (some distance from High Street) and they are only available outwith term time and during weekends and evenings. This has led to frustration for both residents, who park where they shouldn't, and would-be visitors who may simply give up and drive away. As an observation plenty of visitor parking is available at Aberfoyle.

Jessie R Ross (0173/01/001) - The 2008 Local Development Plan indicated that 76 parking spaces would be required by 2015 but this has not materialised, and to propose another 700 is outrageous.

Judith Fraser (0429/01/002) - As the population of the community increases, the need for parking close to amenities is increasing. Those who require to park closest to town centre facilities (including vulnerable members of the community) experience congestion and inappropriate parking. The Proposed Plan should address parking issues.

Auchterarder and District Community Council (0431/01/001) - There is insufficient off street parking in the centre of town. No further large scale housing planning applications should be granted until such time as significant additional off street parking has been provided in the town centre. The Proposed Plan should allocate land for significant additional off road parking in the town centre.

Auchterarder Business Community (0003/01/001) - Agree with David Homewood's comments on parking; and the suggested closure of Parkdale.

Roger & Lesley Paterson (0004/01/001) - Agree with David Homewood's comments. Particular support for relocation of Docherty Bus Company from Crown Wynd site to a brown site near the town, to free up land for parking options. More disabled parking spaces are required at Lloyds pharmacy and Davidsons pharmacy, both on High Street.

Margaret Fraser (0005/01/001); Andrew Forgie (0006/01/001) - Agree with David Homewood's comments on parking.

Sheena MacPhee (0010/01/001) - Agree with contents of David Homewood's letter, including parking options paper.

John Holme (0032/01/001) - Fully support the very comprehensive comments submitted by David Homewood.

May Husband (0149/01/001) - Fully support comments in David Homewood's letter

Margaret Faichney (0126/01/001) - My comments on the Proposed Plan are in line with those submitted in David Homewood's letter.

Colin Campbell (0311/01/002) - Submits a copy of David Homewood's sample letter and asks that the issues such as parking be immediately addressed.

Elizabeth and Wilson Murchie (0702/01/001) - Please record my support for the letter David Homewood sent. It is full of common sense.

Land south of Windsole (Proposal E25)

Keryn Evely (0325/01/001) - There seems to be considerable problems with developing the site E25 for employment use. Currently Auchterarder has so many houses being built that the facilities such as St Margaret's Health Centre and the Community School are going to be considerably overstretched. Parking is a considerable problem in Auchterarder with the number of houses already. In view of these two points, surely there is no need for the N W Kirkton site to be used for further housing and it could revert to the original plan that this be the site of the Business Park instead of E25.

Jamie Cameron (0360/01/001) - Object to the proposal. Reasons for objection are loss of residential amenity potentially from noise, dust, soot, light pollution, and disruption caused by deliveries; loss of biodiversity and habitat, trees and green space, which acts as a buffer between Windsole and the A9 trunk road; loss of prime agricultural land; loss of public open land; availability of alternative land at Aberuthven, which is better located; scale of proposal is too large and disproportionate to the semi-rural character of the area.

D King Properties (Scotland) Ltd (0461/04/001) - Proposed Plan should be amended to include consented roundabout access to the allocated site (planning application references 12/02160FLL & 16/01443/FLL). Map submitted showing suggested amendment.

D King Properties (Scotland) Ltd (0461/04/001) - Proposed Plan acknowledges that a planning application for the business park (17/00946/IPM) is pending consideration. This planning application is for 6.1 ha of the 8 ha allocated site, and the Proposed Plan should be amended to make reference to this planning permission in principle, if approved.

Stewart Milne Homes (Central Scotland) (0290/07/001) - Support for E25, which allocates eight hectares of land for employment use as an alternative to the planned four hectares at North West Kirkton. Its allocation also enables the delivery of additional housing land at H228 North West Kirkton, which will assist in addressing an identified shortfall in effective housing land supply.

SEPA (0742/01/039) - Support for the flood risk assessment and water environment developer requirements.

Auchterarder Development Framework sites: North West Kirkton (Proposal H228)

David Homewood (0007/01/005) - The Developer of Hunter's Meadow is a poor neighbour. No further houses should be built in the Kirkton Patch until the link road from Hunter's Meadow to the new roundabout at the east end of town is open, to prevent construction traffic from fouling the Feus and Hunter Street in particular.

Auchterarder and District Community Council (0431/01/002) - The relief/link road from A824 to Benton Road must be opened before any further housing planning applications are approved in the Hunter Street area.

David Homewood (0007/01/007) - Support Proposed Plan developer requirements that H228 should not be developed until E25 is operating as a business park.

Keryn Evely (0325/01/002) - There seems to be considerable problems with developing the site E25 for employment use. Currently Auchterarder has so many houses being built that the facilities such as St Margaret's Health Centre and the Community School are going to be considerably overstretched. Parking is a considerable problem in Auchterarder with the number of houses already. In view of these two points, surely there is no need for the N W Kirkton site to be used for further housing and it could revert to the original plan that this be the site of the Business Park instead of E25.

Catherine MacDonald (0052/01/002) - Object to development of land earmarked for housing to the north of Garth Terrace

D King Properties (Scotland) Ltd (0461/04/002) - Support the proposal to develop land at North West Kirkton for housing (H228) instead of employment uses; and for the inclusion of

the site specific developer requirement that the site should ‘...be delivered only after the fully serviced delivery of the alternative employment land (E25)’ because this provides a clear phasing approach for the delivery of these sites and will ensure the timely delivery of the allocated employment site.

Stewart Milne Homes (Central Scotland) (0290/06/001 & 0290/09/001) - Support for the proposed allocation H228, however the number of units deliverable at this site and the extent of developable area should not be fettered by the inclusion of the diagrammatic site plan and capacity range because this will ultimately be based on detailed assessments at an appropriate time in the future. Requests that the site plan be more clearly defined as ‘Indicative’.

Stewart Milne Homes (Central Scotland) (0290/06/001) - The ability to deliver this housing site (H228) should not be hindered by making it dependent on the delivery of an alternative employment site [E25], over which Stewart Milne Homes has no direct control. Market demand for sites for employment uses differ to the market demand for housing in the area.

SEPA (0742/01/111) - Object. A potential flood risk has been identified at this site. As such, part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed. The inclusion of a developer requirement for a flood risk assessment will ensure flooding issues are taken into account.

Auchterarder Development Framework Site 3: Townhead (Proposal H342)

Stewart Milne Homes (Central Scotland) (0290/04/001 & 0290/09/001) - Support for the proposed allocation H342 and capacity range, however the number of units deliverable at this site and the extent of developable area should not be fettered by the inclusion of an indicative capacity range and site plan because this will ultimately be based on detailed assessments at an appropriate time in the future. Requests that the capacity range and site plan be more clearly defined as “Indicative”.

Richard Shaw (0499/01/002) - Object to the proposal because the access roads are very narrow and unsuitable (Victoria Road and adjoining network of roads). Will cause congestion around Sydney Crescent and Rossie Place.

SEPA (0742/01/062) - Support for the flood risk assessment developer requirement.

Auchterarder Development Framework sites: Land for sports facilities at Castleton Road

Nicola and Scott Houston (0128/01/001) - Concerns about adverse impact of proposed development of sports facilities on residential amenity. Specifically light pollution from floodlights; noise and anti-social behaviour; unsightly high fences; disturbance to wildlife such as deer, buzzards and pheasants; increased traffic on country road; landscape and country feel of area destroyed; and other concerns. Concerns that the location is unsustainable because it would require parental car trips to/from town and home. It is too remote from the new houses being built.

Auchterarder and District Community Council (0431/01/004) - Adequate playing fields must be constructed.

Land north of Castle Mains (Site H230)

Muir Homes (0214/03/001) - Proposes an additional housing allocation of two distinct sites north of Castlemains. The total site area proposed is 22.2 ha with a first phase of 16.22 ha in the period 2018-23 and a second phase of 5.98 ha in the period 2023-28. The proposed sites are logical expansion areas for Auchterarder and would link the new sports facilities with housing land already under construction. The future growth of Auchterarder should be at the proposed sites based on strong completion rates at the nearby Muir Homes development, continuity of supply, and integration of houses to facilities. Significant tree planting along the northern boundary of the proposed site provides a new landscape context when compared with when the Auchterarder Development Framework was adopted. Due to the possibility for integration with facilities, no other potential direction of housing growth is as sustainable in transport terms.

Auchterarder and District Community Council (0431/01/004) - Support the Proposed Plan's non-allocation of H230.

Land at Kincardine Road, Auchterarder (Site H287); and an extension to settlement boundary south of Cloan Drive

David Homewood (0007/01/006) - Resist earmarking land south of Kincardine Road for more housing until all infrastructure capability gaps have been addressed and solutions put in place.

Mary McGraw (0008/01/002) - The proposal to earmark more land for housing near Kincardine Road is not welcome or supported.

Catherine MacDonald (0052/01/002) - Object to earmarking the green land south of Kincardine Road.

Richard Shaw (0499/01/003) - Site should remain as open space and should not be developed for housing. The access roads are unsuitable, Rossie Place, Kincardine Road and Ruthven Street are all very narrow and congested and there are poor sightlines at the junction of Ruthven Street and High Street.

Land at Hunter Street, Auchterarder (Site H407)

Stewart Milne Homes (Central Scotland) (0290/08/001) - Proposes to change the site's allocation from employment safeguarding (core) to housing. The site area is 0.9 ha and was last used as the construction offices for phase 1 of Hunters Meadow. It is currently vacant and has ceased to fulfil a useful function. It is proposed to redevelop the site for housing. The site could accommodate around 40 units in a mix of houses and flats. It is a brownfield site in an existing residential area. Alternative employment land is proposed elsewhere in the area (E25). An assessment of the site's suitability for the proposed use is provided.

Community School of Auchterarder

The Community School of Auchterarder Parent Council (0143/01/001) - The Proposed Plan recognises that there is a need for capacity at the school to be increased but contains no proposals for this issue.

Judith Fraser (0429/01/001) - The Proposed Plan should include a specific proposal to increase the school's capacity. This should not be at the expense of free space/playing fields. Adjacent ground requires to be allocated for school use instead of housing, which could be allocated elsewhere. All the school playing fields and sports/recreational facilities should be located next to the school instead of at the area allocated on Castleton Road, which is too remote to be practical. Leisure facilities out of school hours have limited opening hours and obstructive rules regarding block booking. The Proposed Plan should re-zone ground adjacent to the school for the purpose of school expansion, and access to Live Active facilities must be improved.

Auchterarder and District Community Council (0431/01/006) - The school's catchment population is rising and the number of school staff will therefore rise. School infrastructure such as buildings and parking will have to increase. Some school staff already park in town to avoid congestion and delay at peak times and more school parking is needed.

Landscape setting of Auchterarder and Gleneagles

The Gleneagles Hotel (0522/01/003) - The landscape character of and surrounding Auchterarder is of key importance in retaining the intrinsic rural character and setting of this area of Perthshire. It is considered of comparable importance for the settlement of Gleneagles. Gleneagles and Auchterarder have a close relationship and it is important that the Plan provides sufficient policy direction to ensure development proposals are sufficiently robust and can be carefully integrated. Seek support only for sites that can be satisfactorily accommodated in the landscape and pay close attention to the settlement boundaries. New development must aim to reinforce the special historic qualities for the town in way that does not adversely impact upon the uninterrupted naturalness of views and experiences around the town, especially to the north. The A823 road running north-south between Auchterarder and Gleneagles is an important physical and visual feature that allows both settlements to retain a degree of separation and avoid coalescence.

To direct development to areas outwith the historical centre of Auchterarder to outlying areas north of Orchil Road outwith the settlement envelope and west towards Gleneagles would not take account of the landscape character assessments, nor would it meet Proposed Plan policies on placemaking and landscape. The importance of the landscape of the area for business and in turn tourism cannot be overlooked nor compromised by residential development pressures without a full and thorough assessment having taken place into all aspects of likely impacts.

Auchterarder miscellaneous and comments on Infrastructure Studies

David Homewood (0007/01/009) - Infrastructure Studies: comments on the Auchterarder Business Improvement District process, where the business community considered it unnecessary and offered them no benefits. And the play park by Abbey Road is not functional, overgrown, not maintained and has an 8-foot fence surrounding it.

Jessie R Ross (0173/01/001) - Parkdale [residential care home] and Health Centre should be kept open as it is an invaluable service for Auchterarder and area and helps to elevate St Margaret's Hospital, when people are waiting for placement.

E S McGee (0234/01/001) - It would be useful if the Proposed Plan illustrated a longer-term picture as to Auchterarder's direction of growth. Questions whether there is any likelihood of the town straddling the A9 trunk road and the railway as these two arteries

offer potential major improvements to the town's connectivity and creation of a trunk road services area and better public transport links. However potential will be limited if some planned developments such as H287 and MU231 are allowed to proceed.

E S McGee (0234/01/001) - The Proposed Plan fails to provide walking links or footpaths where they are needed and in a timely manner. Example of partly-built link at Elcho Green that remains uncompleted. This has led to longer walks to school and additional cars on the congested school run. The path from the Doocot to High Street by Collearn House is only usable in daylight because it is unlit.

E S McGee (0234/01/001) - Corrections suggested to the Infrastructure Study including clarification on the terms of the hourly bus service to Perth; no direct coach travel to any other major city. The bus stop for coaches is effectively at Gleneagles by the side of the A9 trunk road, which is 1.7 miles out of town. The stop on the north side of the trunk is accessible on foot because it is on the same side as town, but the stop on the south side is too dangerous because it involves crossing the trunk road. Gleneagles railway station should not be regarded as an Auchterarder facility because it is practically inaccessible on foot from the town. A taxi or car journey of 3.4 miles is necessary. There is a poor bus service between the station and Auchterarder's High Street. The study should be amended to say there is only one location with three pavement-edge petrol pumps, relatively limited and erratic opening hours, and which is used by few if any residents of the town. The future of the ATM located at the Bank branch is to be questioned, while the two other ATMs in the town are unreliable leading to banking/cash facilities being 'quite iffy'.

Paul and Alison Allanach (0335/01/001) - There is neither a public swimming pool nor a public gym in the town. With increasing numbers in Auchterarder with new builds, this should be addressed.

Modifications sought by those submitting representations:

Improved access to A9 trunk road and Gleneagles Railway Station

David Homewood (0007/01/002 & 0007/01/003); Karen Fraser (0031/01/001); John Holme (0032/01/001); Catherine MacDonald (0052/01/001); Robin Churchill (0386/01/001); TACTRAN (0057/01/020); Bill Fyfe (0163/01/001); Jessie R Ross (0173/01/001); Ewen McGee (0234/01/001); Paul and Alison Allanach (0335/01/001); Alan King (0405/01/002); Judith Fraser (0429/01/003 & 0429/01/004); Auchterarder and District Community Council (0431/01/003); Stewart Milne Homes (Central Scotland) (0290/05/001); Richard Shaw (0499/01/001); Craigrossie Sand & Gravel (0560/01/002) - Respondents make suggestions to amend the Plan to show revised junction alterations for the town access (Western Road), and Aberuthven instead of a new access at Shinafoot; and provide a pedestrian bridge across the A9 trunk road linking the town to Gleneagles Railway Station

Adverse impact of proposed development on quality of life

David Homewood (0007/01/004); John Holme (0032/01/002); Jessie R Ross (0173/01/001); E S McGee (0234/01/002); Richard Shaw (0499/01/001) - The respondents make points that there should be a pause placed on major development in the town because of the adverse impacts that are being felt on existing residents and businesses and on the town's infrastructure.

Town centre issues – except parking

John Holme (0032/01/001) - Improve the street furniture on High Street. Allocate a budget for town development and improvements to implement the Charrette.

The Community School of Auchterarder Parent Council (0143/01/001); Judith Fraser (0429/01/001) - Amend the Plan to improve pupil safety travelling to/from school. Allocate alternative access points to the school to separate pedestrians and cyclists from vehicles.

Town centre issues – parking

Auchterarder Business Community (0003/01/001); Roger & Lesley Paterson (0004/01/001); Margaret Fraser (0005/01/001); Andrew Forgie (0006/01/001); David Homewood (0007/01/001 & 0007/01/008); Mary McGraw (0008/01/001); Catherine McGraw (0009/01/001); Sheena MacPhee (0010/01/001); Evelyn Kaye (0014/01/001); Ronald W Dalglish (0020/01/001); John Holme (0032/01/001); Catherine MacDonald (0052/01/001); Margaret Faichney (0126/01/001); May Husband (0149/01/001); Alexander M Weir (0165/01/001); Jessie R Ross (0173/01/001); Colin Campbell (0311/01/002); Judith Fraser (0429/01/002); Auchterarder and District Community Council (0431/01/001); Elizabeth and Wilson Murchie (0702/01/001) - Amend the Plan to increase off-street parking capacity. Some respondents echo David Homewood's representation.

Land south of Windsole (Proposal E25)

Stewart Milne Homes (Central Scotland) (0290/07/001); Scottish Environment Protection Agency (0742/01/039) - Support for the Plan

Keryn Evely (0325/01/001); Jamie Cameron (0360/01/001) - Amend the Plan to delete Proposal E25. The proposal could be provided elsewhere in the area.

D King Properties (Scotland) Ltd (0461/04/001) - Amend Plan to refer to consented roundabout to serve as access to the proposal, and an in-principle planning application for part of the Proposal.

Auchterarder Development Framework sites: North West Kirkton (Proposal H228)

D King Properties (Scotland) Ltd (0461/04/002); Stewart Milne Homes (Central Scotland) (0290/03/001) - Support for the Plan with comments related to the phasing of the development.

Stewart Milne Homes (Central Scotland) (0290/06/001 & 0290/09/001) - Amend the plan to improve flexibility on capacity, and make the delivery of Proposal H228 independent of Proposal E25.

SEPA (0742/01/111) - Amend the Plan to include a developer requirement for a flood risk assessment.

David Homewood (0007/01/005 & 0007/01/007); Auchterarder and District Community Council (0431/01/002); Keryn Evely (0325/01/002); Catherine MacDonald (0052/01/002) - No specific change to the plan is sought however comments relate to the phasing of the development.

Auchterarder Development Framework Site 3: Townhead (Proposal H342)

Stewart Milne Homes (Central Scotland) (0290/04/001 & 0290/09/001) - Amend the plan to improve flexibility on capacity.

Richard Shaw (0499/01/002) - While concern is expressed regarding the capacity of Victoria Road and the adjoining network, no specific amendment to the Plan is sought.

SEPA (0742/01/062) - Support for the flood risk assessment developer requirement.

Auchterarder Development Framework sites: Land for sports facilities at Castleton Road

Nicola and Scott Houston (0128/01/001) - While concern is expressed about the environmental impact of development at this location, including the impact of car trips between the site and the town, no specific amendment to the Plan is sought.

Auchterarder and District Community Council (0431/01/004) - No specific amendment to the Plan is sought.

Land north of Castle Mains (Site H230)

Muir Homes (0214/03/001) - Amend Plan to include a housing allocation on land north of Castle Mains.

Auchterarder and District Community Council (0431/01/004) - Support for the Proposed Plan.

Land at Kincardine Road, Auchterarder (Site H287); and an extension to settlement boundary south of Cloan Drive

David Homewood (0007/01/006); Mary McGraw (0008/01/002); Catherine MacDonald (0052/01/002); Richard Shaw (0499/01/003) - No specific change is sought but the respondents wish to resist housing at this location. Some respondents consider the land should remain as open space.

Land at Hunter Street, Auchterarder (Site H407)

Stewart Milne Homes (Central Scotland) (0290/08/001) - Amend the Plan to allocate the site for housing.

Community School of Auchterarder

The Community School of Auchterarder Parent Council (0143/01/001); Judith Fraser (0429/01/001); Auchterarder and District Community Council (0431/01/006) - Amend the Plan to include a proposal to increase capacity at the Community School of Auchterarder.

Landscape setting of Auchterarder and Gleneagles

The Gleneagles Hotel (0522/01/003) - No specific change to the plan is sought however comments on the setting of the settlements are offered.

Auchterarder miscellaneous and comments on Infrastructure Studies

David Homewood (0007/01/009); E S McGee (0234/01/001) - No specific changes are sought to the plan however comments on the infrastructure studies are offered.

Jessie R Ross (0173/01/001) - Amend Plan to keep Parkdale [residential care home] and the Health Centre open.

Paul and Alison Allanach (0335/01/001) - Amend Plan to include a proposal for a public swimming pool and gym.

Summary of responses (including reasons) by planning authority:

Improved access to A9 trunk road and Gleneagles Railway Station

David Homewood (0007/01/002 & 0007/01/003); Karen Fraser (0031/01/001); John Holme (0032/01/001); Catherine MacDonald (0052/01/001); Robin Churchill (0386/01/001); TACTRAN (0057/01/020); Bill Fyfe (0163/01/001); Jessie R Ross (0173/01/001); E S McGee (0234/01/001); Paul and Alison Allanach (0335/01/001); Alan King (0405/01/002); Judith Fraser (0429/01/003 & 0429/01/004); Auchterarder and District Community Council (0431/01/003); Stewart Milne Homes (Central Scotland) (0290/05/001); Richard Shaw (0499/01/001); Craigrossie Sand & Gravel (0560/01/002) - The Council agrees with many of the respondents that there would be significant safety benefits if the existing at-grade trunk road junctions were removed and grade-separated junctions created to serve Auchterarder and Aberuthven. The Council accepts that such work can only be progressed with the support of Scottish Ministers through Transport Scotland, which is the Trunk Road Authority responsible for the A9 at that location. The Council has for a number of years been urging Transport Scotland to bring forward junction improvements including a grade separated Aberuthven junction, in preference to Shinafoot junction. Dialogue is ongoing in this respect. The Council has a developer contributions policy in place to assist in junction upgrades. However in terms of the respondents' wishes for the location for any new or replacement trunk road junctions, this is a matter for Transport Scotland to prepare proposals and then consult.

Access to Gleneagles Station has been significantly improved following the development of a grade separated trunk road junction at Loaninghead and the closure of the former access, directly off the A9. Access for pedestrians and cyclists, and the frequency of the station bus service are raised as areas for improvement. The Plan contains a comprehensive suite of policies that are designed to facilitate active travel, particularly to railway stations and the Plan would support suggested path upgrades. In addition, the Auchterarder Development Framework provides for a Community Facilities Fund where developer contributions may be used to improve community facilities in the town to mitigate the impact of significant new development. The cost of the development of a dedicated pedestrian/cycle bridge over the A9 to access the station is however outwith the scope of this fund.

There is no evidence to suggest Orchil Road is unsafe nor has the capacity to accommodate more traffic.

No modification is proposed to the Plan in respect of improved access to A9 trunk road and Gleneagles Railway Station.

Adverse impact of proposed development on quality of life

David Homewood (0007/01/004); John Holme (0032/01/002); Jessie R Ross (0173/01/001); Ewen McGee (0234/01/002); Richard Shaw (0499/01/001) - While no specific changes are suggested, the theme of these representations is that the town's infrastructure is not keeping pace with the major developments under construction. However the Council's response is that these impacts have previously been taken into account in determining whether the town should expand: firstly in the development of the Auchterarder Expansion Framework and SEA (which was subsequently adopted as Supplementary Guidance to the LDP); and secondly in the applications for in-principle and detailed consents that have been considered and determined by the Council in respect of the separate development parcels. A temporary ban on further development (or halt to progression of already-consented development) would be counter to the aims of the Plan and of the Auchterarder Expansion Framework.

No modification is proposed to the Plan.

Town centre issues – except parking

John Holme (0032/01/001) - The Auchterarder charrette referred to by the respondent prioritised the community's wishes for improvements to the town and particularly in the town centre. While the Local development Plan provides a comprehensive suite of policies that would support the projects identified by the charrette, it does not allocate funding for their implementation. This is a matter for the Council and the community to decide in partnership with other stakeholders and potential funders.

No modification is proposed to the Plan.

The Community School of Auchterarder Parent Council (0143/01/001); Judith Fraser (0429/01/001) - The Community School of Auchterarder has a highly accessible location within walking distance of the town centre. However it is recognised that it serves a geographically large catchment and that good access by car is essential for many staff and pupils. Because of the size of the school, access at peak times is of course going to be busy and there is a need to manage the risk of a pedestrian or cyclist and vehicle accident. The Plan's policies support making the school more accessible for active travel, through opening up new accesses and routes to school for people who live within walking or cycling distance. The large housing sites under construction will provide for this as an integral part of their layout and design.

No modification is proposed to the Plan.

Town centre issues – parking

Auchterarder Business Community (0003/01/001); Roger & Lesley Paterson (0004/01/001); Margaret Fraser (0005/01/001); Andrew Forgie (0006/01/001); David Homewood (0007/01/001 & 0007/01/008); Mary McGraw (0008/01/001); Catherine McGraw (0009/01/001); Sheena MacPhee (0010/01/001); Evelyn Kaye (0014/01/001); Ronald W Dalglish (0020/01/001); John Holme (0032/01/001); Catherine MacDonald (0052/01/001); Margaret Faichney (0126/01/001); May Husband (0149/01/001); Alexander M Weir (0165/01/001); Jessie R Ross (0173/01/001); Colin Campbell (0311/01/002); Judith Fraser (0429/01/002); Auchterarder and District Community Council (0431/01/001); Elizabeth and Wilson Murchie (0702/01/001) - The issue of town centre off-street parking is

of concern to a number of respondents. The Council acknowledges that options have been submitted for consideration and in fact a parking study was instructed and commenced looking at options for increasing the number of spaces, making better use of their configuration and examining the ways in which they may be managed.

The aim of this study is to ensure that as many parking spaces are made available in the locations and at the times at which they are needed. In addition, the study will also examine whether particular groups such as residents or people who work in the town centre or Community School of Auchterarder have specific parking needs and requirements, which can better be met outwith the core area, therefore freeing up space and providing a higher turnaround in the main shopping core.

Whilst the parking study is a work in progress a copy may be made available to the reporter on request. The preliminary findings of the study indicate that occupancy of areas used for car parking is relatively high however better use could be made of many areas through considering options for the needs of longer-term and resident parkers and of short-stay parkers. In addition, the Council is pursuing option to acquire land for additional off-street spaces in the areas where demand is highest.

To date at least one potential option has been identified whilst others are also being pursued. The identified option involves an extension to the Crown Inn Car Park with the potential to provide an additional 25 spaces. The Council is currently in negotiations with the landowner with a view to purchasing the site. Progress on this project is expected to be made independently of the LDP.

No modification is proposed to the Plan.

Land south of Windsole (Proposal E25)

Keryn Evely (0325/01/001); Jamie Cameron (0360/01/001) - The Council views these respondents as not being against the principle of allocating land for employment in the local area, however they would prefer it was allocated elsewhere. The potential for developing E25 was first floated in the Auchterarder Expansion Framework, which originally allocated an area at Kirkton however acknowledged that should better options come forward these could be developed instead. Proposal E25 was one of the main issues consulted on in the previous Main Issues Report (2010) and it was one of the issues that formed part of the examination into the 2012 Proposed Plan.

It was determined that E25 did indeed present a better option for development than other sites considered in the area and the Local Development Plan was adopted in 2014 with proposals for its development. Since then, planning permission has been granted for an access to the site (12/02160/FLL & 16/01443/FLL), and a planning application has been submitted for the first four phases of the site's development (17/00946/IPM). Accordingly the Council's view is that would not be appropriate to delete it from the Plan at this stage.

D King Properties (Scotland) Ltd (0461/04/001) - The Plan already contains proposal E25 and the Council sees no need to amend the plan to update this proposal with the planning application reference. Similarly, the roundabout access planning application has already been granted, and although not yet constructed, there is no value in amending the Plan to reflect this.

No modification is proposed to the Plan in respect of Proposal E25.

Auchterarder Development Framework sites: North West Kirkton (Proposal H228)

D King Properties (Scotland) Ltd (0461/04/002); Stewart Milne Homes (Central Scotland) (0290/06/001) - Support for the Plan.

Stewart Milne Homes (Central Scotland) (0290/06/001 & 0290/09/001) - In respect of the request for flexibility over the developable area of H228, the Council has taken into consideration the sloping nature of the site, its visual prominence from the approach road and when viewed from the more distant railway line. In addition there is uncertainty over the final form of development as this area is likely to be phased nearer the end of the development, potentially well beyond the plan period. Accordingly the Council sets out a capacity range which is considered to already offer sufficient flexibility and currently be the best estimate available. The objectors have submitted no evidence to support further increasing the flexibility, and the Council's response to the issue of capacity ranges more generally is discussed in response to representations on Issue 01 A Successful, Sustainable Place.

No modification is proposed to the Plan in respect of Proposal H228.

Stewart Milne Homes (Central Scotland) (0290/03/001) - In respect of linking the delivery of the housing site H228 with the delivery of the employment site E25, the Auchterarder Development Framework (which encompasses H228) requires joint working between developers of the identified sites to ensure the delivery of employment land. The Framework seeks to provide for the sustainable expansion of Auchterarder providing, housing, play facilities and employment land. It is in the public interest that employment land is provided, in a phased manner, in tandem with the delivery of housing land as currently agreed in the S75 for the Auchterarder Development Framework sites. The Plan considers it important that people should at least have the opportunity to both live and work in the community and this can only be achieved if additional employment land is made available within the settlement.

SEPA (0742/01/111) - In respect of the need for a Flood Risk Assessment, the proposal has been recently assessed by SEPA as requiring the submission of a FRA and for the reasons set out in their representation it may be desirable to specify this in the site specific developer requirements.

David Homewood (0007/01/005 & 0007/01/007); Auchterarder and District Community Council (0431/01/002); Keryn Evely (0325/01/002); Catherine MacDonald (0052/01/002) - The phasing of the development is a matter for the Auchterarder Development Framework and the various in-principle and detailed applications for planning permission submitted throughout the lifetime of the developments. The Council disagrees that this should also be set out in the Plan.

No modification is proposed to the Plan in respect of Proposal H228. However there is some value in the suggestion from SEPA. Should the reporter be considering this as a modification, the Council would be comfortable in accepting SEPA's recommendation to add a requirement for a flood risk assessment.

Auchterarder Development Framework Site 3: Townhead (Proposal H342)

Stewart Milne Homes (Central Scotland) (0290/04/001 & 0290/09/001) - In respect of the request for flexibility over the developable area of H342, the Council has taken into

consideration the sloping nature of the site, its visual prominence in the landscape, and the uncertainty over the final form of development. In addition there is uncertainty over the final form of development as this area is likely to be phased nearer the end of the development potentially well beyond the plan period. Accordingly the Council sets out a capacity range which is considered to already offer sufficient flexibility and currently be the best estimate available. The objectors have submitted no evidence to support further increasing the flexibility, and the Council's response to the issue of capacity ranges more generally is discussed in response to representations on Issue 01 A Successful, Sustainable Place.

Richard Shaw (0499/01/002) - The capacity for the adjacent road network to support the proposal has been assessed and Victoria Road is unlikely to be the sole access point. The traffic impacts have previously been taken into account in determining whether the town should expand in the development of the Auchterarder Expansion Framework and SEA (which was subsequently adopted as Supplementary Guidance to the LDP); the impacts are also assessed at the planning application stage but it is unnecessary to amend the Plan at this stage.

SEPA (0742/01/062) - Support for the flood risk assessment developer requirement.

No modification is proposed to the Plan in respect of Proposal H342.

Auchterarder Development Framework sites: Land for sports facilities at Castleton Road

Nicola and Scott Houston (0128/01/001) - The principle of locating the sports facilities at that location was established through the development of the Auchterarder Expansion Framework and SEA (which was subsequently adopted as Supplementary Guidance to the LDP). The site specifics points relating to visual impact, lighting, traffic impact and other matters raised in the representation can all be addressed through good design at the planning application stage.

No modification is proposed to the Plan

Land north of Castle Mains (Site H230)

Muir Homes (0214/03/001); Auchterarder and District Community Council (0431/01/004) - This is a large greenfield site north of the existing settlement boundary. The site is gently sloping to the north east.

The town of Auchterarder is very prominent in the wider landscape and this site would appear to sit beneath the existing Expansion Framework sites; it would therefore be relatively prominent when viewed from the north. The roads from the north are important approaches to the town and this site would be very visible from that approach. It is noted that Auchterarder and District Community Council (0431/01/004) support the exclusion of this site from the Plan.

In addition, Auchterarder has a large and effective housing land supply and to avoid adverse impact on the landscape setting of the town there is no need to identify additional allocations at this time.

No modification is proposed to the Plan.

Land at Kincardine Road, Auchterarder (Site H287); and an extension to settlement boundary south of Cloan Drive

David Homewood (0007/01/006); Mary McGraw (0008/01/002); Catherine MacDonald (0052/01/002); Richard Shaw (0499/01/003) - The Adopted LDP already includes site H287 within the settlement boundary. It is owned by the Council and its current use is as a small play area and small area of maintained open space at its northern edge, and rough paddock over the southern part of the site.

The Proposed Plan brings the adjacent site south of Cloan Drive within the settlement boundary. This site could be developed and used to improve access to the neighbouring site H287 should the Council bring forward a proposal for the development of the two sites at some point in the future.

With a large and effective housing land supply in the settlement, the Council has no current plan to develop either site within the Plan period. These sites are therefore identified on the Proposals map as within the settlement boundary but are not identified as Proposals in their own right.

No modification is proposed to the Plan.

Land at Hunter Street, Auchterarder (Site H407)

Stewart Milne Homes (Central Scotland) (0290/08/001) - The site is within Auchterarder's settlement boundary. Its last use was as offices and yard for the respondent's business and it has become surplus to requirements. It is located in a residential area and is the non-conforming use when compared with its neighbours.

Auchterarder has a large and effective housing land supply and there is no need to identify additional allocations at this time. However as it is inside the settlement boundary, the Plan would support its development and the site could come forward as a windfall opportunity and it is unnecessary to amend the Plan.

No modification is proposed to the Plan.

Community School of Auchterarder

The Community School of Auchterarder Parent Council (0143/01/001); Judith Fraser (0429/01/001); Auchterarder and District Community Council (0431/01/006) - The Council as education authority confirms that the school has capacity for the estimated increase to its catchment population. The Plan contains a comprehensive suite of policies including developer contributions for education provision where this is or is likely to become an issue. As may be expected, the school roll is rising in a catchment area where the school age population is rising however it is forecast that this can be managed over the Plan period. In terms of the sports facilities at the school and in the town that are mentioned in representations, the Plan allows for their expansion.

No modification is proposed to the Plan.

Landscape setting of Auchterarder and Gleneagles

The Gleneagles Hotel (0522/01/003) - The respondent offers support for some of the aims and objectives of the Plan, and their comments are noted.

No modification is proposed to the Plan.

Auchterarder miscellaneous and comments on Infrastructure Studies

David Homewood (0007/01/009); E S McGee (0234/01/001) - No response is offered however the comments on the infrastructure studies and especially the town paths are noted. The Council considers that the long-term picture as to Auchterarder's growth over the Plan period is contained within the Plan's strategy, policies and proposals and that no further information is necessary.

Jessie R Ross (0173/01/001) - The Plan contains no proposals to close either Parkdale residential care home or the Medical Centre mentioned by the respondent. In fact the Policies would support the retention of essential community facilities. Decisions on whether to keep community facilities open are usually taken by the operators in consultation with the users and stakeholders.

Paul and Alison Allanach (0335/01/001) - The Plan contains provision for improvements to sports facilities in the town however a swimming pool does not specifically feature.

No modification is proposed to the Plan.

Reporter's conclusions:

Improved access to A9 trunk road and Gleneagles Railway Station

1. Section 3.4 of the proposed plan explains that it seeks to strategically improve connectivity building upon various initiatives and projects, including the A9 junction improvements. The Auchterarder settlement summary highlights that the creation of a new junction at Shinafoot is planned. The Aberuthven settlement summary identifies that options could include a grade separated junction on land to the east of Aberuthven. However, the proposed plan is clear that Transport Scotland is reviewing options as part of a wider review of all the trunk road junctions between Dunblane and Perth.

2. I note representations propose a different junction option and that some support junction improvements. However, it is not within my remit to consider the location of proposed junctions, this is a matter for Transport Scotland. I note that there will be an opportunity for the public and other stakeholders to comment on junction proposals.

3. Policy 58B New Development Proposals supports developments which promote cycling and walking. It highlights that particular attention must be paid to access arrangements and cycle parking facilities. The proposed plan would therefore support the principle of future development proposals to improve pedestrian and cycle access to Gleneagles Station. I find that no modifications are therefore required.

4. I note concerns regarding Orchil Road. I did not see anything at my site inspection to suggest the road was unsafe or lacked capacity to accommodate additional traffic. My observations and the submitted evidence does not allow me to reasonably conclude that the road is unsafe or lacks the capacity to accommodate additional traffic. In addition, any wider impact of the proposed junction improvements will be considered as part of the review that is being undertaken by Transport Scotland.

5. I do not consider that there is any suggestion within the proposed plan which states

that a lack of clarity regarding any alternative junction solution would result in delays to the development of the site. No modifications are therefore required.

Adverse impact of proposed development on quality of life

6. Auchterarder is identified within the strategic development plan as a tier 3 principal settlement. Policy 1 Location Priorities requires tier 3 principal settlements to play an important but more modest role in the regional economy and to accommodate a small share of additional development. Policy 4 Homes and Policy Map 4 define the annual housing supply targets that local development plans are to plan for and requires them to identify sufficient land within each housing market area to meet the housing land requirement.

7. Auchterarder lies within the Strathearn Housing Market Area and is one of only two principal settlements, the other being Crieff which is a tier 1 settlement. In accordance with the spatial approach of the strategic development plan it is therefore appropriate for the proposed plan to look to accommodate a significant proportion of the housing for the Strathearn Housing Market Area in Auchterarder.

8. The proposed plan explains that Auchterarder is an important centre with a good range of facilities and services for residents and visitors. It serves a large rural area where tourism and golfing are the main economic drivers and which provide local employment.

9. A number of representations have expressed concern regarding the impact of the level of development not only proposed within the plan but also that which has been delivered and granted planning permission over recent years. Of particular concern is the apparent focus of the plan on the delivery of housing rather than considering the impact of the development on the quality of life of residents and whether there is any demand for the level of housing proposed.

10. The Town and Country Planning (Scotland) Act 1997 requires councils when preparing their local development plans to take into account the National Planning Framework. In addition, where the proposed plan lies within an area covered by a strategic development plan, that the local development plan must be consistent with the strategic development plan. As a result, the proposed plan must reflect the housing land requirement set out within the strategic development plan.

11. The Environmental Assessment (Scotland) Act 2005 requires the proposed plan to be subject to a strategic environmental assessment. The environmental report which accompanies the proposed plan has considered the potential environmental effects of its strategy, policies and proposals. It has also considered the impact of the proposed plan on population and human health. I am therefore satisfied that through the preparation of the proposed plan, quality of life issues have been appropriately considered.

12. A number of representations state that there is a need for investment in infrastructure and the provision of services to support the development proposed within Auchterarder. Particular concern is raised regarding: a lack of care in the community; closure of care homes; lack of school places; pressure on health care facilities; traffic congestion; lack of parking; and lack of local employment opportunities.

13. The Auchterarder Infrastructure Report (2017) highlights that the settlement has a number of community facilities which are all easily accessible at central locations. It also

identifies that the transport network has sufficient capacity to sustain the current flow of traffic and that there is a need for improved access to the A9. With regard to health care provision the report highlights that there are two pharmacies and one doctors surgery. It is acknowledged that at the time of writing the doctors surgery had capacity but this may change in the future depending on the level of development coming forward. The report states that the council will work with the NHS to ensure that the community can have access to health care.

14. The infrastructure report explains that the Community School of Auchterarder comprises a primary and secondary school, with nursery provision. It is identified that the level of development has the potential to impact on the available capacity within the primary school and that the council will seek to secure financial contributions towards the delivery of additional capacity if required.

15. I note that the Auchterarder Development Framework Supplementary Guidance, which is referred to within the Auchterarder settlement summary, provides a structured approach to the development of large areas of housing land. Also, that housing is under construction at three of the sites identified. The site specific developer requirements for sites H228 (North West Kirkton) and H342 (Auchterarder Development Framework Site 3) both refer to the implementation of the approved development framework including contributions to the provision of the comprehensive package of infrastructure improvements.

16. Paragraph 48 of Scottish Planning Policy identifies that when preparing local development plans early discussions should take place between local authorities, developers and relevant agencies to ensure that investment in the necessary new infrastructure is addressed in a timely manner. Paragraph 275 requires development plans to identify any new transport infrastructure or public transport services. Plans and associated documents such as supplementary guidance and the action programme are required to identify how infrastructure or services are to be delivered and phased and how any contributions will be made.

17. The proposed plan, through Policy 5 Infrastructure Contributions, provides a framework for the provision of the required infrastructure contributions associated with new development and further guidance is set out within the developer contributions and affordable housing supplementary guidance. With regard to the linkages between employment development on site E25 and housing development on site H228, the Auchterarder Development Framework requires joint working between developers to ensure the delivery of employment land as it seeks to deliver the sustainable expansion of the settlement. The framework requires the phased development of both the housing and employment land. I consider this approach accords with the requirements of Scottish Planning Policy and is therefore appropriate.

Town centre issues – except parking

18. A number of representations identify the need for improvements to the town centre including: improving street furniture; reducing congestion and improving access to increase the safety of pupils travelling to and from school. It is suggested that access improvements could include the allocation of land adjacent to the school. Representations also express concern regarding the lack of funding for improvements to the town centre.

19. The Auchterarder settlement summary explains that there is a need for

improvements to the accessibility of the town centre including improving traffic flow. The site specific developer requirements for the two sites proposed to be allocated for housing both refer to the need to implement the Auchterarder Development Framework. This includes a package of infrastructure improvements including pedestrian and cycle links to the town centre and school.

20. In addition, the proposed plan includes policies to improve existing transport infrastructure (Policy 58A Existing Infrastructure) and encourage sustainable travel as well as requiring developments to be designed for the safety and convenience of all potential users (Policy 58B New Development Proposals). I consider this approach provides an appropriate framework to ensure that new development will not exacerbate the existing issues within the town centre and also will support proposals which improve the current conditions.

21. With regard to the provision of funding for the delivery of projects identified within the Auchterarder charrette, this is not the role of the local development plan.

Town centre issues – parking

22. Paragraph 273 of Scottish Planning Policy requires local development plans to support development in locations that will support walkable access to local amenities and that are also accessible by cycling and public transport. It highlights that plans should promote development which maximises the extent to which travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars.

23. Scottish Planning Policy defines maximum parking standards and paragraph 281 states that where an area is well served by sustainable transport modes planning authorities may set more restrictive standards. This approach is reflected in Policy 58B New Development Proposals which states that development proposals should not exceed maximum on-site parking standards to help encourage and promote a shift to more sustainable modes of travel.

24. I acknowledge the concerns expressed in a number of representations regarding the parking provision within the town centre and the worry that these pressures may increase with more housing development. The town centre parking issue is also referred to within the Auchterarder settlement summary. I note that the council is undertaking a parking study, independently of the local development plan preparation process. The council is also pursuing options to acquire land to provide additional off-street parking spaces in the areas where demand is highest. I consider that the approach set out within the proposed plan reflects the requirements of Scottish Planning Policy.

25. Some representations refer to the current parking controls operating in the town centre. It is not within my remit to consider parking restrictions.

Land south of Windsole (Proposal E25)

26. Site E25 is allocated for employment development within the current local development plan and was granted planning permission in April 2018 for the formation of a business park (Class 4, 5 and 6) and associated works.

27. I note the views expressed that site H228 should be developed for employment uses

instead of site E25 as it is perceived that the site has too many constraints. However, the fact that planning permission has been granted suggests that the council considers any constraints can be overcome. Should the planning permission lapse, the site specific developer requirements defined within the proposed plan accompanied by other local development plan policies would ensure the issues identified within the representation would be fully considered through the assessment of any subsequent application. For example, the site specific developer requirements identify the need for: a masterplan to ensure the built form and layout respond appropriately to the landscape and neighbouring residential property; a transport assessment; landscape framework including green buffers; and enhancement of biodiversity and protection of habitats.

28. Whilst I acknowledge that within some parts of the plan reference is made to relevant planning permissions which have been granted, this is not always the case, therefore I conclude that an amendment is not required. I also do not consider it is necessary to include reference to the roundabout as this is addressed in the planning permission.

Auchterarder Development Framework sites - North West Kirkton (Proposal H228)

29. In relation to the link road, the site specific developer requirements for site H228 makes reference to the implementation of the approved development framework including contributions to the provision of the comprehensive package of infrastructure improvements.

30. Paragraph 48 of Scottish Planning Policy identifies that when preparing local development plans early discussions should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner. Paragraph 275 requires development plans to identify any new transport infrastructure or public transport services. Plans and associated documents such as supplementary guidance and the action programme are required to identify how infrastructure or services are to be delivered and phased and how any contributions will be made.

31. The proposed plan, through Policy 5 Infrastructure Contributions, provides a framework for the provision of the required infrastructure contributions associated with new development and further guidance is set out within the developer contributions and affordable housing supplementary guidance.

32. The development framework identifies that vehicular access to the Kirkton site will be via a new roundabout formed on the A824 with a new distributor road serving the residential areas and providing a connection to the Castlemains site. Access from this roundabout will also serve the employment land to the east.

33. With regard to the linkages between employment development on site E25 and housing development on site H228, this requirement is set out within the Auchterarder Development Framework. It identifies the need for joint working between developers to ensure the delivery of employment land as it seeks to deliver the sustainable expansion of the settlement. The framework requires the phased development of both the housing and employment land. It is not within the scope of this examination to amend the requirements set out within supplementary planning guidance.

34. Site E25 is allocated for employment development within the current local development plan and planning permission was granted in April 2018 for the formation of

a business park (Class 4, 5 and 6) and associated works.

35. I note the views expressed within the representations that site H228 should be developed for employment uses instead of site E25 as it is perceived that the site has too many constraints. However, the fact that planning permission has been granted suggests that the council considers any constraints can be overcome. Should the planning permission lapse, the site specific developer requirements defined within the proposed plan accompanied by other local development plan policies would ensure the issues identified within the representation would be fully considered through the assessment of any subsequent application. For example, the site specific developer requirements identify the need for: a masterplan to ensure the built form and layout respond appropriately to the landscape and neighbouring residential property; a transport assessment; landscape framework including green buffers; and enhancement of biodiversity and protection of habitats.

36. The adequacy of the council's approach for establishing a site's capacity range is dealt with in Issue 2 Placemaking (Policy 1D) where it is recommended that all site capacities should be clearly identified as "indicative". With regard to the indicative nature of the site plan, I consider that it is clearly indicative. As a result I find no modifications are required.

37. As part of the site may not be suitable for development as a result of potential flooding issues, I find a modification is required to the site specific developer requirements to identify the need for a flood risk assessment.

Auchterarder Development Framework Site 3 - Townhead (Proposal H342)

38. The adequacy of the council's approach for establishing a site's capacity range is dealt with in Issue 2 Placemaking (Policy 1D) where it is recommended that all site capacities should be clearly identified as "indicative".

39. With regard to the concern expressed in a representation regarding the width and capacity of roads surrounding site H342, the potential highway impacts were assessed as part of the preparation of the development framework for Auchterarder. I note that planning permission for the site has lapsed. Therefore any future application for the site will need to be assessed against the policies within the proposed plan. Policy 58B New Development Proposals requires development that will involve significant travel generation to be well-served and easily accessible to all modes of transport and sustainable modes should be considered prior to private car journeys. It requires all development proposals to be designed for the safety and convenience of all potential users and incorporate appropriate mitigation. I consider this approach provides a framework to ensure that the future development of the site will ensure it can be accessed safely. I note that the council has highlighted that Victoria Road is unlikely to be the sole access point to the site.

Auchterarder Development Framework sites - Land for sports facilities at Castleton Road

40. The Auchterarder Development Framework identifies that an all weather football pitch will be provided at the Castlemains site, adjacent to Auchterarder Community School. The development framework refers to a number of pedestrian and cycle links across the sites to reduce dependency on car travel. I consider that the concerns raised within the representation will be addressed through the assessment of a future planning application against the policies within the local development plan, for example: Policy 1 Placemaking;

Policy 36 Environment and Conservation; Policy 39 Biodiversity; and Policy 58 Transport Standards and Accessibility Requirements.

41. With regard to the concern from Auchterarder and District Community Council about the provision of playing fields, Policy 14B Open Space within Developments requires the provision of appropriate areas of informal and formal open space. In addition, further information on open space provision in new developments will be provided in supplementary guidance.

Land north of Castle Mains (Site H230)

42. Site H230 is a large site adjacent to the settlement boundary. It is in agricultural use and includes woodland. The site does not lie within an area with a landscape designation and whilst I have taken account of the tree planting which has taken place and note that any development could be screened, given its size and position I consider any future development of the site could be very prominent within the wider landscape

43. There is a generous supply of housing land within Auchterarder and the allocations within the proposed plan will result in a steady growth in the population of the town beyond the plan period. The infrastructure requirements identified within the development framework have been identified to accommodate the level of growth that will be supported by the allocations within the proposed plan.

44. No details are included within the representation to define how the additional infrastructure requirements that would be associated with an additional large site to the north of the town could be accommodated, nor are details provided regarding site constraints.

45. As a large amount of the effective housing land supply for the Strathearn Housing Market Area is located within Auchterarder, I consider this is more than adequate to meet demand in the Auchterarder area into the next plan period. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area as a whole. Regardless of the level of shortfall identified, I find that this site would nevertheless be unacceptable because the adverse impacts identified above would outweigh the benefits of addressing any shortfall. I conclude that the site should not be allocated for housing development.

Land at Kincardine Road, Auchterarder (Site H287) and an extension to settlement boundary south of Cloan Drive

46. Representations object to the identification of land at Kincardine Road for housing development. Site H287 is not allocated for development within the current local development plan, nor is the site identified for development within the proposed plan. The proposed plan looks to amend the settlement boundary to include land to the south of Cloan Drive, which is a small part of site H287; it is proposed to be identified as white land. The proposed plan looks to retain the current allocations of open space which cover part of the north and south of the site.

47. The Strathearn settlement summary identifies that the alteration to the settlement boundary would result in the inclusion of land that could be developed and used to improve access to the neighbouring site. I note that the council has stated that there is no plan to develop site H287 within the plan period. The submitted evidence does not allow

me to reasonably conclude that there is a need to include the additional land within the settlement boundary to support access improvements, as these could be provided without the need to include the land. I therefore do not agree that the settlement boundary should be amended in this location. A modification is therefore required.

48. From the evidence available to me it appears that the part of site H287 which is white land within the current settlement boundary could come forward for development without the need for the additional land to be included within the settlement boundary. I note the concerns expressed regarding access to the site and loss of open space. The council's site assessment identifies that should the site come forward for development in the future the existing play park and maintained open space would need to be retained or relocated within the site and a buffer would need to be provided within the A9 trunk road to the south.

49. In addition, any proposal for the development of the site which is currently included within the settlement boundary will be assessed against the relevant policies included within the proposed plan, including: Policy 14 Open Space Retention and Provision; and Policy 58 Transport Standards and Accessibility Requirements. Therefore I do not consider it is necessary to modify the plan as the policies within it provide an appropriate framework to consider any future application for development of the site.

Land at Hunter Street, Auchterarder (Site H407)

50. Site H407 comprises a vacant employment unit which lies within a residential area, it is allocated as employment land within the current and proposed plan. The site was not included within the main issues report and therefore the suggested removal of the employment allocation and/or allocation for housing has not been subject to public consultation. I note that the council state that the proposed plan would support the future residential development of the site and that it could come forward as a windfall opportunity. However, as the site is allocated as core employment land any subsequent planning application would be assessed against policy 7A: Business and Industrial. This requires areas that are identified as core business and industrial to be retained for class 4, 5 and 6 uses, allowing also for ancillary retail uses and service facilities.

51. I note that the age and layout of the accommodation have resulted in it being unsuitable for the previous owner and also that it is submitted that it would be difficult to adapt it for use by alternative occupiers. Whilst the site has not been subject to a site assessment, the representation provides information which follows the headings set out within the site assessment documents such as: flood risk; impact on infrastructure; accessibility; and delivery. I note the suggestion that the redevelopment of the site would accord with the requirements of paragraph 40 of Scottish Planning Policy, which promotes the redevelopment of brownfield land before new development takes place on greenfield sites. I also acknowledge that the site is owned by a housing developer and that development could be brought forward early in the plan period.

52. However, paragraph 101 of Scottish Planning Policy requires local development plans to allocate a range of sites for business, taking account of current market demand and a range of other factors. Within Auchterarder site E25 is proposed for allocation for employment uses, it has an in principle planning approval for the formation of a business park. I do not consider that the information provided within the representation demonstrates that the delivery of uses supported by Policy 7 of the proposed plan would not also be viable on site H407 or that there would be no market demand for them.

53. I accept that the location of the site is sustainable and its redevelopment for residential development would complement the adjacent residential uses. I also fully acknowledge the council's comments regarding the potential for residential reuse. However, this support does not outweigh my conclusion that the evidence submitted does not justify the assertion that the site is not viable for employment purposes and there is no market demand.

54. As a large amount of the effective housing land supply for the Strathearn Housing Market Area is located within Auchterarder, I consider this is more than adequate to meet demand in the Auchterarder area into the next plan period. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area as a whole. Regardless of the level of shortfall identified, I find that the loss of this site as employment land and its allocation for housing has not been adequately justified. This does not preclude its future consideration by the council as a housing windfall site. I therefore conclude that the site should not be allocated for housing development at this time.

Community School of Auchterarder

55. The council has confirmed that the Community School of Auchterarder has capacity for the estimated increase in children from within its catchment. The proposed plan does not state that there is a need for increased capacity, but highlights that the infrastructure study identified that there was a need for capacity to keep pace with the housing development. As a result there is no need for the proposed plan to allocate land for school expansion. In addition, Policy 5 Infrastructure Contributions requires contributions to secure any additional infrastructure provision resulting from new development.

56. The Auchterarder Development Framework identifies that an all-weather junior football pitch will be provided within the Castlemains site. This will be adjacent to the Auchterarder Community School, with a dedicated pedestrian access route between the two. In addition, three grass football pitches are to be provided and two tennis courts as well as the pavilion located to the north of the Castlemains. It is stated that this will offer the capacity to accommodate higher overall levels of use every day of the week.

57. I note the concern that has been expressed regarding the need for additional school parking. Should the school wish to develop additional land to provide additional parking facilities policies within the proposed plan would support the principle of this. In addition, the council is undertaking a parking study, independently of the local development plan preparation process as well as pursuing options to acquire land to provide additional off-street parking spaces in the areas where demand is highest. I therefore find that no modifications are required.

Landscape setting of Auchterarder and Gleneagles

58. Both settlement summaries for Auchterarder and Gleneagles explain the close links between the two settlements. The Gleneagles settlement summary highlights that the village is set within a high quality landscape framework and that tourism plays an important role in the settlement. A large part of the village lies within the historic gardens and designed landscape designation.

59. Policy 1 Placemaking requires new development to contribute positively to the quality of the surrounding built and natural environment. Any proposals that could affect the

character and/or appearance of a historic garden and designed landscape would, as a result of Policy 2 Design Statements, be required to be accompanied by a design statement.

60. Policy 6: Settlement Boundaries requires built development to be contained within the defined boundaries and development adjacent to the settlement boundary would only be supported where specific criteria are met. Beyond settlement boundaries development is controlled by Policy 19 Housing in the Countryside and Policy 8 Rural Business and Diversification. In addition, Policy 29 Gardens and Designed Landscapes will ensure that decisions on planning applications will protect and enhance the integrity of the site.

61. I therefore find that the proposed plan recognises the important relationship between Gleneagles and Auchterarder and provides an appropriate planning policy framework to ensure any new development is appropriate and reflects the surrounding built and natural environment. No modifications are therefore required.

Auchterarder miscellaneous and comments on Infrastructure Studies

62. I note the comments regarding the Auchterarder Business Improvement District and play park at Abbey Road, however my remit in undertaking this examination does not extend to these matters.

63. Policy 16 Social and Community Facilities seeks to resist the loss of buildings used, or previously used for community purposes. There are no policies or proposals within the proposed plan to close the Parkdale Residential Care Home and health centre.

64. Paragraph 119 of Scottish Planning Policy requires the proposed plan to plan for the period up to 10 years from the predicted year of adoption. It is recommended in Issue 1 A Successful, Sustainable Place that the plan does this to 2029 and there is no statutory requirement for the plan to look beyond this timescale. It does however refer to the vision within the strategic development plan to 2036.

65. Policy 58b New Development Proposals refers to the need for new development to be accessible by sustainable modes of travel, including walking. Reference is made to improvements and enhancements to the walking network. In addition, it is stated that development proposals which take into account and promote cycling and walking will be supported. The importance of providing links between new development and facilities such as the school is referred to within the Auchterarder Development Framework and the provision of such routes will be implemented through the development management process.

66. I note the concern expressed within a representation which requests amendments be made to the infrastructure study. It is not within my remit to require amendments to be made to documents supporting the proposed plan.

67. The evidence submitted does not justify that there is a need for a specific proposal within the plan for the delivery of a swimming pool and public gym within Auchterarder. However, the Auchterarder Development Framework identifies that a number of leisure and sports facilities will be provided, including sports pitch provision and play areas. In addition, should such a proposal come forward policies within the proposed plan would support the principle of the development.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Amend the site specific developer requirements associated with site H228 North West Kirkton on page 117 to add an additional requirement as follows:

“Flood Risk Assessment.”

2. Amend the settlement boundary at Clone Drive to reflect that contained within the approved local development plan.

3. Delete the second sentence of the seventh paragraph within the Auchterarder settlement summary on page 114.

Issue 42	Strathearn Area – Crieff	
Development plan reference:	Crieff, pages 166-172 Crieff settlement summary, pages 166-167 E26 – Bridgend, page 167 H57 – Wester Tomaknock, page 170 MU7 –south of Broich Road, page 171 MU344 – north of Broich Road, page 172	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
John Champion (0042) Alexandra Fraser (0045) Ben Challum Ltd (0107) Craig Finlay (0127) Drummond Estates (0151) Fiona Walton (0400) Elizabeth Bell (0408) James Tainsh, Ralph Dargie & Irene Alexander (0424) R Simpson & Son (0425) Mr & Mrs James Tainsh (0433) Woodland Trust Scotland (0462)		Rory Stewart (0463) L Jane Laird (0487) Simon Barnes (0493) Alan Moore (0495) James & Linda Holden (0529) London and Scottish Developments Ltd (0548) Julia Trevallion (0563) Crieff Hydro Ltd (0589) Aldi Stores Ltd (0591) Scottish Environment Protection Agency (SEPA) (0742)
Provision of the development plan to which the issue relates:	Allocated sites in Crieff	
Planning authority’s summary of the representation(s):		
<u>Town Centre and Infrastructure issues</u> John Champion (0042/01/001, 0042/01/002 & 0042/01/004) - Concerns highlighted previously by Crieff and Upper Strathearn Partnership, Crieff Community Council and Crieff Community Trust remain valid and unaddressed. Expansion would be welcomed provided improvements are made to the town’s infrastructure. However further development in the town should be restrained until the following outstanding issues are addressed in the Plan: <ul style="list-style-type: none">• derelict buildings;• the preference for redevelopment of brownfield sites over greenfield ones;• failed retail proposals on the south side of the town; and• the community’s clear preference for supermarket provision in the town centre; and• air quality is unacceptably poor• empty and derelict buildings in the town centre reduce footfall The respondent identifies a need for an independent comprehensive study of traffic flow and road safety issues, particularly along the A85 as it passes through the town centre. Fiona Walton (0400/01/001), (0400/02/002), (0400/02/003) - Respondent is concerned that there are no comments regarding secondary school provision and medical facilities for the		

amount of new houses being built. Respondent is concerned that there are no comments regarding increasing levels of light pollution for the amount of new retail development being built, which could be lit 24 hours a day. Respondent is concerned that Crieff High Street is severely polluted without extra houses being built at the eastern edge of the town.

Elizabeth Bell (0408/01/001) - The respondent is against greenfield development while brownfield sites and derelict buildings remain in the town centre. To develop in outlying areas before the town centre becomes thriving, vibrant and full would dilute the town centre and add to urban sprawl.

Alan Moore (0495/01/001) - The town infrastructure would be placed under severe strain should 800 new houses be developed. In particular, parking (which is already at capacity), as well as key sections of the road network and junctions that are already inadequate. Reference made to Proposals H57, MU7 and MU344. On-street parking is identified as a source of congestion in the town and it should be replaced with off-street parking. Inadequate parking is a disincentive to attracting tourist coaches. A more strategic overview is needed. The development plan should incorporate opportunities to rejuvenate the town centre and action the derelict, unsafe and empty properties. A bypass to the east of the town is suggested to alleviate through traffic pressures and promote development opportunities in the land adjacent.

Strategic district heating opportunity

SEPA (0742/01/028) - TAYplan policy 7 and Proposed Plan map 3A, strategy map 3 a low carbon place both refer to strategic district heating opportunities in Crieff however the commitment to delivering the strategic district heating opportunity within the settlement is not included in the settlement statement. Requires wording to be expanded in order that developers are aware of the commitment to developing a strategic district heating opportunity at this location, the approach to be taken with regards proposed development within the strategic district heating opportunity area, and highlight the requirements that may be relevant to proposed development. Refers to SPP paragraphs 29, 154 and 159 (CD004); Scottish Government's Heat Policy Statement Towards Decarbonising Heat; and the local authority duties under the Climate Change (Scotland) Act 2009

Broich Road area

John Champion (0042/01/001) - Broich Road is overused and inadequately narrow for the type of vehicles that use it, specifically its junction with King Street. The proposed developments at Broich Road would compound problems identified here, particularly with vehicle queues at school arrival and departure times, and consequent air pollution. Suggests that Broich Road's width and junctions must be improved.

Craig Finlay (0127/01/002) - Broich Road is currently dangerous and should further development take place in the area this danger will increase. The length of Broich Road and its junction at King Street should be improved for pedestrians and cyclists as soon as possible, and certainly prior to commencement of development along Broich Road.

Elizabeth Bell (0408/01/002) - The respondent is concerned that the roads access to facilities along Broich Road is inadequate and won't cope with the developments proposed there. Developer Contributions have not materialised in the case of the Campus and new Primary School.

Land at Bridgend, Proposal E26

Drummond Estates (0151/01/001) - Support for the Plan. Support the continued inclusion of site E26 as being suitable for employment land where Class 4, 5 and 6 use developments would be deemed acceptable.

Woodland Trust Scotland (0462/01/033) - The respondent would like to see native woodland specifically included in the site specific developer requirement relating to the new woodland buffer to the south of the site.

SEPA (0742/01/093) - A potential flood risk has been identified at this site and part of it may not be suitable for development. A Flood Risk Assessment is therefore required to inform the siting, layout, design and capacity of development on site in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed. The inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk. Refers to the authority's duty under the Planning Act to ensure that development plans contribute to sustainable development. Refers to the local authority's duty under the Flood Risk Management (Scotland) Act 2009 (CD030) to reduce overall flood risk and promote sustainable flood risk management when exercising their flood risk related functions. Refers to SG online flooding advice paragraph 13 that the avoidance of flood risk, by not locating development in areas at risk of flooding, is a key part of delivering sustainable flood risk management; and paragraph 37 which states that assessment of the effectiveness of sites should take flood risk into account. Refers to SPP paragraphs 29, 256 & 266, which states that this will contribute positively to the creation of sustainable places and support climate change adaptation; the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere; and that a FRA may be required where factors indicate a heightened risk may be present.

Land south of Broich Road, Proposal MU7

R Simpson & Son (0425/01/001) - The respondent requests amendments to make appropriate reference to the planning permission for this site and to delete the word retail, which is assumed to be an error.

Rory Stewart (0463/01/001) - The respondent requests amendments to the fifth bullet point in the site specific developer requirements and plan. Although the plan is indicative, the main developable areas have been much reduced from what is considered to be appropriate. Specific amendments to the fifth bullet point are requested as follows: "Existing woodland framework to be retained, existing hedge lines and woodland corridors within and around the perimeter of the site to be extended where appropriate in accordance with future detailed landscape assessment/proposals." And revisions to the site specific diagram to better reflect existing woodland and potential developable area.

John Champion (0042/01/001) - Development should be restrained until the town centre measures described above are addressed.

Woodland Trust Scotland (0462/01/034) - The respondent would like to see native woodland specifically included in the site specific developer requirement relating to woodland extension.

SEPA (0742/01/118) - A potential flood risk has been identified at this site. As such, part of the site may not be suitable for development and a flood risk assessment will be required to inform the siting, layout, design and capacity of development on site in way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood. Any culverted watercourses in or adjacent to the site are also required to be assessed. The inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk. Refers to the authority's duty under the Planning Act to ensure that development plans contribute to sustainable development. Refers to the local authority's duty under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management when exercising their flood risk related functions. Refers to SG online flooding advice paragraph 13 that the avoidance of flood risk, by not locating development in areas at risk of flooding, is a key part of delivering sustainable flood risk management; and paragraph 37 which states that assessment of the effectiveness of sites should take flood risk into account. Refers to SPP paragraphs 29, 256 & 266, which states that this will contribute positively to the creation of sustainable places and support climate change adaptation; the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere; and that a FRA may be required where factors indicate a heightened risk may be present. Refers to the SEA, which identified the flood risk and a mitigation measure of a flood risk assessment at this site, therefore a development requirement should reflect that.

Ben Challum Ltd (0107/01/004) - The increase in housing capacity proposed at MU7 will not increase housing output. The housing output would remain constant but likely take place over a longer period than originally anticipated.

Land north of Broich Road, Proposal MU344

John Champion (0042/01/001) - Development should be restrained until the town centre measures described above are addressed.

Craig Finlay (0127/01/002) - Additional evidence is required to support the Proposed Plan's position that only one of the two retail sites will be built out during this plan period, since both have planning permission. The respondent refers to media statements that assert both developers are keen to progress development as soon as possible but feel the Council is responsible for unnecessary delay.

London and Scottish Developments Ltd (0548/01/001 & 0548/01/002) - Fully intend to deliver a retail development on part of site MU344 (on land to west of Duchlage Farm planning application reference 17/01918/FLL) and consider the preferred use for the remainder of the proposed site to be mixed uses including housing, offices, light industry, surgeries and leisure. Reference is made to the uses set out in Policy 7B.

Aldi Stores Ltd (0591/01/005) - Planning permission in principle has been granted and an

application for approval of matters specified in conditions has been lodged. Amend site specific developer requirement relating to listed building to more accurately reflect the decision of the local review body (refers to planning applications 17/02070/LBC & 17/02069/FLL)

Ben Challum Ltd (0107/01/005) - Neither site will reasonably come forward for retail uses if there is a prospect for residential development value instead. Site's allocation should not be for mixed use development.

Land at Wester Tomaknock, Proposal H57

John Champion (0042/01/003) - Concerns over the suitability of access via Dollerie Terrace due to congestion.

Fiona Walton (0400/02/001) - Respondent is concerned that there doesn't seem to be mention of light pollution in the area from the numerous new houses and the retail units.

L Jane Laird (0487/01/001) - Respondent seeks removal of the proposal from the Plan. Roads infrastructure is inadequate for the anticipated increase in traffic and congestion will affect access to Crieff town centre via Dollerie Terrace. Emergency vehicles could be restricted by the increased traffic volume. The traffic that will be generated by the proposed development will require to use Dollerie Terrace to access services and destinations in the town, and to access the main roads out of the town. However the town centre is already congested. Transport Scotland should carry out a traffic assessment to evaluate the impact of this proposed development. Respondent raises concerns that the proposal is contrary to Policy 1 "Placemaking" of the Proposed Plan because it will destroy the identity of Tomaknock as a hamlet with its own unique history and characteristics. The developer's design statement proposes buildings and structures that are inappropriate and contrary to the Placemaking policy, particularly the castle-like structure.

Simon Barnes (0493/01/001) - Respondent seeks removal of the proposal from the Plan. Dollerie Road is unsuitable to support the proposal and there is no transport assessment and supporting mitigation. Emergency vehicles could be restricted by the increased traffic volume. The junction of Dollerie Terrace and the A85 trunk road is often congested. The respondent raises concerns that the proposed development will be occupied by car dependent households because the bus stops and schools are not within walking distance. Respondent raises concerns that the proposal does not acknowledge "Placemaking". The proposal will destroy the identity of Tomaknock as a small hamlet. The proposed castle-like structure in a courtyard type layout does not consider and respect site topography and is wholly inappropriate in a semi-rural environment. Respondent raised concerns that there would be serious disturbance to the abundance of wildlife known to be present at the site. Respondent questions the existence of choice in the market and states that other proposed housing developments have stalled or not yet started. The Respondent raises concerns in respect of capacity at the High School and Primary School, the health centre, the dental facilities and the sewage facilities in the town.

James & Linda Holden (0529/01/001) - Respondent seeks removal of the proposal from the Plan. Traffic on Dollerie Road; loss of local identity; distance from primary school makes active travel unattractive option; there is an alternative site nearer the primary school; comments relating to relative selling prices; comments on design of 2.5 storey flatted block, which is out of keeping with the surrounding area; comments that strip developments are against government policy; and that the development plan was not

changed to include Wester Tomaknock, rendering planning permission invalid.

Julia Trevallion (0563/01/001) - Respondent seeks a reduction in the site's capacity because the roads are not suitable for the increased traffic. No three storey houses and more space between houses with larger gardens and extra parking spaces.

SEPA (0742/01/120) - Support for the Proposed Plan. Refers to developer requirement for flood risk assessment.

Land at Alichmore (Site H236)

Drummond Estates (0151/01/002) - Suggest a 2.74 ha housing allocation on land south of Strowan Road and north of Alichmore Lane. The respondent refers to planning consent 14/00450/FLL (which is a renewal of 07/00035/FLL) for the erection of 17 houses at a site to the east of the suggested site. The respondent states that the allocation of this site could meet the overall housing requirement in Strathearn; it would provide competition and choice of housing sites; it would be a logical allocation; it would help square off the existing settlement boundary at this location; it would complement existing residential development that has already taken place in the area; the site would have fixed defensible and robust boundaries to the north and west; and could bring improvements to the wider access arrangements to other properties along Alichmore Lane. A landscape setting could be provided to limit Crieff's expansion at this point and strengthen the northern fringe of the Drummond Castle Garden and Designed Landscape designation. In terms of the suggested site's relationship to poultry houses located to its north, a cordon sanitaire and increased landscape buffer could be applied to mitigate adverse impact.

Drummond Estates (0151/01/003) - Amend Crieff settlement boundary to include this suggested site

Land at Tomaknock Farm (Site H238)

Ben Challum Ltd (0107/01/001 & 0107/01/004) - Suggest a 7.7 ha housing allocation on land at Tomaknock Farm, south of Dollerie Terrace for residential development and associated uses. Refers to Main Issues Report submission.

Land at Wester Kincardine Holdings (Site H240) and Land north of Broich Road and south of Skye Crescent (Site H239)

James Tainsh, Ralph Dargie & Irene Alexander (0424/01/001); Mr & Mrs James Tainsh (0433/01/001) - Suggest a housing allocation of 14.04 Ha on the south eastern edge of Crieff. The suggested area is made up of two sites. Firstly a 9.35 Ha housing allocation on land at Wester Kincardine Holdings (Site H240); and secondly a 4.69 Ha housing allocation on land north of Broich Road and south of Skye Crescent (Site H239). Access to both sites could be via a suggested road connecting Broich Road northwards to Kincardine road, the route of which is indicated by a black dashed line in the representation. The respondent states that the development of these combined areas would be more logical than Proposal MU7 or Proposal H57, which is a further distance from the secondary school at Crieff Community Campus.

Craig Finlay (0127/01/001) - Suggest site on land north of Broich Road and south of Skye Crescent (Site H239) would be suitable for housing and a pub/restaurant. Beneficial as the town develops towards the south. Pub/resturarent would be a place to socialise and build

community relationships. In keeping with other community infrastructure in this part of Crieff such as library, sports facilities, education facilities; and is close to bus route. Could also provide opportunity to enhance local heritage (archaeology and Scheduled Monument); and link to proposed path from Crieff south to Muthill.

Land north of 1 Callum's Hill (Site H385)

Alexandra Fraser (0045/01/001) - Amend settlement boundary to include land to the north of 1 Callum's Hill, which could be considered as suitable for the development of a small house accessed from Pollock Terrace.

Land west of Gilmerton (Site MU383)

Crieff Hydro Ltd (0589/01/001) - Identify a new 21.5 Ha proposal for tourism and mixed use development west of Gilmerton. Amend settlement boundary to include the proposal. The respondent wishes to submit an in principle planning application for mixed use development including holiday lodges, leisure facilities, care home, assisted living accommodation, farm shop and café and associated landscaping and access routes 13/00148/IPM and seeks to ensure an appropriate LDP context to support such an application.

Modifications sought by those submitting representations:

Town Centre and Infrastructure issues

John Champion (0042/01/001, 0042/01/002 & 0042/01/004) - No specific changes are sought to the plan however the respondent wishes development to be restrained, until specified improvements are made to the town's infrastructure.

Fiona Walton (0400/01/001, 0400/02/002 & 0400/02/003) - Amend the plan to include comments on the town's secondary school provision and medical facilities. Restrict lighting on new retail proposals. Reduce air pollution at High Street

Elizabeth Bell (0408/01/001) - No specific changes are sought however Crieff's brownfield sites should be prioritised for development over its greenfield sites.

Alan Moore (0495/01/001) - No specific changes are sought however parking and sections of the road network and junctions are highlighted as being inadequate. Prioritise off-street over on-street parking and attract tourist coaches. Amend Plan to identify opportunities and properties in the town centre for rejuvenation. Suggests a traffic bypass to the east.

Strategic district heating opportunity

SEPA (0742/01/028) - Amend Crieff settlement statement to include a statement of the commitment to developing a strategic district heating opportunity.

Broich Road area

John Champion (0042/01/001); Craig Finlay (0127/01/002); Elizabeth Bell (0408/01/002) - No specific changes are sought however concerns are raised over the capacity and dimensions of Broich Road, its safety record, its use by pedestrians and cyclists, and its ability to cope with the Proposals identified in the Plan.

Land at Bridgend, Proposal E26

Drummond Estates (0151/01/001) - Support for the Plan as it relates to Proposal E26

Woodland Trust Scotland (0462/01/033) - Amend the developer requirement relating to the new woodland buffer to specify native woodland

Scottish Environment Protection Agency (0742/01/093) - Amend the developer requirements to specify that a Flood Risk Assessment is required to inform the siting, layout, design and capacity of development in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood.

Land south of Broich Road, Proposal MU7

R Simpson & Son (0425/01/001) - Amend the Plan to insert a reference to a recent planning consent in respect of part of this site. Delete the word 'retail' from the description of the existing planning consent, which is assumed to be an error.

Rory Stewart (0463/01/001) - Amend the fifth developer requirement and site specific diagram to say: "Existing woodland framework to be retained, existing hedge lines and woodland corridors within and around the perimeter of the site to be extended where appropriate in accordance with future detailed landscape assessment/proposals." and revise the site specific diagram to better reflect existing woodland and potential developable area.

John Champion (0042/01/001) - No specific changes are sought to the plan however the respondent wishes development in the Broich Road area to be restrained, until specified improvements are made to the town's infrastructure.

Woodland Trust Scotland (0462/01/034) - Amend the developer requirement relating to the new woodland buffer to specify native woodland

Scottish Environment Protection Agency (0742/01/118) - Amend the developer requirements to specify that a Flood Risk Assessment is required to inform the siting, layout, design and capacity of development in a way that avoids an increase in flood risk on and off site and ensures dry pedestrian access and egress at times of flood.

Ben Challum Ltd (0107/01/004) - Allocate additional housing land on a site such as site H238 Tomaknock Farm.

Land north of Broich Road, Proposal MU344

John Champion (0042/01/001) - No specific changes are sought to the plan however the respondent wishes development in the Broich Road area to be restrained, until specified improvements are made to the town's infrastructure.

Craig Finlay (0127/01/002) - No specific changes are sought to the plan however the respondent wishes more evidence to support the Proposed Plan's position that only one of the two retail sites will be built out during this plan period.

London and Scottish Developments Ltd (0548/01/001 & 0548/01/002) - Amend the Plan to allocate retail use on the western part of the site; and mixed uses including housing,

offices, light industry, surgeries and leisure on the remainder of the site.

Aldi Stores Ltd (0591/01/005) - Amend the Plan to more accurately reflect the decision of the local review body (refers to planning applications 17/02070/LBC & 17/02069/FLL)

Ben Challum Ltd (0107/01/005) - No specific changes are sought to the plan

Land at Wester Tomaknock, Proposal H57

John Champion (0042/01/003) - No specific changes are sought to the Plan however the respondent wishes to highlight concerns as to the suitability of Dollerie Terrace due to congestion.

Fiona Walton (0400/02/001) - No specific changes are sought to the Plan however the respondent wishes to highlight light pollution from the Proposal

L Jane Laird (0487/01/001); Simon Barnes (0493/01/001); James & Linda Holden (0529/01/001) - Amend the Plan to remove Proposal H57

Julia Trevallion (0563/01/001) - Amend Plan to reduce the site's capacity; limit the height of development to two stories; and increase the number of parking spaces.

SEPA (742/01/120) - Support for the Proposed Plan in respect of the inclusion of a developer requirement for flood risk assessment for this Proposal.

Land at Alichmore (Site H236)

Drummond Estates (0151/01/002) - Amend the Plan to include a 2.74 ha housing allocation at land south of Strowan Road and north of Alichmore Lane.

Drummond Estates (0151/01/003) - Amend the Crieff settlement boundary to include a 2.74 ha site at land south of Strowan Road and north of Alichmore Lane.

Land at Tomaknock Farm (Site H238)

Ben Challum Ltd (0107/01/001 & 0107/001/004) - Amend Plan to add a 7.7 ha housing allocation at land at Tomaknock Farm, south of Dollerie Terrace.

Land at Wester Kincardine Holdings (Site H240) and Land north of Broich Road and south of Skye Crescent (Site H239)

James Tainsh, Ralph Dargie & Irene Alexander (0424/01/001); Mr & Mrs James Tainsh (0433/01/001) - Amend Plan to add a 14.04 ha housing allocation on the south eastern edge of Crieff.

Craig Finlay (0127/01/001) - Amend Plan to add a 4.69 ha housing and pub/restaurant allocation on land north of Broich Road and south of Skye Crescent.

Land north of 1 Callum's Hill (Site H385)

Alexandra Fraser (0045/01/001) - Amend settlement boundary to include land to the north of 1 Callum's Hill.

<p><u>Land west of Gilmerton (Site MU383)</u></p> <p>Crieff Hydro Ltd (0589/01/001) - Amend Plan to add a 21.5 ha tourism and mixed use proposal on land west of Gilmerton. Amend Crieff settlement boundary to include the suggested proposal.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>Town Centre and Infrastructure issues</u></p> <p>John Champion (0042/01/001, 0042/01/002 & 0042/01/004); Fiona Walton (0400/01/001, 0400/02/002 & 0400/02/003); Elizabeth Bell (0408/01/001); Alan Moore (0495/01/001) - The respondents raise a number of important issues relating to Crieff's ability to accept large developments and the pace of development. The Crieff Infrastructure Study identifies and addresses a number of the points raised, in particular empty and derelict building in the town centre, retail issues, air quality, secondary school provision, medical facilities, parking and roads issues.</p> <p>In respect of empty and derelict buildings in the town centre, the Council acknowledges the importance of finding new uses to enable their restoration or renovation for two main reasons: firstly to secure the future of each derelict building and bring it back into use, and secondly to improve the overall vitality of the town centre through the removal of voids and unsightly vacant buildings or development sites. The Plan contains policies that prioritise development in town centres, in line with the town centres first principles, and would support proposals for restoration or renovation of these buildings, some of which are listed.</p> <p>The town centres first principles also prioritise brownfield and town centre development sites over greenfield ones. While the Plan contains large proposals on greenfield sites around the town, it also contains considerable policy support for development on brownfield sites.</p> <p>The retail proposals cited to by respondents as having failed on the south side of town are understood to refer to a long-standing commitment to develop a supermarket at a site along Broich Road. The current planning status of Proposal MU344 is set out in the Plan and the Council expects that at least one of the retail consents at that location will be implemented. The Plan's position, which allows for alternative uses should none or only part of the site come forward for retail, is drafted to avoid a situation where the remainder of the site remains undeveloped for an extended period, for the reasons set out in the Plan. This approach would also support the development of alternative uses at Proposal MU344 should the provision of retail floorspace focus on sites in the town centre instead of at Broich Road.</p> <p>Concerns about air quality relate mainly to the Crieff Air Quality Management Area, which has been designated to include parts of the A85 trunk road where it crosses the town centre. An Air Quality Action Plan is under preparation for Crieff to address these concerns. In addition, the Plan proposes supplementary guidance on Air Quality. In respect of comments on the provision of off-street parking, the Council has recently revised its parking charges to try to reduce demand for on-street parking spaces (by introducing charges); and to increase use of existing off-street parking spaces by removing parking charges.</p> <p>The suggestion for a bypass to the east of the town was not submitted during the earlier</p>

LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation. In addition any bypass would be in effect a diversion of the A 85 Trunk Road and could only be progressed with the co-operation of Transport Scotland. Whilst no detailed works have been examined it is likely that such a project would cost in the region of £100M and it is unlikely that a viable business case could be developed.

In respect of the request to restrict lighting on new retail proposals, it is understood that this relates to light pollution generally in the town, and to a site specific retail proposal. In terms of the general issue of light pollution, the Plan contains a policy on nuisance from artificial light and light pollution that seeks to ensure that any lighting installed in connection with new proposals is regulated and maintained to avoid obtrusive and/or intrusive effects. This applies to new applications for consent (including any future applications for retail developments) but it would not be applicable to existing development unless conditions had been attached to existing consents. In respect of the specific point raised about light pollution from retail development, yet to be built, this issue has been given consideration prior to the determination of the existing retail planning consents, thought to be those consented at Broich Road and discussed elsewhere within this schedule, so has already been taken into account.

No modification is proposed to the Plan.

Strategic district heating opportunity

SEPA (0742/01/028) - The Council's response to this issue is given in Issue 14 A Low Carbon Place, in response to representations on Policy 32 Sustainable Heating & Cooling.

Broich Road area

John Champion (0042/01/001); Craig Finlay (0127/01/002); Elizabeth Bell (0408/01/002) - Three significant developments along Broich Road have planning consents: two separate retail consents on sites to the north of Broich Road (Proposal MU334) and a mixed use development to the south of the road (Proposal MU7). All three have a S75 obligation to make a proportionate contribution to the improvement of Broich Road and its junctions with King Street and Burrell Street.

The Council recently consulted on proposals to realign the junction of Broich Road with King Street and Burrell Street in Crieff. The consultation sought views on changing the junction priorities and layout, including three new crossing locations. Following the consultation, agreement has been reached and the proposed works have been programmed independently of the Local Development Plan and the delivery of the proposals mentioned in representations.

No modification is proposed to the Plan.

Land at Bridgend, Proposal E26

Drummond Estates (0151/01/001); Woodland Trust Scotland (0462/01/033); Scottish Environment Protection Agency (0742/01/093) - The suggested amendments to the Plan relate to the site specific developer requirements for the Proposal. The need for a landscape framework has been assessed and while not essential, it may be desirable to specify native species. In respect of the need for a Flood Risk Assessment, the proposal

has been recently assessed by SEPA as requiring the submission of a FRA and for the reasons set out in their representation. Although this only affects a small part of the site it may be desirable to specify this in the site specific developer requirements.

No modification is proposed to the Plan. However there is some merit in the respondents' suggestions (particularly in the suggestion from SEPA). Should the reporter be considering either or both of these suggested modifications, the Council would be comfortable in accepting a recommendation to change the plan in this respect.

Land south of Broich Road, Proposal MU7

R Simpson & Son (0425/01/001); Rory Stewart (0463/01/001); John Champion (0042/01/001); Ben Challum Ltd (0107/01/004) - There is no need for the Plan to specifically cite the planning application reference for the consent for this part of Proposal MU7. The Council can confirm that the use of the word 'Retail' is a simple error that may be corrected prior to the Plan's adoption and may be amended as a non-notifiable modification. Turning to the suggestion to amend the fifth bullet point, the Council sees little need for the site specific developer requirements to refer to a landscape assessment/proposals not yet carried out nor approved by the Council, nor for the explicit use of the word 'appropriate'. In terms of restraining development, the Council has granted planning permission in principle for the majority of the site and expects development to commence within the Plan period.

No modification is proposed to the Plan.

Woodland Trust Scotland (0462/01/034); SEPA (0742/01/118) - The suggested amendments to the Plan relate to the site specific developer requirements for the Proposal. The need for a landscape framework has been assessed and while not essential, it may be desirable to specify native species. In respect of the need for a Flood Risk Assessment, the proposal has been recently assessed by SEPA as requiring the submission of a FRA and although this only affects a small part of the site it may be desirable to specify this in the site specific developer requirements.

No modification is proposed to the Plan. However there is some merit in SEPA and Woodland Trust suggestions (particularly in the suggestion from SEPA). Should the reporter be considering either or both of these suggested modifications, the Council would be comfortable in accepting a recommendation to change the plan in this respect.

Land north of Broich Road, Proposal MU344

John Champion (0042/01/001); Craig Finlay (0127/01/002); Ben Challum Ltd (0107/01/005) - In terms of restraining development, the Council has granted planning permission in principle for both parts of the site and expects development to commence within the Plan period. The Plan's statement about alternative uses should only one of the two retail consents be progressed reflects a fall-back position for the Plan should such a decision be taken by one or both developers. The site has a lengthy planning history of developer interest for retail and the Council is of the view that only one of the retail planning consents may be progressed as the capacity for Crieff to accommodate both is not proven. In the event that either or both are not, the Plan seeks to ensure that provision is made for alternatives.

London and Scottish Developments Ltd (0548/01/001 & 0548/01/002); Aldi Stores Ltd

(0591/01/005) - The Council does not agree with the suggestion by London and Scottish Developments to reduce flexibility for alternative non-retail uses on its part of the site, and to exclude retail from the remainder of the site because the Plan's clearly stated aim is to deliver retail development at this site. Should this not be possible during the plan period, the non-retail alternatives listed in the Plan are intended to be available to both parts of the site. Turning to the site specific developer requirements relating to listed buildings, they are consistent with the Plan's policy on listed buildings. They are more onerous than those specified in the consents referred to by Aldi Stores Ltd however the Council wishes to clarify that they will be applied to the assessment of any future applications at the site.

No modification is proposed to the Plan in respect of Proposal MU344.

Land at Wester Tomaknock, Proposal H57

John Champion (0042/01/003); Fiona Walton (0400/02/001); L Jane Laird (0487/01/001); Simon Barnes (0493/01/001); James & Linda Holden (0529/01/001); Julia Trevallion (0563/01/001) - The Plan sets out that planning permission has been granted for part of the proposal site. In fact, the Planning Authority is minded to grant planning permission for the majority of the proposal site (16/02217/FLM), although a decision notice had not been issued at the time of writing because it is subject to the conclusion of a S75 planning agreement (which is awaiting registration). The remainder of the proposal site is a relatively small area along its eastern edge, and although no planning application has been submitted to date, it is expected that this smaller site will be integrated with the larger site during the plan period.

The respondents' comments broadly fall into two groups: firstly, those seeking changes to Proposal H57 in order to modify the design, appearance and scale of the already-consented development; and secondly those seeking to have the proposal removed from the plan, perhaps hoping that this would revoke the permission before it has started.

In terms of the first group of representations seeking changes to Proposal H57, comments about the height, layout, plot size and design of the houses, the number of storeys, the general arrangement of development and the parking provision in the development are issues that are within the scope of the masterplan, which is already approved under the terms of the above planning consent.

Should the current planning permission lapse and an alternative scheme be submitted for consideration, these issues would form part of its assessment. However to effect changes to an already-consented permission (or to revoke it) would require procedures that are outwith the scope of the Local Development Plan examination.

Issues relating to the capacity of the local road network to accommodate the proposal are addressed in the Transport Assessment that is also already approved under the terms of the above planning consent. The Transport Assessment addresses issues such as access for emergency vehicles, distances to bus stops, parking arrangements, and active travel routes to school.

In terms of the concerns raised in respect of light pollution from the proposal, the Plan contains a policy on nuisance from artificial light and light pollution that seeks to ensure that any lighting installed in connection with new proposals is regulated and maintained to avoid obtrusive and/or intrusive effects.

One respondent seeking removal of the Proposal expresses concerns about the coalescence of Crieff and the hamlet of Tomaknock however the two are already enclosed within the same settlement boundary. Although true that Tomaknock would effectively join up with Crieff, and as a consequence its character and setting would be likely to change, the Plan recognises that this edge of settlement location is appropriate for a housing proposal such as H57.

Other concerns raised as reasons for removal of the Proposal from the Plan, such as impact on wildlife, lack of progress at other housing developments in the town, capacity at the Strathearn Community Campus and primary school, capacity at the medical centre and dentist, and at the sewage facilities in the town have all been taken into account of during the preparation of LDP1 and the associate SEA. There were also given greater scrutiny during the determination of the planning application for the site.

No modification is proposed to the Plan in respect of Proposal H57.

Land at Alichmore (Site H236)

Drummond Estates (0151/01/002), (0151/01/003) - The Plan already contains an adequate supply of effective short and long term housing land that meets the Strathearn housing land requirement. The suggested site is steep in places, is near an intensive chicken rearing unit which may not be fully compatible with residential development. Although the respondent suggests a landscape setting could be provided the Council considers the suggested housing development would be visually prominent and is opposed to allocate housing land at this location. In terms of the respondent's alternative suggestion for a simple boundary adjustment to include the site, the Council sees no merit in this because the land is not deemed suitable for housing development for the reasons already set out. The potential for this site has not been consulted upon nor is there any evidence about its viability and its inclusion in the Plan, in the absence of a housing land shortfall would not be appropriate.

No modification is proposed to the Plan.

Land at Tomaknock Farm (Site H238); Land at Wester Kincardine Holdings (Site H240) and Land north of Broich Road and south of Skye Crescent (Site H239)

Ben Challum Ltd (0107/01/001 & 0107/01/004); James Tainsh, Ralph Dargie & Irene Alexander (0424/01/001); Mr & Mrs James Tainsh (0433/01/001); Craig Finlay (0127/01/001) - The respondents suggest a range of sites on Crieff's eastern periphery, all of which are outside the settlement boundary. The Adopted LDP assessed options for Crieff's expansion and concluded that major expansion should be to the south, with only limited growth in an easterly direction. The main reason for this was the landscape sensitivity in that area. There are access issues expanding west, and topography and landscape limits any northern expansion. In addition the Plan already contains an adequate supply of effective short and long term housing land that meets the Strathearn housing land requirement. The suggested sites would represent a major expansion on top of that already in the Adopted Plan and would require joint working to deliver the infrastructure (for example the access road mentioned in representations). There is insufficient evidence of the individual landowners working together. The potential for this site has not been consulted upon nor is there any evidence about its viability and its inclusion in the Plan, in the absence of a housing land shortfall would not be appropriate.

No modification is proposed to the Plan in respect of Sites H238, H239 and H240.

Land north of 1 Callum's Hill (Site H385)

Alexandra Fraser (0045/01/001) - This site was originally allocated as open space inside the settlement boundary in the historic Strathearn Area Local Plan (CD164). Its function was to provide a setting for the main road in and out of Crieff, and to provide a buffer for the housing development at Callum's Hill and the road. The Adopted LDP redefined Crieff's settlement boundary in the Callum's Hill area and excluded the respondent's suggested site, intending it to be left undeveloped. It continues to provide a landscape and visual gateway function and the Council does not consider it to be a suitable location for a house plot.

No modification is proposed to the Plan.

Land west of Gilmerton (Site MU383)

Crieff Hydro Ltd (0589/01/001) - This is a suggestion for a large development comprising a mix of uses. A planning application in principle was refused (13/00148/IPM) and a review of that decision was upheld at Local Review Body (LRB) – primarily due to a lack of environmental information submitted. Whilst the respondent suggests a resubmission is under preparation, to make a site allocation based on the refused planning application and in the absence of the required environmental assessment would not be appropriate.

It was for the applicants to address the deficit in such information prior to submitting their representation. The suggested mix of uses contains care home, assisted living, and leisure, tourist and retail facilities and some or all of these uses would be better located at highly accessible locations such as in or adjacent to the town centre.

Concerns highlighted in the determination of the planning application (and subsequent LRB review) included from Perth and Kinross Community Health Partnership, NHS Tayside and the Council's Health and Community Care function that the scale and nature of the care home and assisted living accommodation elements are unsupportable and contrary to Scottish Government and Perth and Kinross policies on reshaping care for older people. There was also a lack of information on how the development could impact on air quality, retail impact on Crieff town centre; and access.

Concerns were also raised in respect of access, ecology and natural habitats, and impact on cultural heritage although these issues did not form specific reasons for the refusal of the planning application (which was due to the lack of environmental information, having regard to the Development Plan and other material considerations).

A major amendment such as suggested by the respondent to Crieff's settlement boundary and the issue of coalescence with adjacent Gilmerton are significant Local Development Plan issues that ought to be more fully consulted on. However this proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation at those stages.

No modification is proposed to the Plan.

Reporter's conclusions:Town Centre and Infrastructure issues

1. A number of representations identify concerns which suggest the need for the expansion of the infrastructure within Crieff to support the level of development proposed within the plan. The Crieff settlement summary explains that an infrastructure study was prepared as part of the development of the proposed plan to ensure that the infrastructure capacity would support the level of growth planned for the town. It highlights the need for: improvements to traffic flow in the town centre; a junction upgrade at Broich Road; other transport improvements; and the need for capacity at Strathearn Community Campus to keep pace with the proposed housing development.
2. Paragraph 48 of Scottish Planning Policy identifies that when preparing local development plans early discussions should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner. Plans and associated documents such as supplementary guidance and the action programme are required to identify how infrastructure or services are to be delivered and phased, as well as how any contributions will be made.
3. The proposed plan, through Policy 5 Infrastructure Contributions, provides a framework for the provision of the required infrastructure contributions associated with new development. In addition, further guidance is set out within the developer contributions and affordable housing supplementary guidance. I consider this approach accords with the requirements of Scottish Planning Policy and is therefore appropriate.
4. Paragraph 273 of Scottish Planning Policy requires local development plans to support development in locations that allow walkable access to local amenities and that are also accessible by cycling and public transport. It highlights that plans should promote development which maximise the extent to which travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars.
5. Scottish Planning Policy defines maximum parking standards and paragraph 281 states that where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards. This approach is reflected in Policy 58B New Development Proposals. Where it is stated that proposals should not exceed maximum on-site parking standards to help encourage and promote a shift to more sustainable modes of travel.
6. I acknowledge the concerns expressed in a number of representations regarding parking provision within the town centre, particularly that these pressures may increase with more housing development. I note that the council has introduced parking charges for on-street parking spaces and removed charges from off-street parking to try to reduce demand for on-street parking. This is separate from the local development plan preparation process. Policies within the proposed plan would support the provision of additional off-street parking should a proposal be forthcoming.
7. Paragraph 40 of Scottish Planning Policy requires local development plans to promote a sustainable pattern of development and identifies a number of policy principles to guide decisions. One of the principles is to consider the re-use or redevelopment of brownfield land before development takes place on greenfield sites. The locational priorities set out

within the strategic development plan explain that development on land within principal settlements, particularly brownfield land is preferable to development elsewhere.

8. There is nothing within either Scottish Planning Policy or the strategic development plan that requires development to come forward utilising derelict buildings before any development can come forward on greenfield sites. The proposed plan recognises that brownfield opportunities within the area are extremely limited and that supporting the sustainable growth of the area will rely on greenfield land release. This approach is appropriate as it accords with the requirements of Scottish Planning Policy and the strategic development plan.

9. Policy 13 Retail and Commercial Leisure Proposals seeks to focus retail facilities within the town centre using a sequential approach to development. The policy also identifies that proposals outside a defined town centre boundary, where they are over 1,500 square metres, would require an impact assessment. I find therefore that the proposed plan provides a policy framework which seeks to ensure that new development supports the vitality and viability of the town centre, including the reuse of buildings.

10. A number of representations refer to failed retail proposals located to the south of the town. It is understood that this refers to site MU344: Broich Road north. The Crieff settlement summary explains that site MU344 contains two individual sites with planning permission for retail development. It highlights that it is likely that only one proposal will come forward during the plan period. As a result, site MU344 is identified for a mixture of uses. The proposed plan explains that following the completion of one of the retail sites, should the other site not be progressed, the preferred use of the second site would be housing. If there is no need or demand for additional retail provision on site MU344, I consider this approach is appropriate as it is likely to avoid the site remaining vacant, as well as supporting the provision of housing to meet identified needs. This approach could also support the provision of additional retail development within the town centre.

11. The Crieff settlement summary identifies that proposals within the plan have the potential to adversely affect air quality in the town centre. Policy 55 Air Quality Management Areas explains that the council has a responsibility to improve air quality. It states that within or adjacent to air quality management areas, where pollutant concentration are in excess of the national air quality objectives and may pose a risk to human health, development proposals that would adversely affect air quality may not be permitted. Policy Map H identifies Crieff High Street, including West and East High Street, as an air quality management area. Policy 55 requires that any development which could have a detrimental effect on air quality, through the exacerbation of existing air quality issues, must provide appropriate mitigation measures.

12. The proposed plan explains that supplementary guidance will set out how air quality issues will be considered in the determination of planning applications and when the need for an air quality assessment is likely to be triggered. I note that an air quality action plan is being prepared.

13. I consider the approach to air quality set out within the proposed plan will provide an appropriate policy framework to seek to ensure that air quality issues within Crieff are addressed in an appropriate and proportionate manner.

14. Transport infrastructure was considered as part of the preparation of the infrastructure study. This concluded that there was sufficient capacity to accommodate

the proposals identified. Reference was made to the need for developer contributions for junction and other transport improvements. Policy 5 Infrastructure Contributions, provides a framework for the provision of the required infrastructure contributions associated with new development. With further guidance set out within the developer contributions and affordable housing supplementary guidance

15. In addition, Policy 58B New Development Proposals requires development that will involve significant travel generation to be well-served and easily accessible to all modes of transport. In addition, that sustainable modes should be considered prior to private car journeys. The policy also requires all development proposals to be designed for the safety and convenience of all potential users and incorporate appropriate mitigation.

16. I consider this approach provides an appropriate framework to ensure that new development will not exacerbate the existing issues within the town centre and also will support proposals to improve current conditions.

17. With regard to the suggestion that a bypass is required to the east of the town to alleviate traffic and promote development adjacent to it, this issue was not identified in the infrastructure study. I note that the council considers the cost of the bypass could be significant and that it is unlikely that a viable business case could be developed. Also that as a bypass would in effect be a diversion of the A85 trunk road, input would therefore be required from Transport Scotland. I find that the evidence submitted does not justify the need for the bypass.

18. Policy 53 Nuisance from Artificial Light and Light Pollution states that planning permission will not be granted for proposals where lighting would result in obtrusive and/or intrusive effects. Also that the council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission. I consider that this policy will address the concerns raised regarding potential light pollution from new retail development which could operate for 24 hours a day.

Strategic district heating opportunity

19. This matter is addressed in Issue 14 A Low Carbon Place, where I recommend a modification to the Crieff settlement summary to refer to it having a strategic district heating focus.

Broich Road area

20. The Crieff settlement summary identifies the need for a junction upgrade at Broich Road. It proposes to allocate a mixed use site (MU7) to the south of Broich Road and identifies that an area to the north of Broich Road (MU344) will see retail development. In addition, the settlement summary highlights that there is a housing site at the eastern end of Broich Road, where development has commenced. The site specific developer requirements for site MU7 identifies the need for a transport assessment and refers to public access. For site MU377, reference is made to the need for road and access improvements.

21. I note that three developments on Broich Road have planning permission and that all have section 75 obligations to make a proportionate contribution to the improvement of Broich Road and its junctions with King Street and Burrell Street. I also note that the council has programmed works to realign the junctions; this work is taking place outside

the local development plan process.

22. Policy 58B New Development Proposals requires development that will involve significant travel generation to be well-served and easily accessible by modes of transport. In addition, that sustainable modes should be considered prior to private car journeys. It requires all development proposals to be designed for the safety and convenience of all potential users and incorporate appropriate mitigation.

23. As a result of the above, I consider the approach to addressing the highway issues around the development of sites in the Broich Road area to be appropriate and proportionate.

24. With regard to air pollution, the Crieff settlement summary identifies that proposals within the plan have the potential to adversely affect air quality in the town centre. Policy 55 Air Quality Management Areas explains that the council has a responsibility to improve air quality. It highlights that, within or adjacent to, air quality management areas, where pollutant concentrations are in excess of the national air quality objectives and may pose a risk to human health, development proposals that would adversely affect air quality may not be permitted. Policy Map H identifies Crieff High Street, including West and East High Street, as an air quality management area. Policy 55 requires that any development that could have a detrimental effect on air quality, through the exacerbation of existing air quality issues, must include appropriate mitigation measures.

25. The proposed plan explains that supplementary guidance will set out how air quality will be considered in the determination of planning applications and when the need for an air quality assessment is likely to be triggered. I note that an air quality action plan is being prepared. I consider the approach to air quality issues in Crieff will provide an appropriate planning policy framework to ensure appropriate mitigation measures are provided where necessary.

26. With regard to the concerns expressed over developer contributions, Policy 5 Infrastructure Contributions, provides a framework for the provision of the required infrastructure contributions associated with new development. Further guidance is set out within the developer contributions and affordable housing supplementary guidance. I consider this approach to be appropriate and that it will ensure that developers provide the contributions required as a result of the development. No modifications.

Land at Bridgend, Proposal E26

27. A requirement for native woodland planting is requested by Woodland Trust Scotland. This matter is dealt with in Issue 16 A Natural Resilient Place. Scottish Planning Policy paragraph 217 states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Requiring all development proposals to plant native species would go beyond the advice in Scottish Planning Policy. I find that it is more properly a matter for the council to decide when it would be appropriate to require native species to be planted.

28. A potential flooding issue has been identified at site E26. As this may impact on the developability of part of the site, I find that there is a requirement to modify the site specific development requirement section to refer to the need for a flood risk assessment.

Land south of Broich Road, Proposal MU7

29. With regard to the request for the proposed plan to refer to the specific planning permission for site MU7, I note that references are made within other sites details to specific planning permissions, however this is not always the case. Therefore I do not consider a modification is necessary.

30. I agree that it is appropriate for the word 'retail' to be removed and that this can be corrected by the council as a minor amendment without formal modification.

31. The site specific developer requirements provide guidance on the key issues that need to be addressed through the preparation of a detailed scheme for the site. Bullet point five clearly identifies the need to retain the existing woodland framework and for the existing hedge lines and woodland corridors within and around the perimeter of the site to be extended. The final details of which will be informed by more detailed assessments, as will be the case for all of the developer requirements. I therefore do not consider it necessary to specifically refer to the detailed landscape assessment of proposals.

32. I note the concerns regarding the impact of the proposed development on town centre infrastructure. The issues raised within the representation are addressed within paragraphs 1 to 3 above.

33. A requirement for native woodland planting is requested by Woodland Trust Scotland. This matter is dealt with in Issue 16 A Natural Resilient Place. Paragraph 217 of Scottish Planning Policy states that, where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Requiring all development proposals to plant native species would go beyond the advice in Scottish Planning Policy. It is more properly a matter for the council to decide when it would be appropriate to require native species to be planted.

34. A potential flooding issue has been identified at this site. This may impact on the developability of part of the site. I therefore find it is appropriate to modify the site specific development requirements section to refer to the need for a flood risk assessment. I note that the council are comfortable with this modification.

Land north of Broich Road, Proposal MU34

35. I note the concerns regarding the impact of the proposed development on town centre infrastructure. The issues raised within the representation are addressed within paragraphs 1 to 3 above.

36. The proposed plan will not prevent the development of the two retail developments on site MU34 which have planning permission. Work has commenced on one of the sites and I note that there is a commitment from the other landowner that retail development will be delivered. The proposed plan includes the flexibility that should the second scheme not be progressed, that the site could come forward for housing development.

37. With regard to the site specific developer requirements in relation to the setting of the listed farmhouse and steading, I note that this appears more onerous than those specified in the planning permission and listed building consent. The presumption in favour of the retention of the listed buildings accords with the requirement of paragraph 141 of Scottish Planning Policy. I note that the representation refers to further work to test the commercial

viability of the redevelopment of the listed buildings. If an application were to come forward in the future which sought permission to demolish the listed buildings, this would be assessed against Policy 27B Demolition of Listed Buildings. Until such work is undertaken, I consider it would not be appropriate to modify the site specific development requirements as requested.

Land at Wester Tomaknock, Proposal H57

38. A large number of concerns have been raised by the local community regarding the development of site H57. The site is allocated within the current local development plan. At my site inspection I observed that the development of the site would result in an incursion into the countryside, extending the town to the east. I note that planning permission was granted in August 2018 for the construction of 102 dwellings on 8.75 hectares of the 10.2 hectare site. The proposed plan explains that the remainder of the site comprises a 1.48 hectare strip on the eastern edge of the site and has capacity for 12-19 dwellings.

39. Crieff lies within the Strathearn Housing Market Area and is one of only two principal settlements, the other being Auchterarder. In accordance with the spatial approach of the strategic development plan it is therefore appropriate for the proposed plan to look to accommodate a significant proportion of the housing for the Strathearn Housing Market Area in Crieff. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area as a whole. Site H57 will contribute to the delivery of the housing requirement.

40. A significant area of concern expressed by the local community is with regard to the impact of the development on the current highway network, particularly the access via Dollerie Terrace. The site specific developer requirements identify the need for a transport assessment and the council has confirmed that the proposal, which has planning permission, was accompanied by this and that it addressed the issues identified within the representation such as access for emergency vehicles, car parking, active travel and distance to bus stops. It is not open to me to review the way in which the council assessed the planning application.

41. The site specific developer requirements also refer to the need for a masterplan to ensure that built development responds appropriately to the landscape. The enhancement of biodiversity and protection of habitats as well as public access improvements are also required. Should the planning permission lapse, any subsequent application would be assessed against these requirements as well as other policies within the proposed plan, including: Policy 1 Placemaking; Policy 2 Design Statements; Policy 5 Infrastructure Contributions; Policy 36 Environment and Conservation; Policy 37 Landscape; Policy 39 Biodiversity; Policy 51 Water Environment and Drainage; Policy 53 Nuisance from Artificial Light and Light Pollution; and Policy 58 Transport Standards and Accessibility Requirements. These policies include specific criteria that would ensure the concerns raised within the representations are fully considered and addressed through the assessment of a planning application.

42. I note a number of representations provide detailed comments regarding the design of the scheme that was submitted to the council and seek to revoke the planning permission. It is not open to me as part of this examination to consider the proposed detailed design of a development scheme nor to revoke a planning permission. Development management has overtaken the development plan preparation process and

the principle of residential development on this site has now been established. I therefore find that it is appropriate for the site to remain as a housing allocation within the proposed plan. No modifications.

Land at Alichmore (Site H236)

43. The site comprises an agricultural field on the western edge of Crieff. It appears remote from the town centre and lies adjacent to a poultry farm and close to the Drummond Castle Garden and Designed Landscape. The site is elevated when viewed as part of the surrounding landscape. It was assessed by the council through the site assessment process but was not included in the main issues report.

44. When viewing the site on a plan, it could appear to be a logical extension to the town, but from my observations at my site inspection, I consider the elevated position of the site could result in any future development of the site being very prominent in the surrounding landscape. Whilst I note there is the potential to deliver access improvements, I am concerned at its apparent remoteness from the town centre. In addition, whilst I note that the land owner has referred to mitigation regarding the adjacent poultry farm, the evidence submitted does not suggest to me that such mitigation measures would be appropriate.

45. It is recognised in Issue 1 A Successful, Sustainable Place, a housing shortfall has been identified for the Strathearn Housing Market Area as a whole. Regardless of the level of shortfall identified, I find that this site would nevertheless be unacceptable because the adverse impacts identified above would outweigh the benefits of addressing any shortfall. I conclude that the site should not be allocated for housing development nor should it be included within the settlement boundary at this time.

Land at Tomaknock Farm (Site H238)

46. Site H238 was assessed by the council through the site assessment process but was not included in the main issues report and therefore has not been subject to public consultation. The site comprises agricultural land, located to the east of Crieff. It lies opposite site H57 Land at Wester Tomaknock, which has planning permission. The proposed site boundary would not extend development further to the west than site H57.

47. When considered alongside site H57, the two sites would result in a significant expansion to the east of Crieff. A representation provides details regarding the access to the site and the development of the site such as landscaping, layout and the provision of open space. With regard to infrastructure, the representation states that: contributions would be made to education provision; there is sufficient wastewater capacity; and the site can be accessed via public transport.

48. Whilst I acknowledge the details provided within the representation regarding the delivery of the site, I have concerns regarding the ability of infrastructure of the town to be able to accommodate the additional development. I also have concerns regarding the landscape impacts of the development of the site, particularly when considered against allocation H57. I also note that the council has expressed concern regarding a lack of evidence of joint working between landowners.

49. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area. Regardless of the level of shortfall identified, I find that the adverse impacts identified above including uncertainties

regarding the ability of the infrastructure of Crieff to accommodate development on this site at this time would outweigh the benefits of addressing any shortfall. I conclude that the site should not be allocated for housing development.

Land at Wester Kincardine Holdings (Site H240) and Land north of Broich Road and south of Skye Crescent (Site H239)

50. Site H240 lies to the south east of Crieff, it is currently in agricultural use. As a result of the position and topography of the site, I observed that there are long distance views into the site from the south and east. I note that whilst site H240 was assessed by the council through the site assessment process, it was not included in the main issues report.

51. The site assessment process suggests that while natural screening could be provided as part of any future development of the site, that the landscape impact has previously been assessed as unacceptable. From the evidence submitted, I consider that given the open nature of the site and the relationship between it and the surrounding countryside future development of the site could have a significant impact on the landscape.

52. In addition, from the information available to me, it appears that the infrastructure requirements resulting from the development of the proposed site has not been assessed. I also note that the council has expressed concern regarding a lack of evidence of joint working between landowners.

53. Site H239 also lies to the south east of Crieff and is in agricultural use. The site was assessed by the council through the site assessment process but was not included in the main issues report. It lies between residential development to the north, Strathearn Community Campus to the west, the B8062 to the south with site MU7 beyond. When site MU7 is developed, as a result of the position of site H239, it may appear well related to the urban area. The evidence submitted does not explain the infrastructure requirements that would result from the development of the site or how such issues could be addressed. I also note that the council has expressed concern regarding a lack of evidence of joint working between landowners.

54. It is suggested within representations that the development of sites H240 and H239 together would be more logical than sites MU7 or H57. As described above, there are a number of potential constraints to the development of the sites. It is not clear at this stage if they can be resolved.

55. A representation suggested that site H239 could be redeveloped to provide a pub/ restaurant development in addition to housing. I note this representation was not made by the landowner and therefore there is no guarantee that this is something the landowner would want to progress.

56. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area. Regardless of the level of shortfall identified, I find the adverse impacts identified above including uncertainties regarding the ability of the infrastructure of Crieff to accommodate development on this site at this time would outweigh the benefits of addressing any shortfall. I conclude that the sites should not be allocated for housing development.

Land north of 1 Callum's Hill (Site H385)

57. Site H385 is an area of amenity green space at the northern edge of Crieff on Perth Road. Whilst the site is small, it provides an important green setting at one of the entrances to the town. This would be lost if it were to be developed even as a plot for a single house. I consider the existing settlement boundary to be robust in this location as it follows Pollock Terrace and Callum's Hill. No modification.

Land west of Gilmerton (Site MU383)

58. The Gilmerton settlement summary explains that it is a small village with no services. I note that there has been a proposal in the past on site MU383 for a mixed use development. The proposal included: holiday lodges; leisure facilities; care home; assisted living accommodation; farm shop; and a café. This proposal was refused planning permission in 2017.

59. The representation requests an amendment to the settlement boundary and the designation of the site for tourism and other mixed use development. In addition, there is a request for a site specific policy supporting future proposals for investment at Crieff Hydro.

60. From the information before me, the representation has not sought to address the issues identified through the consideration of the previous planning application, particularly the lack of environmental information. The proposal is for major development which would more than double the size of Gilmerton. In order for such a proposal to be included within the proposed plan, evidence would need to be available to illustrate that it could be accommodated within the natural environment and technical requirements met.

61. However, if in the future more detailed work is undertaken and a planning application submitted, policies within the proposed plan support the principle of appropriate tourism development. For example, Policy 8 Rural Business and Diversification supports proposals for new tourism related developments as well as the expansion of existing facilities. The policy requires it to be demonstrated that the proposal would: improve the quality of new or existing facilities; allow a new market to be exploited; or extend the tourism season. It identifies a number of criteria that must be met, including: impact on the environment; impact on residential amenity; design; highways; and other accessibility considerations. In addition, Policy 9 Caravan Sites, Chalets and Timeshare Developments, offers support to the provision of tourism accommodation, again where specific criteria can be met.

62. With regard to the element of the proposal for a care home and assisted living, given the remoteness from local services and facilities, from the information available to me, I would question the suitability of the site for such a use. Policy 22 Particular Needs Housing Accommodation identifies that residential developments supporting housing for particular needs, such as housing for frail or elderly people, must be suitably located for both residents and visitors. It states that developments should be located in residential areas, where residents have access to local services and facilities and that are integrated with the local community. I note that the council has identified concerns from the Perth and Kinross Community Health Partnership, NHS Tayside as well as their health and community care function.

63. In addition, the site was not considered as part of the council's site assessment

process or included in the main issues report and has not been subject to public consultation.

64. Given the issues identified above, I find that it would not be appropriate to amend the settlement boundary or include a mixed use allocation for the site. However, a lack of allocation within the local development plan does not prevent the landowner submitting a planning application which would be considered against the policies within the proposed plan.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Amend the site specific developer requirements associated with site E26 Bridgend on page 167 to add an additional requirement as follows:

"Flood risk assessment"

2. Amend the site specific developer requirements associated with site MU7 Broich Road on page 171 to add an additional requirement as follows:

"Flood risk assessment"

Issue 43	Strathearn Area – Settlements with Proposals	
Development plan reference:	Comrie, pages 157-158 H58 – Cowden Road, page 158	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
<div> <div> Derek and Agnes Redfern (0048) John Cook (0050) Josephine Moore (0051) John Dimopoulos (0080) Crawford Wilson (0081/01, 0081/02, 0081/03, 0081/04, 0081/05 & 0081/06) Ian Loxley (0100) Nickola Loxley (0101) Christopher and Janette Begg (0106) Paul Mouncey & Margaret Douglas (0109) Carol Mulligan (0121) Janice Fraser (0158) Brian Christie (0159) Ian Stewart (0160) Kathleen Wilson (0167) Florina W MacDougall (0168) David Wilson (0169) G E MacPhee (0183) Ian McIntyre (0184) Edith McIntyre (0186) Jane E A Ross (0187) Robert Bruce Findlay (0190) Patricia Sinclair (0193) Naomi Nyamudoka (0194) Henry Glasgow (0196) Jacqueline Morgan (0197) Anne Pirie (0198) Marjorie Gibb (0199) Mairi Sinclair (0200) M Tell (0201) A D Ross (0203) Francis Haig Hamilton (0209) Fiona Cumming (0219) Lauren Mcallister (0220) Callum Cumming (0221) Emma Barrie (0223) Martin Hogg (0227) Cindy and Steven Glass (0228) David RD Bushby (0230) Daniel Reeve Simmons (0231) Brenda Elizabeth Simmons (0232) </div> <div> Ian Wright (0348) Georgina Brannan (0351) Angus Barrie (0352) James Lambie (0354) John & Helen Whitelaw (0357) Mr & Mrs H Anderson (0362) PM Ann Reith (0365) Scott Haggart (0368) Marion Burns (0370) Christian Campbell (0388) Graeme A Hendry (0397) Murray Lauchlan (0401) William A Lang (0403) Mary McGillivray (0407) Robert Turner (0415) Liam Hegarty (0416) Cressida Jauncey (0419) Lynn Manderson & James Wilson (0421) S Peedle (0434) William Douglas (0438) James Tainsh (0440) Jamie Jauncey (0443) Donald McGillivray (0447) Simon Jauncey (0452) Richard Murray (0457) John Young (0460) Woodland Trust Scotland (0462) Neill Aitken (0464) Morag Aitken (0465) Heather Reid (0467) Anne Glasgow (0482) Michael and Christine Taylor (0483) Debbie Dimopoulos (0488) J A Reid (0492) Gillian Lauchlan (0496) Moir Mathew (0508) William Gordon Grant (0512) Mr & Mrs G R Grant (0514) Mary Wilson (0523) Comrie Community Council (0534) RM Ferguson (0543) </div> </div>		

<p>Eileen Hogg (0237) Susan Haggart (0246) RK Ginsberg (0250) B Spratt (0251) Margaret Spratt (0253) Matthew Jack (0254) Anne Lawson (0256) Alan Laing (0260) Alex Urquhart (0267) Perth and Kinross Heritage Trust (0272) Vanessa Davidson (0276) Ken Heiser (0278) A Tod (0285) Dorothy Briggs (0287) Elizabeth CF Cromar (0299) Christine Ross (0300) Robert Sommers Wood (0301) Elizabeth Steinka (0302) C Tod (0303) Ann Turner (0307) Jan Parker (0312) Norman Hetherington (0316) Jessie Downs (0317) John and Madeleine King (0318) Mary Knox (0326) Andrew Lorimer (0327) Maxwell Penfold (0328) Malcolm Allan (0329) Fiona Penfold (0330) Carol A Calder (0331) John Dewar (0332) Margaret Rose (0334) Gillian Allan (0342) Hugh Rose (0343) Ann Dewar (0344)</p>	<p>Jim Guild (0545) David Scott-Angell (0550) Marie Macdonald (0557) E Morag Crabbie (0561) Marc Di Rollo (0573) Andrew Thompson (0574) Pauline Toole (0576) John Davidson (0578) Joe Toole (0579) J H McDowall (0582) Agnes Drysdale (0585) Leslie W Paterson (0586) R Campbell (0600) A & J Stephen Limited (0622) John MacInnes Drysdale (0627) Felicity Martin (0638) Margaret O McVicar (0644) Kathleen McIntyre (0645) Evelyn Temple (0646) Peter McArthur (0647) Helen McArthur (0648) James S Arnott (0649) Maureen A Arnott (0650) Robin D Arnott (0651) Catriona Cleghorn (0652) Martin Gray (0658) Veronica S McChesney (0676) Janet Heiser (0680) Mairi Philp (0681) J A Burdon-Cooper (0699) Tessa Ingleby (0706) C Hendry (0709) Scottish Environment Protection Agency (SEPA) (0742)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>Allocated sites in Strathearn non-tiered settlements: Comrie</p>
<p>Planning authority's summary of the representation(s):</p>	
<p><u>Introduction</u></p> <p>There are two issues raised in respect of Comrie:</p> <ul style="list-style-type: none"> All but two of the representations here make comments in respect of Proposal H58 that allocates a housing site at Cowden Road. Nearly all of the representations received seek the removal of the proposal and state reasons; some representations suggest the housing allocation is not needed while others suggest alternative sites 	

elsewhere in the settlement that could be allocated for housing instead of H58.

- There is some conditional support for the proposal.
- The two representations that do not mention H58 instead comment on the suggestion to allocate a new housing site at Strowan Road. The suggestion was first made at the pre-MIR call for sites stage. One representation seeks a housing allocation at the site; and one representation supports the Proposed Plan.

Land at Cowden Road (Proposal H58)

H58 conditional support for and amendments to the proposal

A & J Stephen Limited (0622/01/005) - Offering broad support for the proposal while seeking an increase to the site's capacity, a change to the site specific developer requirements and offering points of clarification to support the proposal:

- Requests amendment to 65 units comprising 49 mainstream private units and 16 affordable units because this mix mostly consisting of smaller single storey houses would be more appropriate for the current local market and would facilitate an appropriate local range and choice. The respondent states that the site capacity range in the proposed plan is very low (8.7–13.7 per ha), which would lead to larger houses being provided that would not align with local needs; and that the suggested amendment would equate to a more appropriate 17 per ha.
- Representation confirms joint working with landowner to bring this proposal forward to deliver local and effective housing land supply.
- Representation asserts that the required access is owned by A & J Stephen Limited and that technical capacity is readily available.

SEPA (0742/01/056) - Support for the Flood Risk Assessment developer requirement:

- It accords with the Planning Authority's duties to ensure that development plans contribute to sustainable development.
- The Flood Risk Management (Scotland) Act 2009 (CD030) also places a duty on local authorities to reduce overall flood risk and promote sustainable flood risk management when exercising their flood risk related functions. Paragraph 13 of the Scottish Government's online planning advice on flood risk recognises that the avoidance of flood risk, by not locating development in areas at risk of flooding, is a key part of delivering sustainable flood risk management.
- The requirement accords with paragraph 255 of SPP (CD004), which advocates a precautionary approach to flood risk. It states that the planning system should promote flood avoidance by safeguarding flood storage and conveyance capacity and locate development away from functional flood plains and medium to high risk areas. Paragraph 256 of SPP states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. The requirement also complies with paragraph 266 of SPP which states that a FRA may be required where factors indicate a heightened risk may be present.
- Paragraph 37 of the Scottish Government's online planning advice on flood risk states that development plans should ensure that any assessment of the effectiveness of sites, especially housing sites, takes flood risk into account.
- As set out in paragraph 29 of SPP, this approach will also contribute positively to the creation of sustainable places and support climate change adaptation and therefore

accords with the local authority's duties under section 44 of Climate Change (Scotland) Act 2009 (CD025)

- As identified in the SEA, this area/part of this area is at flood risk. The SEA should be used to inform the LDP and we support the SEA being used to identify a developer requirement of a flood risk assessment at this site.

H58 remove proposal from the Plan

Derek and Agnes Redfern (0048/01/001; 0048/02/001); John Cook (0050/01/001); Josephine Moore (0051/01/001); John Dimopoulos (0080/01/001); Crawford Wilson (0081/01/003) (0081/02/003) (0081/03/001) (0081/04/001) (0081/05/001); Ian Loxley (0100/01/001); Nickola Loxley (0101/01/001); Christopher and Janette Begg (0106/01/001); Paul Mouncey and Margaret Douglas (0109/01/001); Carol Mulligan (0121/01/001); Janice Fraser (0158/01/001); Brian Christie (0159/01/001); Ian Stewart (0160/01/001); Kathleen Wilson (0167/01/001); Florina W MacDougall (0168/01/001); David Wilson (0169/01/001); G E MacPhee (0183/01/001); Ian McIntyre (0184/01/001); Edith McIntyre (0186/01/001); Jane E A Ross (0187/01/001); Patricia Sinclair (0193/01/001); Naomi Nyamudoka (0194/01/001); Henry Glasgow (0196/01/001); Jacqueline Morgan (0197/01/001); Anne Pirie (0198/01/001); Marjorie Gibb (0199/01/001); Mairi Sinclair (0200/01/001); M Tell (0201/01/001); A D Ross (0203/01/001); Emma Barrie (0223/01/001); Martin Hogg (0227/02/001); Cindy and Steven Glass (0228/01/001) (0228/02/001); David R D Bushby (0230/01/001); Daniel Reeve Simmons (0231/01/001); Brenda Elizabeth Simmons (0232/01/001); Eileen Hogg (0237/01/001); Susan Haggart (0246/01/001); R K Ginsberg (0250/01/001); B Spratt (0251/01/001); Margaret Spratt (0253/01/001); Matthew Jack (0254/01/001); Anne Lawson (0256/01/001); Alan Laing (0260/01/001); Vanessa Davidson (0276/01/001); Ken Heiser (0278/01/001); A Tod (0285/01/001); Dorothy Briggs (0287/01/001); Elizabeth C F Cromar (0299/01/001); Christine Ross (0300/01/001); Robert Sommers Wood (0301/01/001); Elizabeth Steinka (0302/01/001); C Tod (0303/01/001); Ann Turner (0307/01/001); Jan Parker (0312/01/001); Norman G Hetherington (0316/01/001); Jessie Downs (0317/01/001); Andrew Lorimer (0327/01/001); Maxwell Penfold (0328/01/001); Fiona Penfold (0330/01/001); Carol A Calder (0331/01/001); John Dewar (0332/01/001); Margaret Rose (0334/01/001); Gillian Allan (0342/01/001) (00342/02/001); Hugh Rose (0343/01/001); Ann Dewar (0344/01/001); Ian Wright (0348/01/001); Georgina Brannan (0351/01/001); Angus Barrie (0352/01/002); James Lambie (0354/01/001); John & Helen Whitelaw (0357/01/001); Mr & Mrs H Anderson (0362/01/001); P M Ann Reith (0365/01/001); Scott Haggart (0368/01/001); Marion Burns (0370/01/001); Christian Campbell (0388/01/001); Graeme A Hendry (0397/01/001); Murray Lauchlan (0401/01/001); William A Lang (0403/01/001); Mary McGillivray (0407/01/001); Robert Turner (0415/01/001); Liam Hegarty (0416/01/001); Cressida Jauncey (0419/01/001); Lynn Manderson & James Wilson (0421/01/001); S Peedle (0434/01/001); William Douglas (0438/01/001); Jamie Jauncey (0443/01/001); Donald McGillivray (0447/01/001); Simon Jauncey (0452/01/001); Richard Murray (0457/01/001); John Young (0460/01/001); Neill Aitken (0464/01/001); Morag Aitken (0465/01/001); Heather Reid (0467/01/001); Anne Glasgow (0482/01/001); Michael and Christine Taylor (0483/01/001); Debbie Dimopoulos (0488/01/001); J A Reid (0492/01/001); Gillian Lauchlan (0496/01/001); Moira Mathew (0508/01/001); William Gordon Grant (0512/01/001); Mr & Mrs G R Grant (0514/01/001); Mary Wilson (0523/01/001); Comrie Community Council (0534/01/001 & 002); R M Ferguson (0543/01/001); Jim Guild (0545/01/001); David Scott-Angell (0550/01/002); Marie Macdonald (0557/01/001); E Morag Crabbie (0561/01/001); Marc Di Rollo (0573/01/001); Andrew Thompson (0574/01/002 & 0574/01/003); Pauline Toole (0576/01/001); John

Davidson (0578/01/001 & 0578/02/001); Joe Toole (0579/01/001); J H McDowall (0582/01/001); Agnes Drysdale (0585/01/001); Leslie W Paterson (0586/01/001 & 0586/01/003); R Campbell (0600/01/001); John MacInnes Drysdale (0627/01/001); Felicity Martin (0638/01/001-12); Margaret O McVicar (0644/01/001); Kathleen McIntyre (0645/01/001); Evelyn Temple (0646/01/001); Peter McArthur (0647/01/001); Helen McArthur (0648/01/001); James S Arnott (0649/01/001); Maureen A Arnott (0650/01/001); Robin D Arnott (0651/01/001); Catriona Cleghorn (0652/01/001); Martin Gray (0658/01/001); Veronica S McChesney (0676/01/001); Janet Heiser (0680/01/001); Mairi Philp (0681/01/001); Tessa Ingleby (0706/01/001); C Hendry (0709/01/003):

- respondents wish H58 to be removed from the Plan because its inclusion is not justified by evidence and its development will have several adverse impacts (expanded below)
- several respondents raise the issue that Comrie is not a TAYplan tiered settlement.
- Concerns raised that there is no evidence to suggest a housing shortage in Comrie (0652/01/001)
- several respondents raise concerns that the site is not an effective housing site. With no progress evident since LDP1 adoption, and concerns raised over the uncertainty and lack of clarity on the issues identified by the reporter as being of concern and requiring clarification during the LDP1 examination it must be questioned whether H58 should continue to be designated as effective land (0574/01/002 & 0638/01/004) Concerns are raised that access issues in particular are insurmountable (0576/01/001 & 0579/01/001).
- It is irresponsible planning on the part of PKC to leave this [key issues identified by the LDP1 examination reporter] to be resolved at the [planning] application stage (0576/01/001, 0579/01/001).
- The LDP examination reporter must be confident at the LDP examination stage that the site fits the criteria and all access issues are fully resolved before planning [application] stage. If this cannot be satisfactorily addressed the site should be withdrawn from LDP2 (0648/01/001)
- a petition with nine names, addresses and signatures was submitted by Crawford Wilson (0081/06/001). The petitioners state opposition to residential development at the site due to increased traffic, noise, pollution and damage to the conservation village and nature conservation
- the site should remain in agricultural use
- H58 should be removed from the plan for the duration of LDP2. Its status within the settlement boundary could then be reviewed again at the next plan review depending on progress with the windfall development at Tomperran (0574/01/002)

H58 amend proposal or conditional support

- Andrew Thompson (0574/01/002); Malcolm Allan (0329/01/001); Lynn Manderson & James Wilson (0421/01/001); Michael and Christine Taylor (0483/01/001) - If not removed from the Plan, the number of units at H58 should be kept to 30 units, consistent with LDP1
- John and Madeleine King (0318/01/001) - No more than 24-30 dwellings. Will require green park spaces for young families. Buffer area between south of houses on south side of Polinard and proposed new homes; and similarly on south side of the field where the stream/burn and woodland path exist.
- Gillian Allan (0342/01/001) - If there is to be development then a much reduced number of housing units and complete clarity on the access

- Matthew Jack (0254/01/001) - H58 should be deleted from the Development Plan or its development very severely curtailed
- Anne Lawson (0256/01/001) - A small number of new homes would be sustainable but certainly not the possible top numbers contained in the plans
- Robert Bruce Findlay (0190/01/001) - If anything should be built on this land it should be a care facility for older people in the area
- Francis Haig Hamilton (0209/01/001) - If the development does go ahead it should be conditional on Cowden Road being brought up to adoptable standard (to include modifications to its junction with South Crieff Road) and then subsequently adopted
- Fiona Cumming (0219/01/001); Lauren Mcallister (0220/01/001); Callum Cumming (0221/01/001) - Support for the proposal provided the houses are affordable to younger people in the village or in the community
- Alex Urquhart (0267/01/001) - Support some new homes being built provided the houses are genuinely affordable and within the reach of young people and families on average incomes. A good community needs a mix of people and local business and commerce cannot survive if Comrie moves towards a model village or a commuter town. It is important that employees of local businesses can live as well as work in the village.
- Mary Knox (0326/01/001) - Does not seem a good idea – unless it is affordable houses that would allow the young people of the village to get on the property ladder then that is much needed.
- Perth and Kinross Heritage Trust (0272/01/005) - The site has archaeological potential and it is therefore recommended that the Site Specific Developer Requirements are updated to reflect the likelihood of an archaeological investigation and/or protection of Scheduled Monuments being required. Perth and Kinross Heritage Trust provides planning archaeological advice to Perth and Kinross Council. The Trust offers to provide further information about the archaeological potential of the development parcels identified.
- Woodland Trust Scotland (0462/01/005) - Welcomes the protection and enhancement of woodland to the east and south boundary. There is an area of 13 ha of LEPO ancient woodland along the eastern boundary
- J H McDowall (0582/01/001) - Reduce the number of housing units
- Tessa Ingleby (0706/01/001) - A wildlife conservation area would be considerably more in keeping with this location on the edge of Comrie

H58 Environmental

- Greenfield site on prime agricultural land: contrary to policy. The site is under continuous arable cultivation and offers great potential for improvement. Lying in a sheltered position, this field could contribute to local food security and diversity for a community relatively remote from conventional supply chains.
- Fails to meet policy criteria set out in Policy 1a (0574/01/002, 0638/01/001)
- Would result in increased use of nearby footpaths, contrary to policy CF2
- Inconsistent with the items (c) and (f) of policy NE4 Green Infrastructure
- Noise and light pollution, both during and after development
- The proposed development will lead to increased air pollution, particularly that increased CO2 levels will disproportionately affect senior citizens in the area
- The [Comrie] area must remain a low carbon area (0648/01/001)
- Adverse impact on the landscapes, wildlife, country walks and healthy lifestyles enjoyed by existing residents

- Concerns are raised that the private woodland to the east of the proposal are ancient and will need protection under policy NE2A (0407/01/001)
- Concerns are raised that the ten acres of Ancient oak woodland to the east of the proposal would be adversely impacted by proposal H58. The woodland is an important natural amenity that has been privately maintained with help from Scottish Nature Woodland Trust by felling and replanting with native species, maintaining footpaths, building bridges and encouraging wildlife. An important Druidal Stone Circle also lies within the [woodland] site (0578/01/001 & 0578/02/001)
- Concerns that the hedges along Cowden Road are important and should not be pulled down (0488/01/001)
- Adverse impact on protected wildlife, specifically the red squirrel and bat population at the site and birds of prey in the area. Other species mentioned but not specifically protected include deer, foxes, hares, hedgehogs and rabbits. [SEA site assessment LDP1 sites update] (0081/04/001) (0167/01/001) (0196/01/001) (0228/01/001) (0574/01/002) (0649/01/001)
- There are protected species notably bats and red squirrels living in the natural woodland immediately abutting the site to the east, and in the mature conifer woodland strip separated by an ancient right of way and permanent stream along the southern site boundary (0574/01/002)
- The power cables that cross the fields could cause health problems for some people (0183/01/001, 0278/01/001)
- If two storey houses are proposed, they would overlook the single storey bungalows at Polinard [which is along the northern boundary of H58]
- Concerns are raised that any buildings higher than bungalow in this area would look completely out of place and character. Previous planning applications for 1.5 storey houses have been refused (0401/01/001) (0496/01/001)
- Concerns are raised that any houses built on the southern or eastern quadrants of the [proposal] site would suffer extreme deprivation of sunshine, especially in winter months [photographs supplied to illustrate this point (0638/01/008)]. Any remedy for this disadvantage would require removal of valuable native and mature woodland impacting on biodiversity, landscape quality and amenity. The woodland concerned is in different ownership from site H58 making resolution of the problem fraught with potential delay for the developer, or conflict between residents of new houses and neighbouring landowners and environmental agencies if not resolved at planning application stage (0574/01/002 & 0638/01/008)
- Concerns are raised that there may be issues with sewerage capacity in the immediate vicinity. The properties on Cowden Road have a different sewage system installed on their properties. This system needs extra machinery before the sewage could join the village's main system (0276/01/001)

H58 Flood risk

- Flood risk from adjacent burn affects the site (0201/01/001) (0415/01/001).
- Flood risk assessment would be required as the stream on the south edge of the proposal may have an adverse effect on properties in Langside Drive, Cowden Road, Cowden Way and Polinard
- With climate change, higher rainfall intensity means that H58 is at greater risk of surface water flooding, due to its flat geography and stream proximity (0574/01/002, 0638/01/005 & 0709/01/003)
- The proposed development will not help flood risk in Comrie.
- No new houses should be built or planned in Comrie before the new flood defences

have been completed and assessed. Two major floods in Comrie have caused major damage to homes and this is a low-level area of the village (0223/01/001)

- The field with the stream at the edge helps with the drainage required to keep nearby properties safe. The changing climate has brought two serious floods in Comrie in recent years, damaging many dozens of properties. Building 33-55 houses on this site will greatly affect the drainage of the area bringing further risk of flooding (0573/01/001)
- The site is currently a field in agricultural arable use and it absorbs a large amount of rainwater yet the burn at Tinkers Loan still overflows most winters. Flooding is a major strategic issue for Comrie and climate change protection is a core part of the TAYplan sustainability strategy. It is not appropriate to leave this issue to be resolved at the [planning] application stage (0576/01/001 & 0579/01/001)
- There is a serious risk of flooding to site H58 and major flood improvements would be required and any increased water flow would impact on our land further downstream [the downstream land referred to is the adjoining site to the east, which is Highland Heather Lodges and Plant Centre comprising a self-catering holiday business with lodges and five acres of arable ground; and ten acres of ancient woodland] (0578/01/001 & 0578/02/001)
- There was flooding recently at the site of the sewage works (0582/01/001)

H58 access to the site, including Cowden Road and Langside Drive

- The proposal should not be counted as effective housing land because there are fundamental concerns raised in respect of site access
- The proposal cannot be accessed from a public road, making it ineffective for housing land supply. The proposal is bordered by privately owned land and access is by private roads
- The site specific developer requirements require the development to be accessed from the public road. At present Cowden Road and Cowden Lane are not adopted public roads. It is understood that this has been one of the key constraints to development of this site, and yet no information has been provided to show how this obstacle should be overcome.
- Cowden Road is private and is unsuitable for access because it is already well used by walkers and residents and is narrow with no pavements. Its width cannot accommodate two passing cars
- Langside Drive has been blocked at its junction with Cowden Road since the early '70s to avoid through traffic that would infringe upon the residents of Langside Drive
- Langside Drive is unsuitable for access because it is of inadequate width for the proposed increase in traffic, and its exit onto the B827 Braco Road is on a hazardous blind bend
- Concerns raised about the existing level of visitor parking on Langside Drive, which requires careful slow driving. This means the road would be effectively inaccessible for heavier construction traffic, service traffic and refuse collection
- Concerns raised that even if traffic were to be limited to Langside Drive, the fact remains that Cowden Road would be the shorter route and more likely to be used (0228/01/001)
- The earlier Langside Drive development reserved an extension over Cowden Road as the access to plot H58 (0329/01/001)
- It is understood that the original builder of Langside Drive was allowed to have two endcap culs-de-sac, one of which remains at the end of Langside Drive; while the other was removed when Cowden Way was built. (0401/01/001) (0496/01/001)

- Concerns are raised that when the houses at Cowden Way were built an assessment was made that Langside Drive where it debouched onto the B827 [Braco Road] was at capacity and should not be put under any more pressure (0582/01/001)
- Concerns are expressed that while Stevens Builders have asserted ownership of Cowden Road it is believed that the extent of their ownership is a strip connecting Langside Drive to the proposed site. And in any case ownership of Cowden Road appears to be unclear (0342/01/001)
- Suggest a new road from South Crieff Road at the cemetery boundary wall leading to the north east corner of H58, which would have good sightlines on to the road and no housing to be considered (0329/01/001)

H58 wider roads, traffic and parking issues

- In a rural area that is not easily accessibly other than by car: inconsistent with TA1B
- Poor bus service so would lead to greater car dependency
- Requirement to travel outside the community for employment
- Too far from local shops; in Auchterarder people drive to the shops because the houses are on the outskirts of town (0419/01/001)
- Concerns raised that there will be increased traffic on roads that are already difficult to navigate, especially junctions at Langside Drive and Cowden Road; and South Crieff Road.
- The junction at Top Square at the entrance to Cowden Road is especially highlighted as terrible and confusing by a number of respondents. It is the junction of Dalginross, South Crieff Road, Braco Road and Cowden Road and it would need to be reconfigured.
- The hard engineering work that would be required to bring this access [via Upper Square and Cowden Road] up to adoptable standard would compromise this characterful and ancient public right of way resulting in adverse impact on the character of the conservation area, specific mention is made of the loss of existing un-kerbed wide grass verges along Cowden Road that are within the conservation area (0574/01/002)
- Details of the road plan to accompany this proposal must be presented and agreed with public consultation prior to housing approval (0227/02/001)
- Concerns raised that the proposed development would exacerbate parking problems, including along Drummond Street and elsewhere in the village centre; and would cause congestion along the A85 through Comrie, and at its junction with Bridge Street
- Concerns are raised that the proposal will mean even more traffic down Dalginross, and an overloading of parking places around the shopping area in the village because the proposal is at a distance too far for people to carry shopping home (0561/01/001)
- Concerns raised about existing parked vehicles detracting from the amenity of the village and therefore adding another 30 to 50 households would be undesirable
- Braco Road and South Crieff Road are narrow and very windy roads (0223/01/001)

H58 adverse impact on village character and infrastructure

- Over the last 50 years the village has increased in size by over 50%, therefore all the attributes that make Comrie what it is and identified in LDP description are under threat

- The proposal would extend the built-up area counter to conservation area status (0231/01/001)
- The proposed density is out of keeping with the surrounding areas and the conservation village as a whole. Fails to preserve and enhance village's character and appearance (0342/01/001) (0354/01/001) (0582/01/001)
- A development of this size would alter the nature of the village atmosphere, which is quite renowned. Comrie is a beautiful conservation village. Comrie is a country village and should not be turned into a dormitory settlement. The community is already under significant pressure
- The village has limited facilities and the proposal would increase pressure on medical centre, water and sewage infrastructure, primary school, post office, village parking, refuse collections and distance to recycling point, public toilet, inadequate play park in the village, the capacity of the sewage plant and water mains are a concern. In particular, problems with a pumping station at Tay Avenue/Dochart Place, and in the area around Strowan Road Medical Centre are highlighted (0197/01/001, 0253/01/001, 0600/01/001)
- Concerns are raised that Comrie medical centre is full to capacity and Crieff Medical centre does not enrol Comrie residents (0397/01/001)
- Concerns are raised that Comrie primary school is full to capacity and already has temporary classrooms that cannot accommodate anticipated rise in school roll
- Insufficient capacity in sewage system
- There are no suitable employment opportunities in the area, which will result in increased commuting by car
- No nearby hospital. Older people place an undue load on medical services; and distances to care and treatment in Perth are great when ill (0230/01/001)
- Does not fulfil any of the criteria of Policy RD1 (a) to (e). Implications on the defining character of the southern end of the conservation area, particularly should 'Top Square' and Cowden Road be modified for increased vehicle use. The un-kerbed wide grass verges are a key historical feature of the conservation area
- The site is currently agricultural land but has amenity value and is used regularly by walkers and horse riders (0194/01/001, 0228/02/001). The site forms part of the Conservation Villages footpaths and rights of ways, used by walkers for decades (0203/01/0014). Adjacent to Bogton Braes Walk.
- The site is in a particularly scenic part of Comrie bordering beautiful woodland and the renowned Bogton Braes. All of this area including the field marked for development is used extensively by many locals and visitors alike for walking and recreation. The proposed development would effectively ruin this stunning area (0649/01/001)
- Loss of this important green space within the settlement boundary, and compromise of safety and usability of a much used all abilities public right of way & Core Path (Cowden Road) would restrict the currently high levels of usage of an important access to the wider countryside (0574/01/002 & 0638/01/006)
- No infrastructure report has been prepared for Comrie to help identify any current shortfall in infrastructure provision or specific constraints to development. A charrette should be held to establish the infrastructure needs of the village
- The nearest sports hall and swimming is at Crieff; the community hall in Comrie is only adequate for current needs
- Nearest supermarket is at Crieff. Local food stores in Comrie cannot keep up with demand (0557/01/001)
- The proposed closure of Royal Bank of Scotland branch will mean Comrie will have

limited banking and cash facilities for the existing residents let alone an increased population

- According to Green Destinations, which is a non-profit organisation for sustainable tourism, Comrie is one of the 2017 Sustainable Destinations Top 100 (0081/03/001) This might be questioned or the village could be removed from the list should development of H58 proceed (0344/01/001; 0550/01/002)
- There is a need for affordable housing instead in Comrie (0158/01/001). The houses proposed would be unsuitable due to cost (0197/01/001)
- The additional village population would preclude entry to Scotland in Bloom or UK in Bloom competitions as these are for villages (0201/01/001)
- Concerns raised over lack of information as to the style of the proposed development, including the provision and proportion of low cost housing (0227/02/001)
- Housing developments should be restricted in Areas of Natural Beauty which Comrie certainly is, even if it does not have that title as an official designation (0332/01/001)
- Comrie is the earthquake centre in Scotland with several major faults all meeting up a few thousand feet below the village of Ross. It is not a matter of 'if' but 'when' for the next earthquake to hit Comrie. As such any future developments in Comrie should be limited to the minimum (0332/01/001)

H58 alternative housing land available elsewhere in Strathearn HMA

Respondents state that the justification for inclusion of H58 in LDP1 was on the basis it provided choice but this assertion has been superseded by the availability of better sites at alternative locations:

- The granting of full planning permission for 25 houses at a windfall site at Tomperran, Comrie (Site H415) undermines the requirement for Proposal H58
- There is uncertainty as to the status of three planning applications for housing on land at Tomperran: one of the applications for 10 houses has been granted and remains extant; while two applications for a further 13 houses and 5 houses respectively have not yet been determined. These applications for a total of up to 25 houses should be regarded as windfall and the Proposed Plan should be amended to take them into account (0534/01/002)
- Tomperran site has flat ground and has direct access to the A85 main road, while access to H58 is through the village. The site is within walking distance of the village centre along a public road with pavement. It is on a bus route.
- Development of the site at Tomperran would use up any spare capacity in the sewerage system, and would therefore preclude housing development at H58
- Other more suitable sites free from constraints are available in the tiered settlements at Crieff and Auchterarder, which are nearer to trunk roads and places of employment
- The building of these houses is not required in Comrie and the houses ear-marked for this site should be relocated to somewhere where they are needed and can be absorbed (0651/01/001)

Concerns are also raised in respect of a statement in a recent government budget [not referenced] where developers were urged not to hoard land banks. The potential developer is urged to reconsider the purchase of the proposed site (0407/01/001).

Comrie Strowan Road new housing site (Site H234)

James Tainsh (0440/01/001) - Proposes an amendment to the settlement boundary to include a new housing site east of Strowan Road in the field to the rear of the Comrie Medical Centre and 57-73 Strowan Road. The respondent states that the suggested amendment would be to provide appropriate siting to meet local demand for new low density housing.

J A Burdon-Cooper (0699/01/001) - Support for the proposed plan in as far as it does not include the suggestion for a housing development at H234 Dalginross Moor. Opposed to the suggested expansion of the housing stock unless there was a proven requirement to provide housing for local residents (not those from other parts of Perth & Kinross). Any expansion that did take place could probably be provided by judicious infill instead of on good agricultural land. Comrie's population could outgrow its infrastructure and another 30-50 houses would make this a real problem. More consideration and wider consultation with local community over a longer timescale is needed. Flood risk analysis is both ambiguous and suspect.

Modifications sought by those submitting representations:

A & J Stephen Limited (0622/01/005) - Increase the site's capacity to 65 units (49 mainstream private units and 16 affordable units); amend site specific developer requirements to increase density to 17 units per ha.

SEPA (0742/01/056) - Support for the Flood Risk Assessment developer requirement.

Derek and Agnes Redfern (0048/01/001; 0048/02/001); John Cook (0050/01/001); Josephine Moore (0051/01/001); John Dimopoulos (0080/01/001); Crawford Wilson (0081/01/003) (0081/02/003) (0081/03/001) (0081/04/001) (0081/05/001); Ian Loxley (0100/01/001); Nickola Loxley (0101/01/001); Christopher and Janette Begg (0106/01/001); Paul Mouncey and Margaret Douglas (0109/01/001); Carol Mulligan (0121/01/001); Janice Fraser (0158/01/001); Brian Christie (0159/01/001); Ian Stewart (0160/01/001); Kathleen Wilson (0167/01/001); Florina W MacDougall (0168/01/001); David Wilson (0169/01/001); G E MacPhee (0183/01/001); Ian McIntyre (0184/01/001); Edith McIntyre (0186/01/001); Jane E A Ross (0187/01/001); Patricia Sinclair (0193/01/001); Naomi Nyamudoka (0194/01/001); Henry Glasgow (0196/01/001); Jacqueline Morgan (0197/01/001); Anne Pirie (0198/01/001); Marjorie Gibb (0199/01/001); Mairi Sinclair (0200/01/001); M Tell (0201/01/001); A D Ross (0203/01/001); Emma Barrie (0223/01/001); Martin Hogg (0227/02/001); Cindy and Steven Glass (0228/01/001) (0228/02/001); David R D Bushby (0230/01/001); Daniel Reeve Simmons (0231/01/001); Brenda Elizabeth Simmons (0232/01/001); Eileen Hogg (0237/01/001); Susan Haggart (0246/01/001); R K Ginsberg (0250/01/001); B Spratt (0251/01/001); Margaret Spratt (0253/01/001); Matthew Jack (0254/01/001); Anne Lawson (0256/01/001); Alan Laing (0260/01/001); Vanessa Davidson (0276/01/001); Ken Heiser (0278/01/001); A Tod (0285/01/001); Dorothy Briggs (0287/01/001); Elizabeth CF Cromar (0299/01/001); Christine Ross (0300/01/001); Robert Sommers Wood (0301/01/001); Elizabeth Steinka (0302/01/001); C Tod (0303/01/001); Ann Turner (0307/01/001); Jan Parker (0312/01/001); Norman G Hetherington (0316/01/001); Jessie Downs (0317/01/001); Andrew Lorimer (0327/01/001); Maxwell Penfold (0328/01/001); Fiona Penfold (0330/01/001); Carol A Calder (0331/01/001); John Dewar (0332/01/001); Margaret Rose (0334/01/001); Gillian

Allan (0342/01/001) (00342/02/001); Hugh Rose (0343/01/001); Ann Dewar (0344/01/001); Ian Wright (0348/01/001); Georgina Brannan (0351/01/001); Angus Barrie (0352/01/002); James Lambie (0354/01/001); John & Helen Whitelaw (0357/01/001); Mr & Mrs H Anderson (0362/01/001); P M Ann Reith (0365/01/001); Scott Haggart (0368/01/001); Marion Burns (0370/01/001); Christian Campbell (0388/01/001); Graeme A Hendry (0397/01/001); Murray Lauchlan (0401/01/001); William A Lang (0403/01/001); Mary McGillivray (0407/01/001); Robert Turner (0415/01/001); Liam Hegarty (0416/01/001); Cressida Jauncey (0419/01/001); Lynn Manderson & James Wilson (0421/01/001); S Peedle (0434/01/001); William Douglas (0438/01/001); Jamie Jauncey (0443/01/001); Donald McGillivray (0447/01/001); Simon Jauncey (0452/01/001); Richard Murray (0457/01/001); John Young (0460/01/001); Neill Aitken (0464/01/001); Morag Aitken (0465/01/001); Heather Reid (0467/01/001); Anne Glasgow (0482/01/001); Michael and Christine Taylor (0483/01/001); Debbie Dimopoulos (0488/01/001); J A Reid (0492/01/001); Gillian Lauchlan (0496/01/001); Moira Mathew (0508/01/001); William Gordon Grant (0512/01/001); Mr & Mrs G R Grant (0514/01/001); Mary Wilson (0523/01/001); Comrie Community Council (0534/01/001 & 002); RM Ferguson (0543/01/001); Jim Guild (0545/01/001); David Scott-Angell (0550/01/002); Marie Macdonald (0557/01/001); E Morag Crabbie (0561/01/001); Marc Di Rollo (0573/01/001); Andrew Thompson (0574/01/002 & 0574/01/003); Pauline Toole (0576/01/001); John Davidson (0578/01/001 & 0578/02/001); Joe Toole (0579/01/001); J H McDowall (0582/01/001); Agnes Drysdale (0585/01/001); Leslie W Paterson (0586/01/001 & 0586/01/003); R Campbell (0600/01/001); John MacInnes Drysdale (0627/01/001); Felicity Martin (0638/01/001-12); Margaret O McVicar (0644/01/001); Kathleen McIntyre (0645/01/001); Evelyn Temple (0646/01/001); Peter McArthur (0647/01/001); Helen McArthur (0648/01/001); James S Arnott (0649/01/001); Maureen A Arnott (0650/01/001); Robin D Arnott (0651/01/001); Catriona Cleghorn (0652/01/001); Martin Gray (0658/01/001); Veronica S McChesney (0676/01/001); Janet Heiser (0680/01/001); Mairi Philp (0681/01/001); Tessa Ingleby (0706/01/001); C Hendry (0709/01/003) - Delete proposal H58

Matthew Jack (0254/01/001); Anne Lawson (0256/01/001); John and Madeleine King (0318/01/001); Malcolm Allan (0329/01/001); Gillian Allan (0342/01/001); Lynn Manderson & James Wilson (0421/01/001); Michael and Christine Taylor (0483/01/001); Andrew Thompson (0574/01/002); J H McDowall (0582/01/001) - Amend plan to restrict the number of units

Robert Bruce Findlay (0190/01/001) - No specific amendment is sought

Francis Haig Hamilton (0209/01/001) - Amend plan to require Cowden Road from H58 to South Crieff Road to be adopted

Fiona Cumming (0219/01/001); Lauren Mcallister (0220/01/001); Callum Cumming (0221/01/001); Alex Urquhart (0267/01/001); Mary Knox (0326/01/001) - No specific amendment is sought

Perth and Kinross Heritage Trust (0272/01/005) - Amend H58 developer requirements to require an archaeological investigation and/or protection of scheduled monuments

Woodland Trust Scotland (0462/01/005) - No specific amendment is sought

Tessa Ingleby (0706/01/001) - Amend plan to identify the site as a wildlife conservation

area instead of housing proposal

Comrie Strowan Road new housing site (Site H234)

James Tainsh (0440/01/001) - Amend the plan to include a new 1.07 Ha housing site (H234)

J A Burdon-Cooper (0699/01/001) - No specific amendment is sought

Summary of responses (including reasons) by planning authority:

Land at Cowden Road (Proposal H58)

This site was originally suggested by A & J Stephen and the (then) landowner Mr Martin Robb, and Proposal H58 was first allocated following examination of the 2012 Proposed Plan.

A & J Stephen Limited (0622/01/005) - The methodology for calculating the site's capacity is the same across all the housing proposals in the Proposed Plan. This issue is considered along with the other issues raised in respect of housing strategy since it relates to housing strategy across the LDP area, and not solely to the settlement of Comrie

For this site, the Council has assumed that the site will eventually be developed at a low to medium density, between 16-25 dwellings per hectare. In terms of the developable area at the site, there is a developer requirement to provide protection and enhancement to the woodland at the south and eastern boundaries. On this basis a developable percentage of 55% of the site is assumed. This gives a calculation of estimated capacity as follows:

Developable area of 55% of 3.8 ha => 2.1 ha x low-to-medium range (16-25 dwellings per hectare) => capacity range of between 32-52 units.

A & J Stephen Limited suggests the development mix will comprise smaller single storey houses that would be more appropriate for the local market. The Council anticipates that this means houses aimed at older people downsizing (possibly from larger properties in the village) and first time buyers. The Council does not have any issues with the type of house proposed at the site, but wishes to maintain a low-to-medium density that is capable of meeting the developer requirements set out for the site.

No modification is proposed to the Plan in respect of the capacity of H58.

Representations against Proposal H58

Derek and Agnes Redfern (0048/01/001; 0048/02/001); John Cook (0050/01/001); Josephine Moore (0051/01/001); John Dimopoulos (0080/01/001); Crawford Wilson (0081/01/003) (0081/02/003) (0081/03/001) (0081/04/001) (0081/05/001); Ian Loxley (0100/01/001); Nickola Loxley (0101/01/001); Christopher and Janette Begg (0106/01/001); Paul Mouncey and Margaret Douglas (0109/01/001); Carol Mulligan (0121/01/001); Janice Fraser (0158/01/001); Brian Christie (0159/01/001); Ian Stewart (0160/01/001); Kathleen Wilson (0167/01/001); F W MacDougall (0168/01/001); David Wilson (0169/01/001); G E MacPhee (0183/01/001); Ian McIntyre (0184/01/001); Edith

McIntyre (0186/01/001); Jane E A Ross (0187/01/001); Patricia Sinclair (0193/01/001); Naomi Nyamudoka (0194/01/001); Henry Glasgow (0196/01/001); Jacqueline Morgan (0197/01/001); Anne Pirie (0198/01/001); Marjorie Gibb (0199/01/001); Mairi Sinclair (0200/01/001); M Tell (0201/01/001); A D Ross (0203/01/001); Francis Haig Hamilton (0209/01/001); Emma Barrie (0223/01/001); Martin Hogg (0227/02/001); Cindy and Steven Glass (0228/01/001) (0228/02/001); David R D Bushby (0230/01/001); Daniel Reeve Simmons (0231/01/001); Brenda Elizabeth Simmons (0232/01/001); Eileen Hogg (0237/01/001); Susan Haggart (0246/01/001); R K Ginsberg (0250/01/001); B Spratt (0251/01/001); Margaret Spratt (0253/01/001); Matthew Jack (0254/01/001); Anne Lawson (0256/01/001); Alan Laing (0260/01/001); Perth and Kinross Heritage Trust (0272/01/005); Vanessa Davidson (0276/01/001); Ken Heiser (0278/01/001); A Tod (0285/01/001); Dorothy Briggs (0287/01/001); Elizabeth C F Cromar (0299/01/001); Christine Ross (0300/01/001); Robert Sommers Wood (0301/01/001); Elizabeth Steinka (0302/01/001); C Tod (0303/01/001); Ann Turner (0307/01/001); Jan Parker (0312/01/001); Norman G Hetherington (0316/01/001); Jessie Downs (0317/01/001); John and Madeleine King (0318/01/001); Andrew Lorimer (0327/01/001); Maxwell Penfold (0328/01/001); Malcolm Allan (0329/01/001); Fiona Penfold (0330/01/001); Carol A Calder (0331/01/001); John Dewar (0332/01/001); Margaret Rose (0334/01/001); Gillian Allan (0342/01/001) (00342/02/001); Hugh Rose (0343/01/001); Ann Dewar (0344/01/001); Ian Wright (0348/01/001); Georgina Brannan (0351/01/001); Angus Barrie (0352/01/002); James Lambie (0354/01/001); John & Helen Whitelaw (0357/01/001); Mr & Mrs H Anderson (0362/01/001); P M Ann Reith (0365/01/001); Scott Haggart (0368/01/001); Marion Burns (0370/01/001); Christian Campbell (0388/01/001); Graeme A Hendry (0397/01/001); Murray Lauchlan (0401/01/001); William A Lang (0403/01/001); Mary McGillivray (0407/01/001); Robert Turner (0415/01/001); Liam Hegarty (0416/01/001); Cressida Jauncey (0419/01/001); Lynn Manderson & James Wilson (0421/01/001); S Peedle (0434/01/001); William Douglas (0438/01/001); Jamie Jauncey (0443/01/001); Donald McGillivray (0447/01/001); Simon Jauncey (0452/01/001); Richard Murray (0457/01/001); John Young (0460/01/001); Neill Aitken (0464/01/001); Morag Aitken (0465/01/001); Heather Reid (0467/01/001); Anne Glasgow (0482/01/001); Michael and Christine Taylor (0483/01/001); Debbie Dimopoulos (0488/01/001); J A Reid (0492/01/001); Gillian Lauchlan (0496/01/001); Moira Mathew (0508/01/001); William Gordon Grant (0512/01/001); Mr & Mrs G R Grant (0514/01/001); Mary Wilson (0523/01/001); Comrie Community Council (0534/01/001 & 002); R M Ferguson (0543/01/001); Jim Guild (0545/01/001); David Scott-Angell (0550/01/002); Marie Macdonald (0557/01/001); E Morag Crabbie (0561/01/001); Marc Di Rollo (0573/01/001); Andrew Thompson (0574/01/002, 0574/01/003 & 0574/01/004); Pauline Toole (0576/01/001); John Davidson (0578/01/001 & 0578/02/001); Joe Toole (0579/01/001); J H McDowall (0582/01/001); Agnes Drysdale (0585/01/001); Leslie W Paterson (0586/01/001 & 0586/01/003); R Campbell (0600/01/001); John MacInnes Drysdale (0627/01/001); Felicity Martin (0638/01/001-12); Margaret O McVicar (0644/01/001); Kathleen McIntyre (0645/01/001); Evelyn Temple (0646/01/001); Peter McArthur (0647/01/001); Helen McArthur (0648/01/001); James S Arnott (0649/01/001); Maureen A Arnott (0650/01/001); Robin D Arnott (0651/01/001); Catriona Cleghorn (0652/01/001); Martin Gray (0658/01/001); Veronica S McChesney (0676/01/001); Janet Heiser (0680/01/001); Mairi Philp (0681/01/001); Tessa Ingleby (0706/01/001); C Hendry (0709/01/003) - Other representations received to the Proposed Plan in respect of this proposal focus on the following planning issues:

- compatibility with TAYplan hierarchical settlement approach and whether the proposal is needed;

- impact of additional housing on community facilities and infrastructure;
- impact on amenity of neighbouring residential properties;
- loss of agricultural land;
- effect on wildlife and biodiversity;
- flood risk; and
- provision of access
- archaeological investigation

Compatibility with TAYplan hierarchical settlement approach; and whether the proposal is needed

To be consistent with TAYplan strategy, the Proposed Plan seeks to allocate most of the housing development for the Strathearn housing market area to the principal settlements of Crieff and Auchterarder.

Both Crieff and Auchterarder have a significant supply of effective housing land and have proposals for further allocations.

TAYplan Policy 1 Location Priorities allows that the Proposed Plan may also provide for some development in settlements that are not principal settlements (such as Comrie) where this can be accommodated and supported by the settlement. Comrie has a good range of services and is the largest village in the Strathearn Housing Market Area. At the 2011 census, the population of Comrie was 1,927 and there were 1,021 houses. In the seven years between April 2011 and March 2018 there have been only 11 house completions in the village (CD049). Were this site developed to the maximum capacity indicated in the plan this would represent only a 5% increase in housing numbers in the settlement.

The Proposed Plan is therefore consistent with TAYplan by locating the main allocations in the principal settlements, and providing for some development in Comrie. This issue is dealt with in more detail in the Schedule 4 on housing land strategic issues.

Some representations question the need for any more housing in Comrie. In terms of housing need within the affordable housing it is clear from the Council waiting list that there is a high level of need in the area. Data collated as of 8 August 2018 indicates that there are 109 families on the list. The relatively low number of house completions in the village should not be taken as evidence of low demand. Comrie is likely to be a popular market area with a healthy demand for new houses.

No modification is proposed to the Plan.

Impact of additional housing on community facilities and infrastructure

Many respondents feel that the community facilities and village infrastructure would be under unacceptable pressure should H58 be developed.

Although reported to be suffering from poor facilities by some respondents, Comrie is a relatively healthy and vibrant local centre and has a good range of community facilities including a shopping street, medical centre, post office, church, community centre, a primary school and hotels and restaurants. There is a good network of outdoor recreation facilities, core paths and informal paths around the village. The Proposal for a modest

amount of additional housing in the village would support the provision of these community facilities and help maintain their viability.

It is acknowledged that some respondents raise concerns that the range of facilities is not as wide as it used to be, citing the closure of the RBS bank branch and that it lacks a supermarket and a sports hall/swimming pool. However the village is linked by public transport to Crieff and Perth, which are larger settlements containing the facilities cited as lacking in Comrie. Some of the facilities mentioned by respondents as desirable for the village such as a supermarket and larger sports and swimming centre are unlikely to be capable of being supported by a village of the scale of Comrie.

The village primary school has spare capacity and there is a relatively new community campus for secondary education at nearby Crieff. In terms of medical centre capacity, NHS Tayside was represented as a key agency and raised no concerns.

In terms of the safety and operation of the road network, the Council as roads authority accepts that the Proposal can be accommodated into the local road network.

The issue of affordable housing is covered elsewhere in Policy 20 and related Supplementary Guidance.

In terms of whether there is sufficient water and sewerage capacity in the village, Scottish Water was represented as a key agency and raised no concerns.

No modification is proposed to the Plan in respect of community facilities and infrastructure.

Impact on amenity of neighbouring residential properties

Several respondents make representations describing the impact the Proposal would have on its neighbours. Some call for a buffer area between the houses on the south side of Polinard that are to the north of H58. Specific concerns are raised in respect of noise and light pollution, air pollution, loss of green space, impact of two storey development on adjacent single storey houses, and local sewerage arrangements for nearby houses.

The Proposed Plan contains a number of policies that protect the amenity of neighbouring properties where development is proposed in an area. Policies on placemaking (policy 1), open space provision (policy 14), and residential development (policy 17) seek to ensure that development complements its surroundings. And there are policies to protect impacts to listed buildings (policy 27) and conservation areas (policy 28). Environmental protection policies on light pollution (policy 53), noise pollution (policy 54) and air quality (policy 55) will address the concerns raised in respect of these issues.

In particular, these policies will be used at the planning application stage to assess the impact of any proposed development on neighbouring residents.

Some respondents express concerns about the impact of new development on the conservation area, however the site is at some distance from the conservation area and apart from the potential for junction improvements at Upper Square mentioned in the following paragraphs on access to the site, there would be few impacts on the conservation area.

No modification is proposed to the Plan in respect of the impact of amenity on neighbouring residential properties.

Loss of agricultural land

Policy 48 of the Proposed Plan states that outside the identified settlements, development on prime agricultural land will not be permitted except in certain special circumstances set out in the policy. Proposal H58 is inside not outside the settlement boundary and therefore the policy does not strictly apply; and the land is category 3.2 land capability for agriculture, which is non-prime agricultural land.

While it is acknowledged that it is preferable to prioritise the development of brownfield sites over greenfield sites, there is a very limited supply of brownfield land in Comrie and in the Strathearn Housing Market Area.

No modification is proposed to the Plan regarding loss of agricultural land in respect of Proposal H58.

Impact on wildlife and biodiversity

It is accepted that the proposal involves development of a greenfield site but the Council's site assessment notes that the site is usually under agricultural cultivation, which means that most of the wildlife and biodiversity value will be located at the field's periphery and in the hedges and paths around the field.

The Proposed Plan contains a suite of policies 36-56 that aim to conserve and enhance the natural environment. In addition and as already discussed above, the Council has assumed that the site will be developed at a low to medium density and a developable percentage of 55% of the site is assumed. This leaves potential to introduce a more varied range of habitats thus improving biodiversity to at least part of the site on areas reserved for sustainable drainage, landscaping and screening.

There are concerns about woodland to the east of the proposal however the Plan contains no proposals at that location.

No modification is proposed to the Plan in respect of wildlife and biodiversity.

Flood risk

Comrie does have a history of flood risk arising from the confluence of the three rivers in the centre of the settlement. A village flood defence scheme is in preparation that will protect the vulnerable areas however the scheme has not been designed to offer any protection to the site of Proposal H58 because no flood risk exists at that location from those rivers.

Although the area is reported to be poorly drained, the site is not specifically identified as being at risk of flooding. SEPA and the Council's flood officer consider it suitable for development subject to the submission of a flood risk assessment with any planning application, which is proposed as a developer requirement. The site will not increase flood risk elsewhere in the village and therefore there is no need to defer its development until the flood defence scheme is complete.

No modification is proposed to the Plan is proposed in respect of flood risk to H58.

Provision of access

Several respondents raise concerns over the uncertainty as to how access to H58 may be taken, some stating that access issues are insurmountable. A number of the respondents do not seek specific changes to the Proposed Plan but do not wish the Proposal to remain in the Plan if the issue of access remains unresolved.

Cowden Road adjoins the Proposal but it is not an adopted road. The prospective developer, A & J Stephen, asserts ownership of Cowden Road and the site specific developer requirements are that access must be from the public road. There are two possible routes by which the site may be accessed: from an upgraded and adopted length of Cowden Road leading from Proposal H58 to its junction with Upper Square; or via the adopted Langside Drive across the width of Cowden Road.

Access to the site has previously been considered as part of LDP1 examination, where the reporter considered that while the uncertainty over the nature of the access to be provided is a matter of concern to local residents, "These are matters that will require to be resolved during the planning application process but are not sufficient to warrant removal of the site from the Proposed Plan. However, should development of the site be held up due to an inability to resolve this issue, the designation can be reconsidered in the subsequent review of the local development plan." [LDP1 examination report p826].

Having had sight of the prospective developer's title plan for Cowden Road, the Council as planning authority and roads authority is confident that the developer has demonstrated that they can deliver a connection to the public road to adoptable standard.

Taking the first of the two options, via an upgraded Cowden Road, this would technically be possible. There would be obstacles to be overcome including the road's varying width, the presence of mature trees however, the Council considers these are not insurmountable obstacles.

Turning to the junction of Cowden Road with Upper Square, alterations to the road would also be required at this location to ensure it is of adoptable standard but these would not be significant works. However any work to the road has potential to impact on the Comrie Conservation Area, which includes Upper Square together with an area east of Cowden Road including Comrie Cottage, Field Cottage and Crossloan (but not Broomfield on the west side of Cowden Road); and work has potential to impact on the setting of the listed buildings in the vicinity – these are the Category C listed Comrie Cottage south of Upper Square, and Bracklinn north of the square. Having regard to the likelihood of the type work that would be required, it is anticipated that this can be carried out whilst, through good design, safeguarding the character of the Conservation Area.

The second option, via the adopted Langside Drive, would clearly be shorter and likely to involve less work. The respondents in opposition to this route argue that if this route were to be opened, there would be no physical nor regulatory barriers that could prevent traffic opting to travel along Cowden Road. This is acknowledged but not considered an issue as long as Cowden Road is brought up to adoptable standard as this route is likely to serve the predominant desire line for most journeys. Indeed from Designing Streets and placemaking perspectives, multiple accesses are to be encouraged.

There is a third-party option that was suggested in representation (0329/01/001), which is for a new road connecting Proposal H58 with South Crieff Road at the cemetery boundary wall. This does not have landowner support and would not meet the terms of Policy 1 Placemaking, specifically the creation of a coherent structure of streets spaces and buildings accessible from its surroundings. The Council therefore does not support this suggestion.

This issue of access will require to be clarified, but the Council suggests that this be resolved during the planning application process. The Council is confident that access may be taken, via either or both the options described. And that the allocation should not therefore be removed from the Plan on this basis.

In terms of the title plan that was exhibited to the Council by the prospective developer referred to above, it is acknowledged that this was not submitted as part of a representation to the Proposed Plan. It does not therefore form part of the Proposed Plan examination. However a public copy may be obtained for the reporter on request; potentially sourced from either the developer or the Keeper of the Registers of Scotland.

No modification is proposed to the Plan in respect of the provision of access to H58.

Archaeological investigation

Perth and Kinross Heritage Trust (0272/01/005) - The Perth and Kinross Heritage Trust is the Council's adviser on archaeological issues, and has found that following assessment of the Proposal, there is a need to add a developer requirement for an archaeological investigation and/or protection of scheduled monuments.

In the area, Comrie has an identified Roman fort and camp to the west of the Proposal, and the Dunmoid stone circle, a Scheduled Monument (ref. SM1542).

The Proposed Plan contains policy 26 that deals with Scheduled Monuments and non-designated archaeology. The policy presumes against development that would have an adverse effect on Scheduled Monuments, and it seeks to protect areas of known archaeological interest.

No modification to the Plan is proposed, however there is value in the Perth and Kinross Heritage Trust's suggestion, particularly since the potential for archaeology in the area may have been overlooked to date. Should the reporter be considering a modification to include the Trust's suggested developer requirement, the Council would be comfortable in accepting such a recommendation.

H58 other issues

A limited number of other issues are raised in respect of Proposal H58 including:

- the village's status as a low carbon area
- impact on Top Sustainable Destinations tourism recognition;
- the impact of power cables across the site on peoples' health;
- concerns as to whether enough sunlight falls on the site due to shading from woodland on adjacent land in separate ownership;
- poor parking by visitors to Langside Drive and fast driving on Braco Road;

- driver confusion at the existing junction at Upper Square;
- the cost of the proposed houses;
- risk of earthquakes; and
- developers hoard land banks.

None of these representations seek any changes to the Proposed Plan and they are therefore considered to be outwith the scope of the LDP examination.

No modification is proposed to the Plan.

H58 alternative housing land available elsewhere in Strathearn HMA

Site H415 at Tomperran has been introduced by several third parties. It is suggested this site would be more suitable for housing than Proposal H58. No representation has been received from the landowner. This is understandable however since all parts of the 1.96 Ha site are covered by either a planning consent for housing (07/02255/FLL – development is thought to have commenced to prevent the permission lapsing, but no houses have been built yet); or by two separate planning applications for housing (14/01917/FLL – granted 15 February 2018; & 16/01599/FLL – awaiting decision).

There is a history of planning consents at this site, the most recent of which was granted after the publication of the Proposed Plan. The three application sites overlap, meaning that when they are combined it is estimated that the site has an effective capacity of 23.

In the absence of a representation by the landowner or a developer seeking an allocation as a proposal it would be inappropriate to do so; and bearing in mind that planning permission has already been granted for parts of the site, it may also be unnecessary.

No modification is proposed to the Plan.

Comrie Strowan Road new housing site (Site H234)

James Tainsh (0440/01/001) - This site was the subject of a pre-MIR call for sites housing submission (Comrie 2) on behalf of the landowner. The submission noted that Comrie has excellent services and facilities and that additional housing would help local infrastructure and services, sustain bus services, provide developer contributions towards education and affordable housing, sustain construction jobs and allow home/work properties to be developed. While the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation.

Comrie is not identified as one of the TAYplan tiered settlements and since there is already a housing site identified in Comrie with sufficient capacity for the Plan period it is considered that there is no immediate need to allocate site H234 as a housing site.

In terms of comparing the relative merits of Proposal H58 and site H234, the Council considers that Proposal H58 offers significant advantages. It sits in a better landscape framework; it can be made accessible from more than one access road (both Cowden Road and Langside Drive); it is being promoted by a developer; it has been the subject of previous Local Development Plan consultations for housing; it is inside the settlement boundary and it has previously been allocated for housing (albeit for fewer units) in the

Adopted Local Development Plan. Site H234 does not benefit from an existing landscape framework; it is being promoted speculatively without apparent support from a developer; it has not had the benefit of public consultation; and in the absence of such consultation its location outside the proposed settlement boundary confers a reasonable expectation that the site will remain free from development.

No modification is proposed to the Plan.

List of planning applications referred to

07/02255/FLL Erection of 10 dwellinghouses at Tomperran Farm Comrie (approved)

14/01917/FLL Erection of 13 dwellinghouses and garages at Land 80 Metres North West Of Tomperran Farm Comrie (approved)

16/01599/FLL Erection of 5no. dwellinghouses and garages at Land 40 Metres North West Of Tomperran Farm Comrie (awaiting decision)

There is some degree of physical overlap between these three planning applications and when combined it is estimated that the site referred to has an effective capacity of 23.

Reporter's conclusions:

Preliminary matter

1. The headings within the planning authority's summary of the representations are different to that contained within the summary of responses (including reasons) by planning authority. My headings below group the issues into a more logical order.

Land at Cowden Road (Proposal H58)

Compatibility with TAYplan hierarchical settlement approach and whether the proposal is needed

2. Comrie is a village with a range of local services including: retail units, a primary school, doctors, post office, community centre and restaurants. A wider range of services in Crieff and Perth can be accessed by public transport. Site H58 is a housing allocation within the current local development plan, it is in agricultural use and lies to the south of Comrie with residential development to the north and west.

3. In accordance with the strategic development plan, the proposed plan looks to focus the majority of development required in the Strathearn Housing Market Area within the principal settlements of Auchterarder and Crieff. Whilst Comrie is not identified as a principal settlement within the strategic development plan, Policy 1C (Location priorities) of TAYplan allows for some development in non-principal settlements where it can be accommodated and supported by the settlement. I therefore disagree that the allocation of site H58 is contrary to the requirements of the strategic development plan.

4. There is no requirement within Scottish Planning Policy or the strategic development plan to identify a housing shortage within a settlement in order to propose land allocations.

Whilst Comrie is a village, it has a good range of services and facilities and is the largest village in the Strathearn Housing Market Area. I note that between 2011 and 2018 only 11 houses were completed within the village. I also note that in 2018 there were 109 families on the council housing waiting list. I therefore conclude that it is appropriate for the proposed plan to identify land for housing within Comrie.

5. A number of representations refer to the effectiveness of the site. Planning Advice Note 2/2010 provides advice on the preparation of housing land audits. It identifies that the effectiveness of individual sites should be determined by planning authorities against specific criteria, namely: ownership; physical; contamination; deficit funding; marketability; infrastructure; and land use. Whilst it is noted that the site is an allocation within the current local development plan, the fact that development has not yet commenced does not mean the site is not effective. The evidence submitted does not lead me to conclude that the site is not effective.

6. A number of representations have referred to the conclusions of the reporter who undertook the examination of the current local development plan. They express concern that a number of issues should have been considered fully through the examination of the plan rather than through a planning application. These matters are discussed in more detail below.

Density

7. I note that the landowner requests that the site density should be 17 dwellings per hectare (65 units). A number of representations request the number of units should be 30 or less, which accords with the density identified within the current local development plan. The council has stated that the site will be developed at a low to medium density, between 32 and 52 units as this would take account of the need to provide protection and enhancement of the woodland to the southern and eastern boundaries. In order to make the best use of the land, I consider a low to medium density for the site to be appropriate. In addition, given the site constraints, I do not consider that the higher density suggested by the landowner would be appropriate. The final density of the scheme is something that will be determined through the planning application process.

8. The approach to calculating site density reflects the approach taken to other sites in the proposed plan. The adequacy of the council's approach for establishing the capacity range of a site is dealt with in Issue 2 Placemaking (Policy 1D) where it is recommended that all site capacities should be clearly identified as indicative.

9. Policy 1 Placemaking requires development proposals to contribute positively to the quality of the surrounding built and natural environment. It identifies that design and density of development should complement its surroundings in terms of appearance, height, scale and massing. In addition, further guidance will be provided within the Placemaking Supplementary Guidance on which there will be consultation. No modifications are therefore required.

Mix of housing, including provision of affordable homes

10. Both the landowner and other representations have referred to the need for the provision of affordable homes. Some representations express concern as to whether any development on the site will be affordable.

11. The mix of housing provided on the site and the level of affordable units will be determined through the assessment of a planning application. The policies that will guide that assessment include: Policy 20 Affordable Housing, which requires the provision of 25% of the total number of housing units proposed; and Policy 25 Housing Mix, which requires the provision of market housing to help address needs and demands as well as meeting the needs of smaller households.

12. I find that the proposed plan will provide an appropriate framework for the assessment of a future planning application on site H58 with regard to the provision of the appropriate mix of housing.

Impact of additional housing on village character, community facilities and infrastructure

13. As explained in paragraphs 2 to 4 above, Comrie is a village with a range of local services and access to a greater range of services can be obtained via public transport. Whilst Comrie is not identified as a principal settlement within the strategic development plan, Policy 1C (Location priorities) of TAYplan allows for some development in non-principal settlements where it can be accommodated and supported by the settlement.

14. Whilst there is a conservation area within Comrie, site H58 does not lie within or directly adjacent to it. However, Policy 28 Conservation Areas will ensure that a future application for the development of the site will be appropriate and sympathetic to the setting of the conservation area. In addition, Policy 1 Placemaking provides a policy framework to ensure that the design, density and siting of new development respects the character and amenity of the area.

15. With regard to infrastructure provision, I note that there is capacity within the village primary school and that NHS Tayside has raised no concerns regarding the capacity of medical services. Similarly, Scottish Water has not raised concerns regarding the provision of water and sewerage capacity.

16. Representations express concern regarding the loss of the amenity value of the site and that it is used by walkers and horse riders, also that the development of the site will impact on rights of way. At my site inspection I observed that Comrie has a network of core paths and informal paths around the village. The site specific developer requirements refer to the provision of links to paths at the west, south and east boundaries of the site. In addition, Policy 15 Public Access identifies that development proposals that would have an adverse impact upon the integrity of a core path, rights of way or other well-used route would not be permitted. The evidence submitted does not justify the suggestion that the allocation of the site would impact on rights of way.

Impact on amenity of neighbouring residential properties

17. The proposed plan includes a number of policies which would ensure that during the assessment of a planning application that the issues raised regarding the potential impact on amenity, such as: noise, light and air pollution; loss of open space; overlooking; and design would be fully assessed. Policies include, Policy 1 Placemaking, Policy 14 Open Space Retention and Provision, Policy 17 Residential Areas; Policy 53 Nuisance from Artificial Light and Light Pollution, Policy 54 Noise Pollution, and Policy 55 Air Quality Management Areas. I am not persuaded that these matters could not be addressed through the design of a development proposal for the site and through the application of

the above policies.

Loss of agricultural land

18. Site H58 comprises category 3.2 agricultural land. The glossary of Scottish Planning Policy defines prime agricultural land as class 1, 2 or 3.1 in the land capability classification for agriculture. Paragraph 80 of Scottish Planning Policy states that development on prime agricultural land, or land of a lesser quality that is locally important should not be permitted except where it is a component of the settlement strategy, or necessary to meet an established need.

19. The spatial strategy of the proposed plan recognises that brownfield land opportunities are extremely limited and that supporting the sustainable growth of the area will rely on greenfield land release. The council has also explained that there is a very limited supply of brownfield land available in Comrie and in the wider Strathearn Housing Market Area. The evidence submitted does not demonstrate to me there are more appropriate alternative sites available. Therefore, in accordance with the provisions of Scottish Planning Policy, it is appropriate for the proposed plan to identify agricultural land of a lesser quality for development.

Impact on wildlife and biodiversity

20. It is acknowledged that the site is greenfield, however, as the site is in cultivated agricultural use, it is anticipated that the most ecologically valuable land will be located outside the site. However, the requirements of Policy 36 Environment and Conservation and Policy 39 Biodiversity, will ensure that any proposal for the future development of the site will require an appropriate assessment of the ecological value of the site, this would include important hedgerows and species, and, where appropriate, include mitigation measures.

21. I note that there is ancient woodland located to the east of the site. Paragraph 194 of Scottish Planning Policy requires the planning system to protect and enhance ancient semi natural woodland as an important and irreplaceable resource. Therefore, whilst the ancient woodland lies outside of the site, there is the potential for the development of the site to impact upon it. This is referred to within the site specific developer requirements, although it does not specifically refer to ancient woodland, therefore a modification is required.

Flood risk

22. With regard to concerns over flooding, I note that the Scottish Environment Protection Agency has not objected to the allocation of the site and support the reference to a need for a flood risk assessment within the site specific developer requirements. I find therefore that no modifications are required.

Site access and highway safety

23. The council states that they have had sight of the title plan for the site and that they are content that the developer has demonstrated that they can deliver a connection to the public road to an adoptable standard. The evidence submitted does not lead me to question this conclusion.

24. It has been explained by the council that there are two options to access the site, via an upgraded Cowden Road or via Langside Drive. From the information presented and the representations, it is clear that each option has implementation issues. However, I consider that none of these issues are insurmountable and that they would not prevent the development from taking place. In order for the access to meet the required standard it would need to be able to provide access to service traffic including refuse vehicles and also provide safe access for pedestrians and cyclists.

25. I note that an alternative access road is suggested, however this is not supported by the developer and I note that the council has expressed concerns over the ability of the proposal to create a coherent structure of streets, spaces and buildings accessible from its surroundings. If the alternative access is not supported by the developer or the council, I therefore conclude that it would not be effective or deliverable.

26. A number of concerns have been raised regarding the safety of junctions and the impact of the development on parking and congestion. Policy 58B New Development Proposals requires development proposals to be designed for the safety and convenience of all potential users. It also identifies that required mitigation measures, which could be on or off site, must be provided. The policy also requires appropriate parking provision within new development. I am therefore satisfied that the implementation of Policy 58B will ensure that any future development of the site does not exacerbate existing highway safety or parking concerns.

Archaeological investigation

27. As the development of the site has the potential to impact on areas of archaeological interest, a modification is required to refer to the need for an archaeological investigation and/ or protection of scheduled monuments.

Additional site specific developer requirements

28. Policy 14B Open Space within New Developments seeks the provision of appropriate areas of accessible informal and formal open space, this will ensure the required open space is provided as part of any future development of the site. With regard to the need for a buffer area to be provided between existing and new homes for amenity purposes, Policy 1 Placemaking includes a number of criteria to ensure amenity issues are fully considered. I consider it is therefore appropriate for these matters to be addressed as part of the consideration of a future planning application and it is not necessary to identify the issues as additional site specific developer requirements.

Alternative uses

29. With regard to the representation which suggests there is a need for a care facility for older people and this should be provided on the site, there is no detailed evidence before me to suggest that there is a need for such facility within Comrie. However, should a development proposal be forthcoming in the future, Policy 22 Particular Needs Housing Accommodation provides a positive policy framework which would support proposals for housing for particular needs, including for older people.

30. The landowner has not proposed the development of a wildlife conservation site. However, as part of any future development there is a site specific developer requirement

for the enhancement of biodiversity and the protection of habitats.

H58 other issues

31. Concerns have been raised over: the lack of information regarding the development, health issues as a result of power lines crossing the site; need for development to be low carbon; and a suggested conflict with a number of policies within the current and proposed plan. Detailed design information would be provided as part of the submission of a planning application. I do not consider that it is required at this stage.

32. With regard to the reference to the ability to enter Scotland in Bloom or UK in Bloom competitions and potential earthquakes, these are not matters for the examination of the plan.

H58 alternative housing land available elsewhere in Strathearn HMA

33. Site H415 has been suggested as an alternative to site H58. The site is covered by three separate planning applications, two of which have been granted and the other is awaiting a section 75 agreement. The council has explained that whilst development has commenced on one site, this was to prevent the planning permission lapsing. It therefore appears from the information available to me that the separate sites are not actively being brought forward. I note that no representation has been submitted by the landowner. Given the uncertainties over the delivery of housing on site H415 I do not consider it an effective alternative to site H58.

H58 Conclusion

34. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area as a whole. For the reasons outlined above I find that it is appropriate for the site to remain as a housing allocation within the proposed plan. I consider that the development of the site can be accommodated within Comrie, which is a village with a good range of services and facilities. It therefore accords with Policy 1 of the strategic development plan.

Comrie Strowan Road new housing site (Site H234)

35. In accordance with the strategic development plan, the proposed plan looks to focus the majority of development required in the Strathearn Housing Market Area within the principal settlements of Auchterarder and Crieff. Whilst Comrie is not identified as a principal settlement, Policy 1C (Location priorities) of TAYplan Policy 1 allows for some development in non-principal settlements, where it can be accommodated and supported by the settlement. As a result, the proposed plan carries forward site H58 from the current local development plan and does not seek to allocate additional sites. In addition, I note that the settlement boundary may support some limited infill development.

36. Site H234 has been assessed by the council but was not included in the main issues report, therefore has not been subject to public consultation. The site is currently in agricultural use and lies to the east of the village adjacent to existing residential development. The site assessment report has identified a number of issues that require additional work such as: flood risk; biodiversity; and landscape. I note that the council has expressed concern that the site does not benefit from an existing landscape framework.

In addition, the evidence submitted does not justify whether the potential infrastructure within Comrie could accommodate the additional housing proposed on the site.

37. At my site inspection I observed that the site formed part of an important gap between the eastern edge of Comrie and buildings at Easter Dalginross. Furthermore, given the constraints identified by the council I consider that there is a need for additional work to be undertaken to assess the suitability of the site for future development. The submitted evidence does not allow me to reasonably conclude that site H234 would be a more effective site than site H58 or that there is a need for further land to be allocated in a settlement that is not a principle settlement within the strategic development plan.

38. It is recognised that in Issue 1 A Successful Sustainable Place a housing shortfall has been identified for the Strathearn Housing Market Area as a whole. Regardless of the level of shortfall identified, I find that this site would nevertheless be unacceptable because the potential adverse impacts identified above would outweigh the benefits of addressing any shortfall. I conclude that the site should not be allocated for housing development at this time.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Within the Site Specific Developer Requirements section of site H58 Cowden Road on page 160 amend the fourth bullet point by adding “, which includes ancient woodland,” following the text “woodland to the east”.
2. Within the Site Specific Developer Requirements section of site H58 Cowden Road on page 160, add an additional bullet point to read:

“Evaluation of archaeological potential and mitigation will be required.”

Issue 44	Strathearn Area – Settlements without Proposals	
Development plan reference:	Blackford, page 129 Gleneagles, page 197 gWest, page 206 Muthill, page 245 St David’s, page 299	Reporter: Jo-Anne Garrick
Body or person(s) submitting a representation raising the issue (including reference number):		
Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) G Gilbanks (0124) Drummond Estates (0151) Scottish Natural Heritage (SNH) (0353) Gavin Wiseman (0391)		Alex and Anna Scougal (0412) Highland Spring Ltd (0453) Mr & Mrs Sutherland (0500) Network Rail (0509) The Gleneagles Hotel (0522) Mill Developments (Blackford) Ltd (0654)
Provision of the development plan to which the issue relates:	Non-tiered settlements in the Strathearn Area without allocated sites	
Planning authority’s summary of the representation(s):		
<p><u>Blackford</u></p> <p>TACTRAN (0057/01/022) - Support for the development of rail freight facilities at Blackford. The Regional Transport Strategy Delivery Plan (CD262) identifies this as Project F6.1.</p> <p>Network Rail (0509/01/009) - Support for the proposed plan’s identification of land south of the railway, which is protected for transport infrastructure. Planning permission has been granted for a rail freight facility comprising alterations and extension to the existing rail yard (15/01637/FLL), and Network Rail is continuing to consider the potential for the further development of this site for freight use. The respondent states that future development of the site may require the closure of the Panholes level crossing (between Blackford village and Braco Road) for operational reasons. Namely to provide a new south connection and avoid the need for turn back manoeuvres to take place from the north, minimising additional downtime of the level crossing on the B8081 for road users.</p> <p>Network Rail (0509/01/010) - Amend Blackford settlement summary to ensure no future development in the area that would increase the use of the Panholes level crossing, or preclude it being closed, and rail safety and rail freight benefits being realised. This representations also contains more general comments about safety improvements at level crossings and the Council’s response to this issue is given in Issue 24 A Connected Place in response to representations on Policy 58 Transport Standards and Accessibility Requirements.</p> <p>Highland Spring Ltd (0453/01/001) - Identify the former Gleneagles Maltings and Brewery and Blackford Hotel on the north side of Moray Street as a 1.78 ha opportunity site for new headquarters offices and community facilities (Site OP377). The respondent states that</p>		

there is a shortage of space at the existing Highland Spring facility in the village, due to continued expansion of the business. The proposal to relocate the headquarters would help allow further growth. The respondent states that the Blackford Hotel would be demolished to create a new public square and the Category B listed Maltings and Brewery would house the relocated headquarters.

Mill Developments (Blackford) Ltd (0654/01/001) - Amend Blackford settlement boundary south of the railway and north of the recreation ground to include a 5.36 ha windfall site suitable for housing (Site H378). The respondent states that the land is flat and its boundaries may be strengthened to provide suitable containment; there are housing sites to the south and west; impact from railway noise may be mitigated; and road access may be achieved from the south east and south west. The respondent notes that housing development on parts of the site would require a flood risk assessment and mitigation measures and refers to existing housing areas in Blackford within a 1:200 return period. The respondent states that the provision of suitable windfall sites makes an important contribution to housing land supply.

Gleneagles

The Gleneagles Hotel (0522/001/003) - The landscape character of Gleneagles (and of nearby Auchterarder) is of key importance in retaining the intrinsic rural character and setting of this area of Perthshire. Gleneagles is set within a high quality landscape framework and tourism plays an important role in the settlement. The Council should support only sites that can be completely satisfactorily accommodated in the landscape and pay close attention to the settlement boundaries. New development must also aim to reinforce the special historic qualities of the town in a way that does not adversely impact on the uninterrupted naturalness of views and experiences around the town. The settlements of Auchterarder and Gleneagles should be allowed to retain a degree of separation and avoid coalescence. To direct development to areas outwith the historical centre of Auchterarder to outlying areas north of Orchil Road outwith the settlement envelope and west towards Gleneagles would not take account of the landscape character assessments, nor would it serve to meet other aspirations of the Plan as set out in its Placemaking and Landscape policies. The importance of the landscape of the Plan area for business and in turn tourism cannot be overlooked or compromised by residential development pressures without a full and thorough assessment having taken place into all aspects of the likely impacts.

G Gilbanks (0124/01/001) - Amend Gleneagles settlement boundary east of Firhill to include a 0.09 ha site to better reflect the full extent of the garden ground once associated with that property (Site H293). The existing settlement boundary splits the extent of the property's former garden ground into two with part inside and part outside the settlement boundary. The respondent states that this boundary appears to follow a line that was incorrectly positioned at the time of the previous Development Plan. The site is not in the Historic Garden and Designed Landscape, and outwith the Pipeline Consultation Zone.

Gavin Wiseman (0391/01/001) - Amend Gleneagles settlement boundary north of Caledonian Crescent to include a 1.3 ha site to create a more logical settlement boundary (Site H384). The respondent seeks inclusion of ground within the ownership of both Glenwood and two plots at Genuyll. The respondent states that the suggested change would match a historic settlement boundary in the Strathearn Area Local Plan (CD164). The respondent states that there is precedent for the suggested change as reference is made to planning permissions at a nearby property at Genuyll that effected a change to

the settlement boundary. The respondent states the area is of low nature conservation importance, referring to the Inventory of Historic Garden and Design Landscape, the Gleneagles Mire SSSI, and locations that are of local scientific or nature conservation interest.

gWest

SNH (0353/04/001) - Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. In the interest of good practice the Settlement Summary (page 206) should reflect the outcome of the Habitats Regulations Appraisal (Table 5.22, page 106).

Muthill

Drummond Estates (0151/02/001) - Amend Muthill settlement boundary at Lintibert Farm to include a 0.23 ha site (Site H382). The respondent states that the proposed boundary adjustment was approved as part of planning permission for mixed housing development, and its location at the south eastern corner of the application site would improve access to the site and provide space to create a gateway feature to the village within the settlement boundary.

Drummond Estates (0151/02/002) - Amend Muthill settlement boundary at Golf Course Road to include a 1.03 ha site for small scale infill plot development along the road frontage (Site H246). The site has become available following the removal of a 132 kV overhead pylon line. The respondent states that development of this site would not constitute ribbon development because it would tie in with the existing pattern of roadside development that is already established along this stretch of Golf Course Road, it is not in the Historic Garden and Designed Landscape, it is outwith the Pipeline Consultation Zone and it is identical to the type of roadside plots proposed at Murthly & Gellyburn settlement (page 243 of the Proposed Plan). The respondent states that the site could be developed as individual self-build plots with direct road access. Reference is made to a previous assessment of this suggested amendment including the statement that the site would potentially make a useful contribution to the windfall housing requirement in the Strathearn housing market area and would not be contrary to TAYplan's development strategy, which allows limited small scale windfall opportunities in settlements that are not tiered settlements.

Drummond Estates (0151/02/003) - Amend Muthill settlement boundary east of Dalliotfield to include a 0.82 ha site for infill housing development (Site H248). The respondent states that the site represents a sensible and realistic opportunity for infill development within what would constitute a logical rounding off of the existing settlement boundary. The respondent states that the site could be developed as individual self-build plots with direct road access from the south. The site has a mature landscape framework and is not in the Historic Garden and Designed Landscape. The respondent states that the site would potentially make a useful contribution to the windfall housing requirement in the Strathearn housing market area and would not be contrary to TAYplan's development strategy (CD022), which allows limited small scale windfall opportunities in settlements that are not tiered settlements. Site specific enhancement measures are suggested including improved access from Wardside, conservation of the woodland and mature trees, and respecting the setting of Dalliotfield House to the west.

St David's

Alex and Anna Scougal (0412/01/001) - Amend St David's settlement boundary to the east of the settlement to include a 1.34 ha site for eight houses (Site H416). The respondent states this suggestion could round off the village, help sustain the school, and continue to maintain a gradual increase in the size of the village. The suggested site would be logical and would have a finite point at a barn to the north east of the suggested site.

Mr & Mrs Sutherland (0500/01/001) - Amend St David's settlement boundary along the road to the north of the settlement in the area around St David's Farm. The respondent makes three suggestions for housing sites: one larger site; and two smaller sites that are contained within the boundary of the larger site. The first suggested site is a 1.4 ha site (Site H379) that straddles the road and is suggested for eight houses; the second suggestion is a 0.23 ha site (Site H380) on the east side of the road that could be suitable for two houses; and the third suggestion is a 0.90 ha site (Site H381) on the west side of the road that could be suitable for four or five houses. The respondent asserts that the sites are not within identified flood areas; contaminated; within designated environmental or historical protected areas; nor sterilised by utilities.

Modifications sought by those submitting representations:

Blackford

TACTRAN (0057/01/022) - Support only. No modification sought.

Network Rail (0509/01/009) - Amend Blackford settlement summary to note Panholes level crossing may be identified for closure for operational reasons should the transport infrastructure site identified in the plan be developed.

Network Rail (0509/01/010) - Amend Blackford settlement summary to ensure no future development in the area that would increase the use of the Panholes level crossing, or preclude it being closed, and rail safety and rail freight benefits being realised.

Highland Spring Ltd (0453/01/001) - Identify the former Gleneagles Maltings and Brewery and Blackford Hotel as a 1.78 ha opportunity site for new headquarters offices and community facilities.

Mill Developments (Blackford) Ltd (0654/01/001) - Amend Blackford settlement boundary to include a 5.36 Ha windfall site south of the railway and north of the recreation ground suitable for housing.

Gleneagles

The Gleneagles Hotel (0522/01/003) - The Plan should support only sites that can be accommodated in the landscape and pay close attention to settlement boundaries. The plan should maintain a degree of separation and avoid coalescence of Auchterarder and Gleneagles. Placemaking and Landscape policies cannot be overlooked or compromised by residential development pressures. No specific changes to the Plan are requested.

G Gilbanks (0124/01/001) - Amend Gleneagles settlement boundary to include a 0.09 Ha site east of Firhill to better reflect the full extent of the garden ground once associated with that property.

Gavin Wiseman (0391/01/001) - Amend Gleneagles settlement boundary to include a 1.3 Ha site (land within the ownership of Glenwood and the two plots at Genuyll) to create a more logical settlement boundary.

gWest

SNH (0353/04/001) - Seeks the inclusion of the following suggested mitigation measure in the Settlement Summary for gWest (page 206) –

‘Proposals should not result in adverse effects, either individually or in combination, on the integrity of the South Tayside Goose Roosts SPA. Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.’

Muthill

Drummond Estates (0151/02/001) - Amend Muthill settlement boundary at Lintibert Farm to include a 0.23 Ha site for improved access to a windfall housing site.

Drummond Estates (0151/02/002) - Amend Muthill settlement boundary at Golf Course Road to include a 1.03 Ha site for infill housing.

Drummond Estates (0151/02/003) - Amend Muthill settlement boundary east of Dalliotfield to include a 0.82 Ha site for housing.

St David's

Alex and Anna Scougal (0412/01/001) - Amend St David's settlement boundary to the east of the settlement to include a 1.34 Ha site for eight houses.

Mr & Mrs Sutherland (0500/01/001) - Amend St David's settlement boundary along the road to the north of the settlement in the area around St David's Farm to include up to three housing sites for a total of up to eight houses.

Summary of responses (including reasons) by planning authority:

Blackford

Network Rail (0509/01/009) - The land south of the railway that is protected for transport infrastructure was previously in operational railway use; however since that use ceased the land has remained unused. The recent planning application for a rail freight facility sought permission for an extension to the former rail yard acknowledging that the proposed reuse of the facility would require a larger site. The yard has an existing connection to the railway at its eastern end close to the B8081 level crossing however the respondent highlights that this is unlikely to be sufficient for operational use, and that a new connection at the western end of the yard would also be required.

The respondent makes general reference to the requirement for enhancement and modernisation of the Dunblane to Perth railway corridor to improve the capacity for passenger and freight services. It would be reasonable to assume that enhancement and modernisation work would be required to bring the former yard at Blackford back into use and to make best use of its potential. The provision of a new connection at the western end

of the yard would improve access to the yard and minimise disruption to road users of the B8081 level crossing (for the reasons sets out by the respondent).

The respondent's suggestion is to add wording to make it clearer that the Panholes public footpath crossing might be closed for operational reasons. The crossing is part of Blackford's core path network and is an asserted Right of Way; it is a valuable route to the countryside around the settlement and is one of only two places in the village where the railway may be crossed by pedestrians (the other being the public highway level crossing at the B8081). The crossing is also protected under Access legislation relating to rights of way.

The Council appreciates that there is no operational need to provide a pedestrian railway crossing at Panholes however it is recognised that it is an important community facility, it is an important link in the core path network, and it is an asserted Right of Way (ref 29/3) The closure or diversion of a right of way or core path will, if proposed, be considered under different legislation and it would not be appropriate for the plan to pre-empt consideration.

Network Rail has recently submitted a planning application to install a footbridge at an alternative location and provide a link to the core path (18/01311/FLL). At the time of writing, the planning application has not yet been determined.

No modification is proposed to the Plan in respect of the suggested closure of the Panholes level crossing (between Blackford village and Braco Road) however there may be value in specifying that the crossing should not close for solely operational reasons until a replacement crossing at a suitable nearby location within walking distance of the settlement is in place and the Right of Way and the core path network have been diverted around the yard.

Network Rail (0509/01/010): The Plan has no proposals that would impinge upon the operational use of the rail facility beyond extant planning consents. Representations by others seeking modifications to Blackford's settlement boundary for housing development are not supported by the Council. The Council's position is that the Panholes crossing should be kept open as long as it remains safe or may be relocated to a convenient alternative location that connects to the existing core path network.

No modification is proposed to the Plan.

Highland Spring Ltd (0453/01/001) - The site is inside Blackford settlement boundary, where Policy 6 in the Proposed Plan would support redevelopment and conversion. The surrounding land is housing. The hotel use has ceased and the maltings and brewery building was last used as a production and bottling line by Highland Spring but is not currently in use for the reasons set out in the respondent's representation. The Blackford Hotel and the Gleneagles Maltings and Brewery are both Category C(S) listed buildings. The Proposed Plan therefore offers some support for the respondent's plans for the site, subject to the usual statutory consents, however the Council cannot support the suggested demolition of the recently listed hotel building. The hotel building appears to be in good condition and the street elevation is attractive and adds an interesting feature to the village.

This proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation. Notwithstanding the Council's conditional positive comments for this suggestion (not supporting the demolition of any listed buildings), a specific allocation in

the Plan is not essential since conditional policy support is available. Alternatives such as the development of a brief for the site as non-statutory supplementary guidance; or enhanced public consultation as part of the planning application process may assist in achieving the best outcome for the site.

No modification is proposed to the Plan.

Mill Developments (Blackford) Ltd (0654/01/001) - The site is currently outside Blackford settlement boundary and therefore Policy 6 in the Proposed Plan would not support its development. The settlement boundary was last assessed at Main Issues Report stage and no representation was received at that time from the respondent.

This proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation. The SEA site assessment shows that the site is at risk of flooding from adjacent watercourses on three sides. In the absence of a shortfall in housing land supply in this area, there is no justification for the allocation of a site with potential for significant flooding and no evidence of the sites viability.

The issue has been previously considered as part of the last LDP examination, where this site had been suggested by the then owner, Keir & Cawdor Estates, to be allocated as open space as part of a greater proposal that also included development of the existing recreation ground immediately to the south for housing (CD015 00785/1/001).

No modification is proposed to the Plan.

Gleneagles

The Gleneagles Hotel (0522/01/003 & 004); G Gilbanks (0124/01/001); Gavin Wiseman (0391/01/001) - The Gleneagles Hotel comments that the setting of Gleneagles and the designations that maintain its high quality landscape setting are important and should not be eroded because that would compromise the other policies in the plan that aim to support business and tourism in the area. It is the Council's position that this is what the Plan sets out to do and the representation makes no specific request for change, but supports the Council's response to the other two representations in respect of Gleneagles.

In respect of the representation by G Gilbanks, this site on the north side the road performs an important function in maintaining physical separation between the two settlements of Gleneagles and Auchterarder. While historic development may have already taken place at other locations along the south side of the road, this site represents the only break along the north side of the road. The tree cover on the site assists in preventing coalescence of the two settlements. The site plan appears to shows the relative position of the former dwellinghouse Firhill, however this property has been demolished and there are no buildings on the north site of the road at that location.

This suggestion has been previously considered as part of the last LDP examination, where a similar suggestion was made (CD015 09313/2/001). The Reporter's conclusions found that 'The site, together with the adjoining field, represents the only break on the north side of the A824 between development in Auchterarder and Gleneagles/Muirton. A housing development on this site, which would constitute ribbon development, could lead to the complete coalescence of Auchterarder and Gleneagles and it is not considered that this would be appropriate'. There are no changes to circumstances to justify altering this

conclusion, and the representations from The Gleneagles Hotel support the Council's position.

In respect of the representation by Gavin Wiseman, the respondent seeks an enlargement of the settlement boundary to include an area of woodland to the rear of properties on Caledonian Crescent. It is noted that there are no proposals, at this time, for its development or to make a change to its use. The respondent states that the land was formerly part of a larger area of managed woodland owned by the Gleneagles Estate but it has been acquired by the respondent and is now the responsibility of a single private home owner.

The respondent refers to planning consents granted in respect of the demolition of the original dwellinghouse at Glenuyll and for the erection of two dwelling houses (08/00702/FUL; 13/00383/FLL; 15/00354/FLL; 15/01630/FLL). The reason they are referred to is because they extend the garden ground of those properties northwards into neighbouring land that is designated as Garden and Designed Landscape. That land to the north remains designated as such and forms part of the gardens of the new houses named The Pines and Silverglen.

Historic Environment Scotland is responsible for the designation and review of the Garden and Designed Landscapes. The designated areas are reviewed from time to time and the reporter will note that since the adoption of the Strathearn Area Local Plan a number of areas have been removed from the Garden and Designed Landscape including land developed for three houses at the east end of Caledonian Crescent (SALP 2001: H38); and land at Windsor Gardens, The Queens Crescent, Dunbar Court and Balmoral Court (SALP 2001: H34). The Garden and Designed Landscape designation area was most recently reviewed and republished in December 2017, which was after the publication of the Proposed Plan.

In determining the above planning applications, comments were sought at that time from Historic Environment Scotland. The report of handling for application 08/00702/FUL states that '...Part of the land for the rear garden areas will envelope an area of open space which forms part of the Gleneagles Designed Landscape. This open space is relatively small and also quite inaccessible. Moreover, after speaking with Historic Scotland they have verbally confirmed they would have no objection to the proposal. The conversion to garden ground would therefore be acceptable...' However there is no record of these comments having been made in writing.

Turning to matters of ownership and maintenance responsibility, the Council suggests that these factors do not determine settlement boundaries. Neither do transactions such as the sale of land. Removal of land from the Gleneagles Estate does not determine settlement boundaries, just as it does not redefine whether an area should continue to be designated as Garden and Designed Landscape.

The Council does not agree with the suggestion to extend the settlement boundary to include the treed area within the Gleneagles Designed Landscape to the north of the property Glenwood. It provides important screening of views from the golf course, and it is an important part of the landscape setting of Gleneagles and contributes to long distance views from the south and east.

There is no evidence that the area is of low nature conservation importance. And the Council would maintain that any loss to the designated area of Garden and Designed

Landscape, no matter how small, is detrimental to the setting of Gleneagles settlement. In addition, The Gleneagles Hotel's representation comments that the setting of Gleneagles and the designations that maintain its high quality landscape setting are important and should not be eroded are relevant here because they apply to the settlement as a whole, and not just to The Gleneagles Hotel.

No modification is proposed to the Plan.

gWest

SNH (0353/04/001) - It is considered that amending the Plan to incorporate the mitigation measure as set out in the Habitats Regulations Appraisal of the Proposed Plan, and detailed in the 'Modifications Sought' section would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan's Policy 36A: International Nature Conservation Sites will apply, and would also set out what will be expected of them in making their planning application.

Muthill

Drummond Estates (0151/02/001, 0151/02/002, 0151/02/003) - Muthill is not one of the areas where the Plan's strategy seeks to concentrate development; instead development is concentrated on the two principal settlements of Crieff and Auchterarder. Muthill is located between these two settlements and the Plan intends only modest expansion, taking into account the Conservation Area designated in the settlement.

With a generous supply of effective housing land in the Auchterarder area, and further housing and mixed use allocations in nearby Crieff, these are more than adequate to meet demand until beyond the Plan period (CD049)

There is scope for infill development within the settlement boundary and therefore no new allocations are required in Muthill.

In respect of the suggestion to amend the settlement boundary at Lintibert Farm to include site H382, the Council considers it unnecessary. The planning history includes a lapsed permission for housing at land around Lintibert Farm however there is no current planning application for this and the respondent has not asked for that land to be allocated as a housing proposal. It is considered it would be inappropriate to identify site H382 in isolation as a housing proposal. The use of an the area of land outside the settlement boundary identified in the representation simply for an improved site access would not present insurmountable difficulties and could be assessed at the planning application stage, therefore the Council sees no need to change the settlement boundary at this stage.

In respect of the respondent's other two suggestions to amend the settlement boundary at Golf Course Road (Site H246) (0151/02/002) and east of Dalliotfield (Site H248) (0151/02/003), the Council considers these would be significant amendments that would create new housing sites, albeit relatively small ones (too small to identify as housing allocations).

All three of these proposals were submitted during pre-MIR call for sites stage but the Council did not take them forward into either the MIR or the Proposed Plan. The sites have therefore not had the benefit of full public consultation.

No modification is proposed to the Plan.

St David's

Alex and Anna Scougal (0412/01/001); Mr & Mrs Sutherland (0500/01/001) - Following TAYplan's approach, the Plan seeks to concentrate the majority of development in the principal settlements of Crieff and Auchterarder. An extension to the settlement boundary of St David's would not be in accordance with this strategy.

With a generous supply of effective housing land in the Auchterarder and Crieff area, which is more than adequate to meet demand until beyond the plan period (CD049), no new allocations are required in the village.

The urban form of St David's village is unique in the Strathearn area and the settlement boundary has been drawn to limit growth in the village. Neither of the suggested amendments to the plan would conform with the unique character of St David's.

No modification is proposed to the Plan.

List of planning applications

07/02128/OUT Proposed mixed housing development (in outline) at Lintibert Farm Muthill Crieff PH5 2BP

08/00702/FUL Demolition of existing dwellinghouse and erection of 2 dwellinghouses with attached garages at Genuyll Caledonian Crescent Auchterarder PH3 1NG

13/00383/FLL Demolition of existing dwellinghouse and erection of 2 dwellinghouses with attached garages (renewal of previous consent) at Genuyll Caledonian Crescent Gleneagles Auchterarder PH3 1NG

15/00354/FLL Erection of replacement dwellinghouse at Site Of Former Genuyll Caledonian Crescent Gleneagles

15/01630/FLL Erection of dwellinghouse and garage at 50 Metres North West Of Genuyll Caledonian Crescent Gleneagles

15/01637/FLL Alterations and extension to the rail yard including associated works at Yard Moray Street Blackford

18/01311/FLL Installation of a footbridge and provision of link to core path at Land 250 Metres North West Of Waste Water Treatment Works Moray Street Blackford

Reporter's conclusions:

Blackford

1. The proposed plan protects land to the south of the railway line for transport infrastructure. I note that planning permission was granted to bring the disused rail yard back into use and for a large crane and container storage area. Also that planning permission was granted in September 2018 for the installation of a footbridge and provision of a link to the core path network. Work is underway which will ensure the right

of way and access to the core path network is maintained.

2. I note the support for the allocation and that Network Rail is continuing to consider the potential for the further development of the site for freight use. The detailed issues regarding the future closure of the Panholes level crossing are matters outside the scope of this examination.

3. With regard to the request to amend the Blackford settlement summary to ensure that no future development in the area would increase the use of the Panholes level crossing or preclude it being closed and rail safety and rail freight benefits being realised, there are no proposals within the plan which would result in such matters occurring. Issues regarding safety improvements at the level crossing are addressed in Issue 24 A Connected Place.

4. The former Gleneagles Maltings and Brewery and Blackford Hotel is located within the settlement boundary therefore any future development proposal could already be considered against Policy 6 Settlement Boundaries. This policy requires the focus of new development to be within settlement boundaries, as a result the redevelopment of the site for the uses described would be acceptable in principle. As the site contains listed buildings, any future development proposal would also be considered against the requirements of Policy 27 Listed Buildings. This includes a presumption in favour of the retention and sympathetic restoration of listed buildings. I therefore find it is not necessary to specifically allocate the site for new headquarters offices and community facilities within the proposed plan.

5. Site H378 lies to the north of Blackford, beyond the recreation ground. Given its position, the future development of the site would appear somewhat detached from the village, as a result of its relationship with the recreation ground and other residential development. I note that the site was not included in the main issues report and therefore has not been subject to public consultation. In addition, the site assessment process has identified that the site is at risk of flooding from adjacent watercourses on three sides. The submitted evidence does not demonstrate that the site is viable for development or that there is developer interest in taking forward the development of the site. The site would be a large addition to the small village of Blackford, which is not identified as a principle settlement within the strategic development plan.

6. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area. Regardless of the level of shortfall identified, I find that there are a number of uncertainties regarding the deliverability of the site. I conclude that the site should not be allocated for housing development at this time.

Gleneagles

7. The Gleneagles settlement summary highlights that the village is set within a high quality landscape framework, that tourism plays an important role in the settlement and that a major part of the village is the garden and designed landscape that relates to the hotel.

8. A number of policies within the proposed plan will address the issues identified within the representation, including: Policy 1 Placemaking, which requires development to contribute positively to the quality of the surrounding built and natural environment;

Policy 6 Settlement Boundaries, which seeks to focus new development within identified boundaries; Policy 29 Gardens and Designed Landscapes, which seeks to ensure that development protects and enhances the integrity of these areas; and Policy 37 Landscape, which requires development to be compatible with the distinctive characteristics of the landscape. I am therefore satisfied that the proposed plan will ensure the rural character of the village is maintained.

9. Site H293 lies to the north of Gleneagles/Muirton. I note that a representation submits that the site previously formed part of the garden ground of Firhill. It is wooded and forms part of a larger site which provides an important gap between Gleneagles and Auchterarder. The inclusion of the site within the settlement envelope would suggest, in principle, that it could be suitable for development. As a result of the small gap between Gleneagles and Auchterarder any ribbon development in this location could result in coalescence, which I find would not be appropriate.

10. Site H384 comprises a woodland belt located between properties to the north of Caledonian Crescent and the golf course. It includes two residential properties and their gardens, which were granted planning permission in 2008, with subsequent amendments. The representation seeks the inclusion of the site within the settlement boundary rather than the allocation for development. The settlement boundary in this part of Gleneagles predominantly follows the boundary of the historic gardens and designed landscape allocation. The representation questions the justification for the settlement boundary within the current local development plan.

11. I note that two planning applications were submitted for the development of the site in November 2018 and that these were subsequently withdrawn in January 2019. The tree survey submitted with the planning application identifies that the woodland area is the remnant of Muirtown Wood, the majority of which has been removed over the last 70-80 years to make way for development of Caledonian Crescent. It also highlights that the woodland is recorded as long-established of plantation origin in the ancient woodland inventory. From my observations I consider the woodland belt is an important part of the landscape setting of Gleneagles, as well as providing screening of views from the golf course

12. The representation refers to planning permissions for the construction of dwellings within parts of the gardens and designed landscape designation. Paragraph 148 of Scottish Planning Policy does not prevent development within such designations. It requires planning authorities to protect and where appropriate enhance gardens and designed landscapes. I therefore do not consider this provides justification for an amendment to the settlement boundary.

13. Whilst the settlement boundary does, in some places, follow the boundary of the gardens and designed landscape designation, there are a number of places where areas of the designation are included within the settlement boundary. Historic Environment Scotland are responsible for the designation and review of the boundaries of garden and designed landscapes, it is not a matter for this examination.

14. The submitted evidence does not allow me to reasonably conclude that it would be appropriate to amend the settlement boundary to include site H384. The woodland belt is an important part of the landscape setting of the village. Whilst I acknowledge that as a result of the construction of The Pines and Silverglen that the settlement boundary divides these residential properties and their gardens, this will not prevent the owners of the

properties undertaking appropriate householder development in the future. No modifications.

gWest

15. I agree that the policy should be modified in accordance with Table 5.2 of the appropriate assessment of the proposed plan. This is because it would add clarity about when and where Policy 36A International Nature Conservation Sites of the proposed plan would apply. It would also help applicants to understand what information would need to be submitted in these areas and circumstances.

Muthill

16. Muthill is a small village with some services and facilities. It is not identified as a principal settlement within the strategic development plan. As permitted by Policy 1C (Location priorities) of TAYplan, the settlement boundary at Muthill has been drawn to allow for some infill development.

17. I note that site H382 lies adjacent to a site with a lapsed planning permission for mixed housing development. A representation seeks an amendment to the boundary to allow for an improved access to the site and the provision of a gateway feature to the village. The council has confirmed that the use of an area of land to provide an improved site access would not present insurmountable difficulties and it is not necessary to amend the settlement boundary. The inclusion of the site within the settlement boundary could result in a development which appears somewhat detached from the settlement, particularly if the development on the adjacent site does not come forward. In addition, the site was not included within the main issues report and has therefore not been subject to consultation, nor was it included within the council's site assessment process.

18. Site H246 comprises agricultural land located to the west of Muthill. A representation requests the inclusion of the site within the settlement boundary, stating that it could then be developed as an infill plot. I disagree with the suggestion within the representation that the site is identical to the proposed allocation at Murthly. Murthly has a different form and character to that of Muthill and the allocation within the proposed plan continues the existing development pattern of Murthly. Whilst the site submitted for inclusion within the Muthill settlement boundary lies between residential dwellings its inclusion would result in the significant extension of Muthill to the west, creating a linear development pattern.

19. I note that within the representation it is stated that the site is free from constraints, however, the council's site assessment identifies landscape concerns. At my site inspection I observed that the site sloped upwards from the road, future development may therefore require a lot of earthworks. Without the benefit of further work, the wider landscape impacts are uncertain. In addition, the site was not included within the main issues report and therefore has not had the benefit of public consultation.

20. Site H248 is located to the north east of Muthill. The representation suggests that the site would comprise infill development. Whilst the site lies adjacent to the settlement boundary there are open fields to the north and east, it could therefore not be described as infill site. I consider that the site is detached from the rest of Muthill and not well related to it. The development of the site would extend Muthill into the open countryside to the east.

21. I note that it is stated that the site is free from constraints, however, the council's site

assessment identifies landscape concerns and also highlights that there is an area of ancient woodland immediately to the north, the views of which would be adversely affected as a result of development. Without the benefit of further survey and assessment work I consider the potential impact of the development of the site are uncertain. In addition, the site was not included within the main issues report and therefore has not had the benefit of public consultation.

22. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area. Regardless of the level of shortfall identified, I find that the three sites submitted for inclusion within the Muthill settlement boundary would be unacceptable because the potential adverse impacts identified above would outweigh the benefits of addressing any shortfall. In addition, the current settlement boundary will already allow for infill development. I conclude that the sites should not be included within the settlement boundary.

St David's

23. The St David's settlement summary explains that it is a small, mainly residential village and that the plan form of the area is unique. It is not identified as a principal settlement within the strategic development plan. The proposed plan does not identify any growth in the village within the plan period.

24. Site H416 comprises a large greenfield site to the north east of St David's. The development of the site, depending on the number of units constructed, could double the size of the settlement. I note that within the representation it is suggested that eight houses would be developed. Whilst the site is located between existing development, given its size in relation to the wider small village it could not be considered to be an infill site.

25. A small part of site H416 was assessed as part of the council's site assessment process (site H29). This identified that the site was large enough to have a significant adverse impact on the landscape setting of the village. It also highlighted that the urban form of St David's incorporates limited development on the south side of the main road.

26. It is submitted that the development of the site would round off the village, help to sustain the school and support the gradual increase in size of the village. Given the size of the site, I do not agree that it would round off the village. The development of the site would result in a significant incursion into the countryside. The council's site assessment identifies that there is insufficient primary school capacity to support further development in St David's. In addition, the site was not included within the main issues report and therefore has not had the benefit of public consultation.

27. Three sites to the north of St David's are also submitted for inclusion within the settlement boundary. H379 is suggested for the construction of eight dwellings, it straddles the road and the remaining two sites, H380 and H381 comprise smaller sites within H379. Whilst I note that the representation submits that there are no constraints to development, the sites have not been assessed by the council as part of the site assessment process.

28. From my observations at my site inspection I consider that any development within the area covered by the three sites would represent a significant incursion into the open countryside with the associated landscape impacts. As a result of the nature of the

village, development of the scale described within the representation could impact on its form and character. Future development in the area is constrained by the lack of primary school capacity. In addition, the sites were not included within the main issues report and therefore have not had the benefit of public consultation.

29. It is recognised in Issue 1 A Successful, Sustainable Place that a housing shortfall has been identified for the Strathearn Housing Market Area as a whole. Regardless of the level of shortfall identified, I find that the sites submitted for inclusion within the St David's settlement boundary would be unacceptable because the potential adverse impacts identified above would outweigh the benefits of addressing any shortfall. Given the nature of the settlement and lack of facilities I find that it is appropriate for the settlement boundary to be tightly drawn to protect the form and character of the village. I conclude that the sites should not be included within the settlement boundary.

Reporter's recommendations:

I recommend that the following modification be made:

1. Amend the gWest Settlement Summary on page 206 to include the following additional text:

"Proposals should not result in adverse effects, either individually or in combination, on the integrity of the South Tayside Goose Roosts SPA. Applications should be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects."

Issue 45	Strathmore and the Glens Area –Alyth & New Alyth	
Development plan reference:	H252 – Annfield Place, page 111 H60 – Albert Street and St Ninian`s Road, page 110 H59 – Glenree, page 109 H61 – New Alyth, page 112	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
Gavin & Carmen Tripney (0029) Alison Bowman (0129) Graham C Carr (0236) Susan & George Allan (0249) Perth & Kinross Heritage Trust (0272) Gordon & Irene Needs (0289) Peter & Patricia Murphy (0323) Nicola Campbell (0358) Tom & Lucy Boylan (0398) Bellway Homes Limited (0559) Mr & Mrs Scott (0598/01) A & J Stephen Limited (0622) William Emond (0679)		
Provision of the development plan to which the issue relates:	Settlement summary and allocated sites in Alyth & New Alyth	
Planning authority's summary of the representation(s):		
<u>Alyth</u> <u>H252 Annfield Place</u> Gavin & Carmen Tripney (0029/01/002); Graham C Carr (0236/01/001); Susan & George Allan (0249/01/001); Tom & Lucy Boylan (0398/01/001) - Object to the allocation based on one or more of the following points: <ul style="list-style-type: none">• There is already enough housing provision in Alyth; the scale of the proposal is too large for a tier 3 settlement.• The site would be an unnatural extension to the town. It would spoil the sense of openness and alter the settlement`s rural character.• The site is subject to flood risk. It was affected badly during the flash flood in 2015.• Concerns over traffic impact and proposed access to the site.• Loss of agricultural land and separation of agricultural buildings from the rest of the farm• The argument that under-utilised frontages along Airlie Street could be improved does not justify the scale of development proposed.• Landscaping as shown in the Plan looks inadequate as a boundary between existing and new houses.• Potential damage to soil pipes underneath the site.• Alyth lacks employment opportunities. Further development would lead to more commuting and suburbanization.		

- Loss of wildlife habitats.
- Loss of views.

Susan & George Allan (0249/01/001) - The site has constraints which were listed as reasons for not taking forward other sites at the MIR stage (e.g. access difficulties, flood risk). If the housing land requirement justifies allocating further sites in Alyth, H253 would be a better option (MD006) (CD079; pages 38-47).

Bellway Homes Limited (0559/01/003) - A large part of the site is at high risk from surface water flooding which casts doubt on its deliverability. Both the Council's Flooding Team and the Reporter during the previous Examination expressed concerns with regards to this (CD015; page 845). To meet housing land requirement in the Strathmore HMA, additional sites should be allocated instead of or in addition to H252. The respondent suggests allocating an additional site in Meigle (see Issue 48 Strathmore Area – Settlements with Proposals).

Peter & Patricia Murphy (0323/01/001) - Objects to the proposed access through Annfield Place which is not an adopted road and it is not suitable to accommodate the additional traffic from the development. Airlie Street itself has traffic issues and the site should only be allocated if an alternative access is proposed that avoids Airlie Street.

William Emond (0679/01/001) - The proposed access through Annfield Place is inappropriate, it is too narrow for larger vehicles and turning onto Airlie Street is dangerous. The respondent believes that sections of the road are owned by householders along Annfield Place who have been maintaining the road so far. An alternative access could be provided on the eastern boundary of the site. A new road could connect Meigle Road Roundabout to either Isla Road or Airlie Street providing access to the site.

Alison Bowman (0129/01/002) - There should be an additional pedestrian link from the site to Meigle Road around the back of the houses. An alternative vehicular access should be provided as well, access through Annfield place is very narrow and would affect houses along the road.

H60 Albert Street and St Ninian's Road

Perth & Kinross Heritage Trust (0272/01/003) - Recommends highlighting the likelihood of an archaeological investigation being required.

H59 Glenree

Nicola Campbell (0358/01/001) - Objects to development at this location and believes that planning consent has been given for the site. Another site further south ended up abandoned due to unsuitable ground conditions. If houses are going to be built they should be low rise and situated in a greater distance from existing back gardens. It would be disappointing to lose the current views over the hill.

New Alyth

Settlement boundary

Mr & Mrs Scott (0598/01/001) - The land to the east of New Alyth should be included within the settlement boundary (MD008). The site is currently overgrown and unused and would

be suitable for accommodating four residential units. The extension would allow for a more logical settlement edge with a stone dyke marking the eastern boundary. The area could be developed in a short timescale and would support the sustainable growth of the settlement in line with SPP (CD004) and TAYplan (CD022; pages 8-9) objectives. This small scale site would be a more viable option than the existing allocation with a larger capacity of 20 units.

H61 New Alyth

Gordon & Irene Needs (0289/01/001) - Objects to proposal as it distracts from the views and compromise the privacy of neighbouring property.

Mr & Mrs Scott (0598/01/001) - This is a relatively large allocation for New Alyth and no interest has been shown so far to develop the site. A more modest development as suggested above would be more appropriate for the settlement.

A & J Stephen Limited (0622/01/013) - The respondent welcomes the allocation of site H61 in the Proposed Plan. TAYplan (CD022; pages 8-9) allows for some development in non-principle settlements to sustain rural communities while preserving the countryside. New Alyth benefits from a range of facilities which can be found in Alyth and good transport links to other settlements. The site is controlled by a single developer with intent to progress it subject to planning application.

The western boundary of the site however is somewhat artificial. For a more logical settlement edge, the site should be extended to the existing track and tree belt which has been implemented as the boundary planting for future development (MD007). The proposed density is notably low (7 units/ha) compared to the surrounding area and other housing sites in Alyth (average of 20 units/ha). There are no physical constraints which would dictate this density below the local norm. With the extension and the average density of 20 units/ ha, the upper limit of the site should be set to 82 units.

Modifications sought by those submitting representations:

Alyth

H252 – Annfield Place

Gavin & Carmen Tripney (0029/01/002); Graham C Carr (PP0236/1/001) - Delete the site.

Susan & George Allan (0249/01/001) - Delete the site and pull back settlement boundary to exclude the area. Allocate site H253 instead if necessary.

Tom & Lucy Boylan (0398/01/001) - Delete the site or provide alternative vehicular access through Tay Road and Isla Road.

Bellway Homes Limited (0559/01/003) - No specific modification was sought however the respondent suggested the site is not effective and additional sites should be allocated instead of or in addition to H252.

Peter & Patricia Murphy (0323/01/001) - Provide alternative access instead of Annfield Place which directs traffic away from Airlie Street.

William Emond (0679/01/001) - Provide alternative vehicular access, potentially Through a new road from Meigle Road roundabout.

Alison Bowman (0129/01/002) - Form an additional pedestrian link from the site to Meigle Road and consider an alternative vehicular access.

H60 Albert Street and St Ninian`s Road

Perth & Kinross Heritage Trust (0272/01/003) - Highlight the likelihood of an archaeological investigation being required at the Site Specific Developer Requirements section for the site.

H59 Glenree

Nicola Campbell (0358/01/001) - Delete the site.

New Alyth

Settlement Boundary

Mr & Mrs Scott (0598/01/001) - Include the land to the east of New Alyth to the settlement boundary.

H61 New Alyth

Gordon & Irene Needs (0289/01/001); Mr & Mrs Scott (0598/01/001) - Delete the site.

A & J Stephen Limited (0622/01/013) - Extend the site as shown on drawing and raise capacity to a maximum of 82 units.

Summary of responses (including reasons) by planning authority:

Alyth

H252 – Annfield Place

Gavin & Carmen Tripney (0029/01/002); Graham C Carr (0236/01/001); Susan & George Allan (0249/01/001); Tom & Lucy Boylan (0398/01/001); Bellway Homes Limited (0559/01/003), Alison Bowman (0129/01/002); William Emond (0679/01/001); Peter & Patricia Murphy (0323/01/001) - Alyth is identified in TAYplan (CD022; pages 8-9) as a tier 3 principal settlement which is expected to accommodate some modest growth within the LDP area. H252 is the only new housing allocation proposed in the settlement and it is considered to be in line with TAYplan Strategy. To comments regarding the housing numbers and the scale of development in Alyth, Issue 01 (A Successful, Sustainable Place) provides a detailed response.

Site H252 was included in the settlement boundary in the Adopted Local Development (CD014; page 279) Plan as it is considered to be a logical rounding off on the south east side of Alyth. It is surrounded by residential development on three sides and situated within easy reach of local facilities. H252 was not allocated in the Adopted LDP as a housing site due to the lack of Flood Risk Assessment (FRA). Since then an FRA (CD198) has been undertaken in June 2015 which indicated that less than 25% of the site is subject to flood

risk and the wider site is suitable for development. Following the July 2015 flood events in Alyth, the Council's Flooding Team recommended a topographical study to be undertaken in order to determine whether the overland flood route could affect the site. A Topography study, an up to date FRA and a Drainage Impact Assessment are listed in the developer requirements section to mitigate any potential negative impact caused by flooding.

The Plan highlights two potential accesses to the site. The proposed access from Annfield Place would require improvement however the width of the street (approximately 5.7m at the narrowest point) is considered to be sufficient. Although it is currently a private road it could be adopted by the Council once it is brought up to standard by the developer. The second access from Airlie Street could be safely provided between a garage and farm building to the NW corner of the site. Another alternative which is not currently proposed is forming access through Mornity Steading. The landowner's agent confirmed that the farm buildings at Mornity Steading are currently in use however ultimately the whole area, other than the existing farmhouse could be redeveloped (CD199). It is not considered necessary to amend the Plan and propose alternative ways of accessing the site at this stage. The planning application stage will provide opportunity to assess the proposed access in detail and ensure that the traffic impact of the development is acceptable. In term of pedestrian links, the development is required to make connections to Core Paths in the area and facilitate movement through a permeable layout. Unfortunately, the tight line of houses along the southern edge of the site does not allow for a direct pedestrian access onto Meigle road as requested by a respondent.

The enhancement of biodiversity is included in the site specific developer requirements. The site is currently farmland and development has potential to create a greater variety of habitats through the provision of public and private open spaces. The landscaping shown on site drawings is only indicative and it is ensured through the planning application process that design of new development does not compromise the privacy and amenity of neighbouring properties. The loss of views however is not a material consideration. As for the clay pipes underground, if any issues arise at the construction stage they would be brought to the attention of the Local Authority and addressed immediately.

Site H253 (MD006) (CD079; pages 38-47) which was suggested as an alternative to H252 is a larger site on the western side of Alyth. It has some minor constraints (some surface water flood risk and archaeological interests on site) and could impact the settings of the cemetery. It is in close proximity to Alyth Health Centre as well as local open spaces and vehicular access to the site could be provided from Airlie Street and New Alyth Road. While the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation. In terms of its long term potential, it may be considered for allocation in the Plan in the future however currently the housing land requirement is met in the Strathmore Area through other sites.

Bellway Homes Limited suggests that the housing requirement could be met by allocating a site in Meigle in addition or instead of H252. The alternative site is discussed under Issue 48 (Strathmore Area – Settlements with Proposals).

No modification is proposed to the Plan.

H60 Albert Street and St Ninian's Road

Perth & Kinross Heritage Trust (0272/01/003) - The site is considered to have

archaeological potential because it lies to the north of a prehistoric archaeological ring ditch. Although there is not a site specific requirement, every planning application is assessed against the policies in the Plan. Policy 26: Scheduled Monuments and Non-Designated Archaeology in the Proposed Plan would therefore be applied to this site as part of the planning application process. Planning permission (15/01177/FLL) has been granted for the site with the condition that `no development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust` (CD197; Condition 1).

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

H59 Glenree

Nicola Campbell (0358/01/001) - H59 has been allocated in the Adopted Plan as a natural extension to the consented housing site immediately to its south (CD196) (07/01505/FUL). It appears that no houses have been built so far on that site however works have started and the consent remains alive. A pre-application discussion has taken place last year considering the development of the site under a new masterplan subject to planning consent.

Site H59 does not have planning consent and there has not been any planning application submitted for the site to date. The Proposed Action Programme (CD099; page 25) produced on 14th September 2018 states that Mansell Homes is interested in developing the site once the development to its south is completed. For any proposal, the details of design including house types and layout would be assessed at the planning application stage against the policies of the Local Development Plan. While the loss of views is not a material planning consideration it will be ensured through the planning application process that new development does not compromise the privacy of existing households and fits in with the existing landscape.

No modification is proposed to the Plan.

New Alyth

Settlement Boundary

Mr & Mrs Scott (0598/01/001) - The current boundary around the settlement is considered to be robust, following the line of New Alyth Road and the burn. The proposed site although not farmed, is not visually intrusive or derelict either. SEPA maps indicate high probability surface water flooding from the burn to the north of the site which could potentially affect the area. Site H61 which is allocated for housing in New Alyth allows for a moderate expansion to the settlement and releasing further development opportunities through the Plan is not considered necessary.

No modification is proposed to the Plan.

H61 New Alyth

Gordon & Irene Needs (0289/01/001); Mr & Mrs Scott (0598/01/001); A & J Stephen

Limited (0622/01/013) - When allocating the site the Council took account of the fact that although New Alyth is not a tiered settlement, it is adjacent to Alyth and benefits from its facilities and transport links. Therefore a small scale development was considered appropriate with low density to reflect its position on the edge of the settlement. Site H61 has been carried forward from the Adopted LDP (CD014; page 279) and is considered a sensitive addition to New Alyth. Developer requirements include screen planting to define the new edge of the settlement and contributions to the improvement of the existing play area. Due to this requirement, it was assumed that 70% of the site was developable. With low density range, this gives 24 units as a maximum.

While the loss of views is not a material planning consideration it will be ensured through the planning application process that new development does not compromise the privacy of existing households. The Proposed Action Programme (CD099; page 26) produced on 14th September 2018 as well as the representation received from A& J Stephen Ltd in response to the consultation confirms the developer's interest in the site.

The developer has requested the enlargement of the site area and increasing the density for the site. This option has previously been assessed (CD079; pages 276-285) however it was considered contrary to TAYplan strategy and was not taken forward. It is acknowledged that the current boundary of the site is somewhat artificial however it was drawn with the intention to limit the scale of the development. The requirement for new boundary planting is aimed at establishing a new, robust settlement edge and should be implemented along the boundary of the allocated housing site.

Increasing the area of the site as well as the density would result in a significantly larger number of houses than currently proposed. There are sufficient sites identified closer to Alyth town centre which are a short walk away from local services and facilities and contribute to the sustainable growth of the settlement in line with TAYplan objectives.

It should be noted that while the site capacity range has been calculated correctly, the Council is aware that there is a technical error with the stated figure for the site size of H61. The Proposed Plan has identified that the site is 3.4ha however following further analysis the correct area of the site is 2.3ha (including landscaping). Using the correct site area, the Housing Background Paper (CD018; page 30) states that due to the landscaping requirement, 70% of the 2.3ha was considered developable. With low density, this resulted in 24 unit capacity. With the additional area requested by A&J Stephen, the site would measure 3.1ha. Using the same calculation, 70% of this would be considered developable which would result in a low density capacity of up to 33 units. With medium density, the larger site's capacity range would be 35-54 units.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with making the boundary change to achieve a more robust settlement edge (MD007). With retaining low density for the site this would result in increased capacity of up to 33 units. In either case, the site size as it appears in the Plan should be amended to reflect the actual size of the allocation.

The Council does not support increasing the density for the site as requested by the respondent as it is considered to be contrary to TAYplan strategy. If despite of this, the Reporter was to accept the modification, the capacity range should be 35-54 units and the number of units should be limited to 30 within the LDP2 period.

Reporter's conclusions:AlythH252 Annfield Place

1. Alyth is one of the larger settlements in the Strathmore and the Glens area and is identified in TAYplan as a tier 3 principal settlement which has the potential to play an important but more modest role in the regional economy and should accommodate a small share of additional development. This is the only new site allocated for housing development in the proposed plan. Additional land for general employment use is allocated beside an existing industrial estate. In line with the hierarchy identified in TAYplan, the majority of housing and employment development has been directed to Blairgowrie/Rattray which together are identified as a tier 2 principal settlement.
2. I acknowledge the concerns expressed about lack of employment opportunities, possible increases in the level of commuting and suburbanisation and houses for sale and to rent elsewhere in Alyth. Furthermore, that 2 housing sites are already allocated in the existing local development plan. Nevertheless, given the level of facilities available (including a primary school, health centre, town hall, post office, various shops) and the settlement's strategic identification as a principal settlement, I do not regard the allocation of this site, for between 73 to 112 additional houses, to be excessive over the plan period.
3. The site is in use as agricultural land and has existing built development on 3 sides, to the north, south and west. It slopes down northwards towards the town and is located within the settlement boundary in the existing local development plan. Following my site inspection and taking into account the landscaping proposed to the eastern boundary, I do not consider that the site would be overly visible in views when travelling into or around Alyth. I regard it as forming a natural extension to this part of the town and am not convinced that it would have an unacceptable impact on its rural character. I acknowledge that the site is greenfield and in agricultural use but, in the absence of sufficient and appropriate brownfield sites, I consider the development of a site, well related to a settlement and located within the existing settlement boundary, as in this case, to be appropriate.
4. The provision of a Landscape Plan and measures to enhance biodiversity are included in the list of site specific developer requirements. I am satisfied that landscape works and sympathetic design in conformity with policy 1 (Placemaking) would ensure that the impacts on existing houses around the site and on wildlife habitats would be adequately resolved at the planning application stage. On the basis of the information provided, matters related to clay pipes on the site are not fundamental to the content of the proposed plan and any damage would require to be dealt with during construction. In accordance with standard planning procedure, the preservation of views and possible reductions in property values are not matters I have taken into account in assessing the land use implications of the proposal.
5. The indicative drawing shows 2 accesses to the site and the site specific developer requirements state that vehicular access is likely to be taken from Airlie Street. From my site inspection, I agree with the council that the width of Annfield Place would be sufficient to accommodate an access but would require improvement. The road could be adopted by the council once improved to a satisfactory standard. I note that a third access is also now a possibility, through Mornity Steading. All of these accesses would involve using

Airlie Street. The council's roads section has not submitted an objection with regard to the proposed use of Airlie Street by this site or for the overall level of development proposed in Alyth. On my site inspection, I noted it was a busy road, but any road safety issues did not appear insurmountable. The concerns expressed would not warrant the removal of the allocation on road capacity grounds. Alternative ways of accessing the site including from the east could be considered at the detailed planning application stage, if required.

6. Although pedestrian access may not be possible directly onto Meigle Road, the site specific developer requirements seek the retention of existing core paths and additional linkages to the network in the surrounding area. Given the above, I am content that satisfactory vehicle and pedestrian access to the site would be achieved. Detailed traffic impacts could be adequately assessed at the planning application stage. I accept that showing the third possible access on the indicative drawing at this stage, given the current use of the farm buildings, would not be appropriate or necessary.

7. I am aware of the comments with regard to flooding on part of the site and in particular, the references to flooding on the site, and elsewhere in Alyth, in 2015. I note that following the recommendation of the council's flooding team, a topographical study, Flood Risk Assessment and Drainage Impact Assessment are listed as site specific developer requirements. These will determine the developable area of the 4.6 hectare site. Part of the north of the site is shown as an area for flooding investigation on the indicative drawing. This area reflects the area shown as at high risk of surface water flooding on the Scottish Environment Protection Agency Flood Map. The Scottish Environment Protection Agency commented on the proposed plan, including this site, in 2018. The flood risk developer requirement and drainage impact assessment requirement were supported. No change to the proposed plan was requested. I am satisfied that the capacity range of the site which has been set at 73 to 112 units (based on 60% of the site being developable) provides adequate flexibility in the event that a proportion of the site is undevelopable due to flooding constraints. The evidence provided does not allow me to reasonably conclude that the entire site would be undeliverable or justify the removal of the allocation on flood risk grounds.

8. The suggested alternative site H253 is located outside the settlement boundary in the existing local development plan. Some of the objections to the allocated site H252 also apply to this site. It is a green field site, in agricultural use and one of the likely accesses would use Airlie Road. The site was not included in the Main Issues Report and has not, therefore, been the subject of public consultation. As a consequence, I find that it would be inappropriate to allocate this site as an alternative option to allocated site H252 in this local development plan.

9. Taking all of the above into account, I find that allocated housing site H252 should be retained in the plan. The possible separation of agricultural buildings from the rest of the farm does not alter my view.

10. I deal with the allocation of additional sites at Meigle in Issue 48 Strathmore and the Glens Area – Settlements with Proposals.

H60 Albert Street and St Ninian's Road

11. I acknowledge the archaeological potential of this site. Any existing planning permission on the site could lapse. Therefore, I agree that reference to the possible need for an archaeological investigation should be added to the site specific developer

requirements. I propose to amend the proposed plan accordingly.

H59 Glenree

12. This 2.75 hectare site is located to the north-west of Alyth and is allocated within the existing local development plan. It does not have planning permission but from my site inspection, I agree that it constitutes a natural extension to the consented housing site to the south. The site specific developer requirements include landscaping to the west and north which would contribute towards a strong settlement boundary. Although, no housing has been built on the site with planning permission, I note that pre-application discussions have taken place between the council and the developer. The developer confirmed to the council last year that the intention is to develop both sites. An advertisement hoarding on the site states that development is “coming soon”. I do not accept that the sites have been abandoned.

13. It would not be appropriate to limit the height of housing at this stage. Matters of detailed design would be considered as part of the planning application process.

14. I find that circumstances have not changed, since the inclusion of this site in the adopted local development plan, which would justify its removal. Given all of the above, the site should remain as a housing allocation.

New Alyth

Settlement boundary

15. I find in Issue 1 A Successful, Sustainable Place that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to provide further sites for housing within this Housing Market Area.

16. This small (0.4 hectares), triangular parcel of land is located to the east of New Alyth outside the settlement boundary in the existing local development plan. At the time of my site inspection it was covered in scrubland and small trees/bushes. The existing eastern settlement boundary follows the robust line of New Alyth Road, Leiffie Terrace and a burn. I am not persuaded that the new settlement boundary proposed, which would follow a dry-stone dyke, would be as robust or more logical. The development of this site would not represent a natural settlement extension. Although overgrown in appearance and unused, I do not consider that the site detracts from the rural character of the area.

17. I find below that site H61, to the west of New Alyth, should be extended to provide a more robust settlement boundary. This would involve increasing the capacity of the site from 24 to 33. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of this Housing Market Area, I conclude that the proposed amendment of the settlement boundary, to accommodate 4 houses, is not currently justified. The speed with which this site’s development could take place, its viability, and the contemporary design proposed do not alter my findings.

H61 New Alyth

18. New Alyth is a small hamlet, located on the A926, to the south-west of the town of

Alyth. This greenfield site is allocated in the adopted local development plan for a capacity of 20 houses and in the proposed plan for a capacity of up to 24. It is included within the settlement boundary and extends development to the west of New Alyth into the open countryside. New Alyth is not identified as a principal settlement in TAYplan where the majority of development should be focussed. TAYplan states that local development plans may also provide for some development in settlements not defined as principal settlements where it can be accommodated and supported by the settlement. New Alyth has no shops or other community facilities. However, I noted on my site inspection that there are bus stops on the A926. On balance, given its existing allocation in the adopted local development plan and its close proximity and accessibility to the principal settlement of Alyth, which has a wide range of facilities and public transport links, I am satisfied that a housing development of the scale proposed would be appropriate at this location.

19. In accordance with standard planning procedure, the preservation of views or suggested reductions in property values are not a matters I have taken into account in assessing the land use implications of the proposal. However, I am content that existing policies in the local development plan such as Policy 1 Placemaking would ensure that a satisfactory design and layout is achieved at the planning application stage with no unacceptable adverse impacts on the privacy and amenity of neighbouring housing. The developer has written to support the continued allocation of the site and states that the intention is to progress the development of the site subject to a planning application. Furthermore, as I discuss below, its extension and a capacity increase is requested. The evidence submitted does not persuade me that the site is ineffective or not viable. Overall, I find that circumstances have not changed, since the inclusion of this site in the adopted local development plan, which would justify its removal.

20. Turning to the issue of extending the allocated site, following my site inspection, I agree that the western boundary appears arbitrary. It does not follow any existing physical feature. The western boundary of the extended site would align with an existing track (to a farm to the north) and a line of newly planted trees. Subject to the provision of a woodland of screen planting, as included in the site specific developer requirements, this would appear as a more logical and less artificial western boundary for the site.

21. However the developer also asks that the density/number of houses permitted on the site should be increased. Given the rural location of the site, on the edge of a non-tiered settlement, I find that the low density proposed by the council (15 per hectare) is consistent with the intentions of TAYplan and necessary to ensure that the development can be accommodated by the small settlement. Higher densities referred to by the developer on other allocated sites are located in the town of Alyth, which is a principal settlement more able to accommodate higher densities. The provision of adequate woodland screen planting along the boundaries to the west and north is also essential if the impact on the rural character of the settlement and the surrounding area is to be minimised. I consider that the 70% developable area proposed by the council is both realistic and necessary to ensure that adequate landscaping is provided.

22. Following my further information request (FIR09) both the council and the developer agree that the area of the proposed extended site would be 3.1 hectares. I have found above that the new boundary of the extended site would be acceptable. Using the council's 70% developable area figure and applying a low density would equate to a capacity range of up to 33. I am satisfied that the need to provide a robust and logical settlement boundary and make the best use of land, justifies the 9 house increase from a capacity of up to 24 included in the proposed plan. I recommend modifying the proposed

plan accordingly.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Add the following bullet to the site specific developer requirements for site 60 (Albert Street and St Ninian's Road):
 - Archaeological investigation may be required.
2. Amend the size and capacity range of site H61 (New Alyth) to read "3.1 ha" and "up to 33" respectively.

Issue 46	Strathmore and the Glens Area – Blairgowrie and Rattray	
Development plan reference:	E31 - Welton Road & MU330 Eastern Expansion, page134-136 MU5 - Western Blairgowrie, page137 H341 - Westfields of Rattray, page 139 H258 -Golf Course Road, page 141 H63 - Glenalmond Road Rattray, page 138 H64 - Blairgowrie South, page 140	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
<div> <div> <p>Christopher McCleery (0011)</p> <p>Hazel Harris (0015)</p> <p>Brian Rickwood (0035)</p> <p>Stuart Nichol (0041)</p> <p>J & J Atherton (0088)</p> <p>Nichola McCourty (0089)</p> <p>Margaret Anton (0096)</p> <p>Diane & Allan Cushnie (0103)</p> <p>Michal Wojtowicz (0133)</p> <p>Alan D Grant (0135)</p> <p>Martin Smith (0146)</p> <p>Scott Banks (0157)</p> <p>Heather Russell (0170)</p> <p>Ardblair Medical Practice (0172)</p> <p>Robert M Robertson (0177)</p> <p>Irene MacGregor (0188)</p> <p>Bernard Walton (0202)</p> <p>Karen & Allan Smith (0204)</p> <p>Alistair & Fiona Gall (0216)</p> <p>Mark Hilditch (0248)</p> <p>Iain Robertson (0258)</p> <p>Bill & Joyce MacGregor (0262)</p> <p>Maureen Brass (0266)</p> <p>Colin Thom (0295)</p> <p>G McPherson (0306)</p> <p>Jean Squires (0340)</p> <p>Ally Donald (0341)</p> <p>Scottish Natural Heritage (SNH) (0353)</p> <p>Graeme Findlay (0359)</p> <p>Renate Millington (0372)</p> <p>R Shepard (0385)</p> </div> <div> <p>Ian Richards (0387)</p> <p>Kristin Barrett (0423)</p> <p>Woodland Trust Scotland (0462)</p> <p>Debbie Strachan (0497)</p> <p>Scott Strachan (0498)</p> <p>Jenni Peters (0502)</p> <p>JB Scott (0521)</p> <p>Royal Society for the Protection of Birds (RSPB) (0546)</p> <p>Avril & George Anton (0554)</p> <p>Galbraith Group (0555)</p> <p>Bellway Homes Limited (0559)</p> <p>John & Sylvia Mather (0575)</p> <p>Mr & Mrs Scott (0598/05)</p> <p>Mr & Mrs Scott (0598/11)</p> <p>Alan Young (0603)</p> <p>Farmcare (0604)</p> <p>Jacqueline Edwards (0620)</p> <p>Peter Banbury (0621)</p> <p>Zoe Grassie (0635)</p> <p>M Stewart (0639)</p> <p>Andrew Cowan (0640)</p> <p>Gordon Nicholson (0653)</p> <p>C & F McCarthy (0659)</p> <p>W T & M H Ramsay (0661)</p> <p>J Fleming (0664)</p> <p>Alexander George Ramsay Main (0672)</p> <p>John G & Andean Deidre McVean (0674)</p> <p>Ross Millar (0708)</p> <p>Scottish Environment Protection Agency (SEPA) (0742)</p> </div> </div>		
Provision of the development plan to which the issue relates:	Settlement summary and allocated sites in Blairgowrie and Rattray	

Planning authority's summary of the representation(s):GeneralInfrastructure

Christopher McCleery (0011/01/001 & 0011/02/001); Margaret Anton (0096/01/002); Hazel Harris (0015/01/001); Nichola McCourty (0089/01/001); Martin Smith (0146/01/001); Ardblair Medical Practice (0172/01/001); Brian Rickwood (0035/01/003); Stuart Nichol (0041/01/005); Ally Donald (0341/01/001); Ian Richards (0387/01/003); John G & Andrean Deidre McVean (0674/01/003); J Fleming (0664/01/001); Jacqueline Edwards (0620/01/001); Alan Young (0603/01/001); Irene MacGregor (0188/01/002); Heather Russell (0170/01/002) - The town's infrastructure does not have the capacity to cope with the level of growth envisaged in the Proposed Plan and/or the Plan does not propose sufficient improvements to offset the impact of proposed development. The comments included concerns over one or more of the followings:

- road capacity and parking issues (e.g. river crossing)
- lack of active transport provision (cycling, walking)
- capacity of schools & healthcare facilities
- lack of employment opportunities
- environmental impact - the loss of open space and biodiversity
- capacity of leisure and recreational facilities
- capacity of emergency services

A number of the above respondents also expressed concerns over the changing character of Blairgowrie & Rattray and some fear that it could become a dormitory commuter town.

Brian Rickwood (0035/01/003) - There is no evidence to establish the link between population growth and the economic development of the town. Blairgowrie is already competing with Perth and Dundee. The 2016 Charrette (RD055) produced a number of ideas for improving the shopping experience in the town.

Alexander George Ramsay Main (0672/01/001) - There is no provision made for the establishment of new employers in the area or the re-instatement of the nearby railway lines. There are no plans for another crossing over the River Ericht. The Plan does not mention the cumulative environmental impact of expansion or that housing numbers should be limited.

Stuart Nichol (0041/01/005) - In relation to the Infrastructure Study for Blairgowrie & Rattray (CD203) states the assessment underestimates the impact of the Plan. While the town's expansion is welcome, traffic assessment should be carried out for the whole town and parking provision should be reassessed. Blairgowrie should be connected to the national cycle network. Developing an economic strategy and appointing a dedicated officer to deliver economic incentives would facilitate the occupation of employment sites such as E31. Furthermore, more sites should be allocated for tourism related activities. The field by the Holiday Park for instance may be appropriate for such uses.

Robert M Robertson (0177/01/002) - In relation to the Infrastructure Study for Blairgowrie & Rattray (CD203) states that the local path networks should be protected from development. Disagrees that road capacity could support future development; micro-simulation traffic model should be updated as traffic has increased in the western side of

the town since 2014. Longer hours for free town centre parking would support tourism and town centre retailers. Questions the assumptions that GP surgeries and Blairgowrie High School has capacity to accommodate growth.

Settlement Boundary

Mr & Mrs Scott (0598/11/001) - The settlement boundary should be extended to include the adjacent field and woodland to Eastwood Estate (MD002). This would be a more logical settlement edge, consistent with the rest of the boundary. The extension would allow for some low density residential development which is in-keeping with the character of the area.

Other General Issues

Alan Young (0603/01/001) - The Plan should build on monitoring and the assessment of existing developments. Proposed density, design and materials should fit in with the wider environment and vistas should be maintained. There should be a greater provision of services and open spaces in Blairgowrie.

Ally Donald (0341/01/004) - Additional cemetery provision should be located opposite to the existing cemetery instead of Blairgowrie East.

E31 Welton Road & MU330 Eastern Expansion

Objections to the principle of allocation(s)

Jean Squires (0340/01/001 & 002); Debbie Strachan (0497/01/001); Bernard Walton (0202/01/001); Bill & Joyce MacGregor (0262/01/001); John G & Andrean Deidre McVean (0674/01/001 & 002); Scott Strachan (0498/01/001); Jenni Peters (0502/01/001); Alan Young (0603/01/002) - Respondents object to the development of MU330 or both E31 and MU330. One or more of the following issues were raised:

- The scale of the proposed development is too large and would alter the character of the area. Some are concerned that the built form and layout may not be compatible with the surrounding area.
- Development would result in the loss of greenfield land/productive farm land - brownfield sites should be prioritised
- Concerns about drainage and flooding
- Impact on existing woodlands and wildlife habitats (e.g. tree line to the north of MU330 and along Parkhead Road)
- Concerns about access and the impact of development on traffic flows and parking provision across town
- Impact on the local infrastructure (e.g. sewage capacity, schools and health facilities)

Objections to the extension of the housing site

Iain Robertson (0258/01/001); Peter Banbury (0621/01/001); Ross Millar (0708/01/001); J B Scott (0521/01/002) - Object to the extension of MU330 toward the south of Blairgowrie for one or more of the following reasons:

- The southern part of the site would not be walking distance from the town centre

and would generate more car journeys

- Development would adversely impact the southern approach to the town
- Development would affect the Rights of Way and wildlife habitats along Parkhead Road
- The enlargement of the site and the extension of the settlement boundary are unnecessary and would raise concerns over capacity of local infrastructure and the environment

Objections to Proposed Access & Link Road

Mark Hilditch (0248/01/001); Ian Richards (0387/01/001); Scott Banks (0157/01/001); Stuart Nichol (0041/01/002); Bernard Walton (0202/01/001) - David Farquharson Road is not a suitable access to the site as it is constrained by the residential character of the surrounding area. There are different opinions regarding other access options:

- Traffic should be encouraged to use the southern access avoiding the busier part of Coupar Angus Road.
- The access onto Welton Road is more appropriate as it encourages people to drive through the town and stop for shopping.
- The proposed access through Welton Road is leading into the town centre and the road infrastructure of this area could not cope with increased traffic.
- The access via David Farquharson Road would cause damage to a wildlife corridor. An alternative route should be proposed to the employment site from MU330.

Stuart Nichol (0041/01/002) - The link road through MU330 onto Coupar Angus road should be built as an initial investment to allow for developing the site in phases.

Alan Young (0603/01/002) - The proposed link road is of limited value and it could negatively impact the character of the area and the entrance to the town. The link to Rosemount Farm is not clear in the Plan.

J B Scott (0521/01/002) - The new link road leading into the town centre is contrary to the objective of making Blairgowrie more walking and cycling friendly.

Bill & Joyce MacGregor (0262/01/001) - The map is misleading as it does not show the true extent of the mature woodland on site and fails to show that the new link road would cut right through it. The proposed road would also cut existing Core Paths posing danger to users. The proposal should include an off-road, pedestrian access to town, potentially along the disused railway line running along the west of the site.

Objections to Proposed Density

John G & Andrean Deidre McVean (0674/01/001 & 002); Alan Young (0603/01/002) - The proposed density for site MU330 is too high, low density would be more in keeping with the surrounding area's character.

Peter Banbury (0621/01/001) - The periphery of towns should be occupied by lower density housing and the proposed extension is not in keeping with this principle. The guidance of 0.2 ha per plot as specified in the 1998 Local Plan (CD058; Policy 57 page 35) should be maintained and individual residential units should be encouraged.

Developer Requirements

John G & Andrean Deidre McVean (0674/01/001 & 002) - It is positive that ancient monuments have been identified but a full archaeological assessment should be required for both sites to identify any other sites of archaeological interest. The mature woodland at the boundary of E31 and MU330 should be retained and developer requirements listed in the Plan should be met in full before considering the development of the site.

SNH (0353/01/028) - To ensure the protection and retention of ancient woodland, developer requirements should be amended from “retention of woodland areas for screening purposes” to “retain and protect existing woodland (AWI LEPO) within the allocation. The new internal road should follow the route of the wayleave. Provide new native tree planting along western edge to link with this wood.”

Woodland Trust Scotland (0462/01/004) - 7ha area of LEPO ancient woodland has been identified in the middle of the allocation. In this respect, Woodland Trust recommends additional native tree planting or leaving appropriate space as buffer areas for the ancient woodland on site. Woodland Trust Scotland supports the developer requirement requesting a tree belt which provides screening from the A923 however this should be a *native* tree belt.

SEPA (0742/01/086) - Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. The findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater. In the absence of such information, SEPA reserves their position on the acceptability of these proposals.

Kristin Barrett (0423/01/003) - The developer requirement should refer to cemetery addition rather than cemetery expansion.

Other Comments

Farmcare (0604/01/001) - MIR site H256 (MD003) should be allocated for housing within the MU330 mixed use allocation. The two identified large mixed use areas in Blairgowrie & Rattray are ambiguous in terms of meeting specific housing numbers. The allocation would be in line with the land uses promoted under MU330 and could contribute towards meeting housing targets in the Strathmore area.

Ally Donald (0341/01/003) - Developers should build social housing first to provide wider access to housing.

Gordon Nicholson (0653/01/001) - The landowner supports the proposals.

MU5 Western Blairgowrie

J & J Atherton (0088/01& 02/001); Margaret Anton (0096/01/003); Renate Millington (0372/01/001); Alexander George Ramsay Main (0672/01/002); Avril & George Anton (0554/01/001); Irene MacGregor (0188/01/001); Andrew Cowan (0640/01/001) - Respondents object to the development of the site and raised the following issues:

- There is no need for the amount of proposed houses
- Development would impact the town's rural character and increase conurbation

- Concerns about the capacity of local infrastructure to support the development
- Loss of habitats for wildlife including protected species
- Loss of arable land
- Concerns about flooding & drainage
- Concerns about traffic impact & access
- Development would cause overshadowing, noise and light pollution
- Potential impact on tourism – development would spoil views and affect the Cateran and Ardblaire trails and Gallowbank paths which are renowned visitor attractions in the area
- Potential impact on Rae Loch and Marlee Loch due to sewage and rain water runoff
- Concern about the maintenance of open spaces and the wider area in case development stalls

Stuart Nichol (0041/01/004), J & J Atherton (0088/01/001); Irene MacGregor (0188/01/001); Renate Millington (0372/01/001); Ian Richards (0387/01/002); Avril & George Anton (0554/01/001); Andrew Cowan (0640/01/001) - All respondents object to the supermarket and some object to the hotel outlined in the planning application (17/00939/IPM).

Margaret Anton (0096/01/003), J & J Atherton (0088/01/001) - Question the need for another education facility.

Avril & George Anton (0554/01/001) - Educational use would compromise the privacy of surrounding houses and nearby health facility.

Irene MacGregor (0188/01/001) - A significant width of landscaping should separate existing houses and the new development.

Alan D Grant (0135/01/001) - There should be a strip of land left unallocated between the site's boundary and the boundary of existing properties to avoid any future conflict over mature trees and hedges which may not be looked at favourably by new residents.

Ian Richards (0387/01/002) - The proposed junction at Perth Road and Essendy Road is dangerous. This would have to be improved and a footpath along Essendy Road would be required.

Woodland Trust Scotland (0462/01/003) - Woodland Trust Scotland would like to see the Council asking specifically for native woodland expansion for the west of the site.

RSPB (0546/01/020) - Remove the bullet point 'Expand woodland on west side of site' from the list of developer requirements. The area immediately to the west of the site supports breeding oystercatchers which may be negatively affected by increased tree cover. The details on landscaping could be assessed in detail at the planning application stage.

Andrew Cowan (0640/01/001) - The noise from construction would affect the Cottage Hospital.

Kristin Barrett (0423/01/003) - The respondent raised several points regarding the site drawings and developer requirements for MU5:

- The requirement for a Transport Assessment should mention the infrequency of bus services which makes bus shelters a necessary requirement.

- There should be a commitment to create new footpaths and it could be specified that there should be a wide band of low level greenery on each side of the paths in order to allow for open views towards the hills
- On the site drawing for MU5, the paths are shown incorrectly, there is no path along the western side of the site. The drawing should show the local footpaths including the Ardblair Trail. The map should also show the 90m contour line which is mentioned in the site specific developer requirements.

H341 Westfields of Rattray

Stuart Nichol (0041/01/003) - The site is not suitable for housing due to road access issues and inadequate links to the town centre by other transport modes. Tourism related activities would be more appropriate on the site and would support economic growth.

Diane & Allan Cushnie (0103/01/001) - The main road along the site is narrow, it has a sharp turn and a blind spot onto Hatton Road and there are no pavements along this stretch. There are concerns about the cumulative traffic impact of H341 and H63. There are a number of trees on site not shown in the Plan, which provide habitat for animals and should be protected. The brownfield site is unsuitable for housing and the greenfield site is only included as an incentive for developers. Instead the brownfield site could be used for creating a park or an outdoor centre which provides visitor attraction and employment.

R Shepard (0385/01/001) - The landowner supports the allocation of the site and relevant developer requirement.

Bellway Homes Limited (0559/01/004) - Persimmon's interest in the site - as stated in the SEA (CD079; page 286) - does not necessarily prove an intent to develop the site or the site's effectiveness. The SEA scores the site's impact on service infrastructure 'significantly adverse' due to Rattray Primary School being at capacity. Developer contributions to solve this issue cannot be guaranteed at this stage. The housing land requirement in the Strathmore area could be better met by allocating an additional site in Meikle (see Issue 48: Strathmore Settlements with Proposals).

SEPA (0742/01/104) - Requests that a Flood Risk Assessment is included as a site specific developer requirement. A potential flood risk has been identified at this site. The requirement will ensure that this is taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.

H258 Golf Course Road

Alistair & Fiona Gall (0216/01/001); Karen & Allan Smith (0204/01/001); Colin Thom (0295/01/001); G McPherson (0306/01/001); W T & M H Ramsay (0661/01/001); John & Sylvia Mather (0575/01/001); M Stewart (0639/01/001); J Fleming (0664/01/002) - Object to development of the greenfield site and the proposed access onto Golf Course Road. The proposed access would increase traffic on the already busy Golf Course Road and potentially the risk to pedestrians. Hazelwood Road and Elm Road already provide access to the site through H64. The site is currently a greenfield site providing habitat for a number of species. Respondents question how development could enhance biodiversity as suggested in the developer requirements. Some of the respondents also raised the following points in addition:

- Concerned about school capacity in the area to cope with additional pupils

- The Riding for the Disabled group currently operates on the site and would have to relocate.
- Piggy Lane should have been upgraded by the Council
- Other sites such as H64 and MU5 should be fully developed before considering further sites for allocation.
- There are no site specific developer requirements for waste water network investigation or the protection and enhancement of habitats.
- The respondent also sought a modification to the wording of developer requirements. The Council confirms that it intends to address this separately through a non-notifiable modification as set out in (CD375).

Zoe Grassie (0635/01/001) - The site is currently used by the Riding for the Disabled Association thanks to the generosity of the land owner. There is growing demand for this service and to access funding for improvements the group needs security of tenure. If the development is to go ahead, the Council should assist with identifying a suitable alternative site or impose conditions on the developer to ensure that the group's activity can continue uninterrupted.

Galbraith Group (0555/01/002) - Supports the allocation. The Riding for the Disabled group uses this site on an informal basis. When the land is brought forward for development, it will be assessed whether any other site owned by the landowner could accommodate the group. There should be no further obligation imposed on the current landowner in this regard.

Kristin Barrett (0423/01/003) - The presentation of the maps for H64 and H258 are incomprehensible and require clarification. The indicative site drawings for H64 and H258 are exactly the same, but the site sizes and are completely different. The site drawings should be separate for each site rather than showing both at the same time.

H64 Blairgowrie South

John & Sylvia Mather (0575/02/001) - Objects to proposal on the same ground as H258 (see above).

Nichola McCourty (0089/01/003) - In relation to the planning applications (17/00961/AMM) for the site mentions that the proposal would result in the removal of wildlife habitats. Development would put strain on services and increase the need to travel due to the lack of employment opportunities in town. The proposed link road with increased traffic flows would alter the areas character and pose a greater risk to children.

Graeme Findlay (0359/01/001) - Objects to the proposal based on its impact on neighbouring houses. Concerned about increased traffic, noise, pollution and losing the level of privacy. Vibration from traffic may impact the structure of the existing houses.

H63 Glenalmond Road Rattray

Kristin Barrett (0423/01/003) - The Plan should be more specific about retaining existing greenery on site and footpaths should be created along existing desire lines. The 4th developer requirement should clarify that the new linkage is to be created from the new residential properties to the existing Core Path. Affordable housing units should not be developed in a single patch; they should be split into a number of blocks across the site.

Woodland Trust Scotland (0462/01/002) - Woodland Trust Scotland would like to see the Council asking specifically for native woodland planting for the woodland screen planting already identified as a developer requirement.

Rosemount Open Space

C & F McCarthy (0659/01/001) - The approach to allocating open space and releasing housing sites has been haphazard in the Rosemount Area. The character of Rosemount stems from one-off residential development which is now prevented by the open space designation. At the same time two housing sites have been allocated here, one which affects the Riding for the Disabled recreational area. During the past reviews of the open Space designation, more and more land around The Struan/Little Struan ended up being designated as open space. The designation does not align with the boundary of a planning permission granted in the past and now includes a section of private garden ground. The boundary should be shifted back to where it was drawn in the 1998 Plan (CD058; Map B) (MD004).

Michal Wojtowicz (0133/01/001) - Requests the removal of an area at Belfield, Rosemount from the Open Space designation as it form part of a residential curtilage (MD004). The area is a private orchard in the respondent's ownership, merging into garden ground without any defined boundary between the two. The respondent believes that the removal of this area would not impact on any recreational activity or the character and integrity of the Rosemount area.

Maureen Brass (0266/01/001) - Request to modify the open space designation at Rosemount, Oakdene, in order to allow for the potential development of a house (MD004). The development would retain the character of the area and enhance the landscape. It would be a minor alteration to the plan and would not have a detrimental effect on its overall aim and objectives.

Galbraith Group (0555/01/001) - Stiellsmuir Farm should not be designated as open space (MD004). The area is privately owned agricultural land and does not contribute to the recreational and amenity land of the wider Rosemount Area.

Mr & Mrs Scott (0598/05/001) - A 1.19ha site currently designated as open space to the north of Golf Course Road should be zoned for housing or left as white land within the settlement boundary (MD004). It is an ideal infill site with limited potential for agricultural use. The site does not add any value to the designation however its settings would make it suitable for residential use.

Bernard Walton (0202/01/002) - As part of the objection to MU330 suggests that the unused farm land adjacent to Piggy Lane could be developed without affecting agricultural production. The respondent did not provide any further detail on this proposal (e.g. site boundary).

New Sites

Stuart Nichol (0041/01/005) - Suggests the designating the field next to the holiday park for future expansion or similar compatible uses. The respondent did not provide any further detail on this proposal (e.g. site boundary).

Jean Squires (0340/01/001&002) - Suggests the allocation of the land next to Davie Park

in Rattray, for housing instead of MU330. The respondent did not provide any further detail on this proposal (e.g. site boundary).

Modifications sought by those submitting representations:

General

Infrastructure

Christopher McCleery (0011/01/001 & 0011/02/001); Margaret Anton (0096/01/002); Hazel Harris (0015/01/001); Nichola McCourty (0089/01/001); Martin Smith (0146/01/001); Ardblair Medical Practice (0172/01/001); Brian Rickwood (0035/01/003); Ally Donald (0341/01/001); Ian Richards (0387/01/003); John G & Andrean Deidre McVean (0674/01/003); J Fleming (0664/01/001); Jacqueline Edwards (0620/01/001); Alan Young (0603/01/001); Irene MacGregor (0188/01/002); Heather Russell (0170/01/002); Alexander George Ramsay Main (0672/01/001); Stuart Nichol (0041/01/005) Robert M Robertson (0177/01/002) - Although no specific modification was sought to the Proposed Plan, several points were raised concerning the lack of infrastructure capacity to support the scale of growth planned for the settlement.

Settlement Boundary

Mr & Mrs Scott (0598/11/001) - The settlement boundary should be extended around Eastwood Estate.

Other General Issues

Alan Young (0603/01/001) - No specific modification was sought.

Ally Donald (0341/01/004) - Relocate the cemetery search area opposite to the existing cemetery (no outline or exact location was provided).

E31 Welton Road & MU330 Blairgowrie Eastern Expansion

Objections to the principle of allocation(s)

The following representations request the deletion of the site(s):

- Jean Squires (0340/01/001 & 002) - Delete E31 and MU330.
- Debbie Strachan (0497/01/001); Scott Strachan (0498/01/001); Jenni Peters (0502/01/001) - Delete MU330.
- Bernard Walton (0202/01/001) - Delete MU330 or protect the woodland on NE of site from development.

Objections to the extension of the housing site

The following representations request the reduction of the site area:

- John G & Andrean Deidre McVean (0674/01/001 & 002) - Amend site MU330 to avoid or reduce the loss of greenfield land. Protect woodland at the boundary of the two sites.
- Iain Robertson (0258/01/001), JB Scott (0521/01/002) - Delete southern part of

MU330 and restore settlement boundary.

- Peter Banbury (0621/01/001) - Delete part of MU330 south to Parkhead Road.
- Ross Millar (0708/01/001) - Reduce the expansion to E31 and the north of MU330. Exclude sites of archaeological interest from the development.

Objections to Proposed Access & Link Road

Mark Hilditch (0248/01/001); Ian Richards (0387/01/001); Scott Banks (0157/01/001); Stuart Nichol (0041/01/002); Bernard Walton (0202/01/001) - Although no specific modification was sought respondents stated that access through David Farquharson Road is not suitable and alternative options should be sought to provide access to the site.

Alan Young (0603/01/002); J B Scott (0521/01/002) - No specific modification is sought.

Bill & Joyce MacGregor (0262/01/001) - The proposal should include an off-road, pedestrian access to town, potentially along the disused railway line running along the west of the site.

Objections to Proposed Density

John G & Andrean Deidre McVean (0674/01/001 & 002); Alan Young (0603/01/002); Peter Banbury (0621/01/001) - Reduce density for MU330.

Developer Requirements

John G & Andrean Deidre McVean (0674/01/001 & 002) - A full archaeological assessment should be required for both sites

SNH (0353/01/028) - Amend developer requirements from “retention of woodland areas for screening purposes” to “retain and protect existing woodland (AWI LEPO) within the allocation. The new internal road should follow the route of the wayleave. Provide new native tree planting along western edge to link with this wood.”

Woodland Trust Scotland (0462/01/004) - Require additional native tree planting or leaving appropriate space as buffer areas for the ancient woodland on site. The developer requirement regarding the tree belt along the western side of the site should refer to native tree belt.

SEPA (0742/01/086) - For site MU330, it should be required that an intrusive ground investigation is undertaken in line with SEPA guidance on assessing the impact of cemeteries on groundwater (LIPS GU32) before any development occurs at the site.

Kristin Barrett (0423/01/003) - The developer requirement should refer to cemetery addition rather than cemetery expansion.

Other Comments

Farmcare (0604/01/001) - Allocate MIR site H256 for housing within the MU330 mixed use allocation.

Ally Donald (0341/01/003) - Developers should build social housing first to provide wider access to housing.

MU5 Western Blairgowrie

J & J Atherton (0088/01&02/001); Renate Millington (0372/01/001); Avril & George Anton (0554/01/001); Margaret Anton (0096/1/003); Andrew Cowan (0640/1/001); Alexander George Ramsay Main (0672/1/002); Irene MacGregor (0188/1/001) - Although no specific modification was sought, several points were raised against development on site and it is interpreted that respondents seek the deletion of MU5 site.

Alan D Grant (0135/01/001); Irene MacGregor (0188/01/001) - Pull back site boundary to leave a strip of land between existing houses and new development (no specific distance was stated).

Woodland Trust Scotland (0462/01/003) - Change `woodland expansion` to `native woodland expansion` on west side of site in the developer requirements.

RSPB (0546/01/020) - Remove the bullet point `Expand woodland on west side of site` from the list of developer requirements.

Kristin Barrett (0423/01/003):

- The requirement for a Transport Assessment should mention the infrequency of bus services which makes bus shelters a necessary requirement.
- There should be a commitment to create new footpaths and it could be specified that there should be a wide band of low level greenery on each side of the paths in order to allow for open views towards the hills
- The site drawing should show the local footpaths including the Ardblair Trail. The map should also show the 90m contour line which is mentioned in the site specific developer requirements.

Stuart Nichol (0041/01/004); Ian Richards (0387/01/002) - No specific modification was sought.

H341 Westfields of Rattray

Stuart Nichol (0041/01/003); Diane & Allan Cushnie (0103/01/001) - Change allocation from housing to tourism related uses.

SEPA (0742/01/104) - Requests that a Flood Risk Assessment is included as a site specific developer requirement

Bellway Homes Limited (0559/01/004) - No specific modification was sought however the respondent suggested the site is not effective and housing land requirement in the Strathmore HMA could be met by allocating an alternative site in Meigle (see Issue 48).

R Shepard (0385/01/001) - Supports the allocation/No change.

H258 Golf Course Road

Alistair & Fiona Gall (0216/01/001); Karen & Allan Smith (0204/01/001); Colin Thom (0295/01/001); G McPherson (0306/01/001); W T & M H Ramsay (0661/01/001); M Stewart (0639/01/001) - Delete the site.

John & Sylvia Mather (0575/01/001) - Delete H258 and H64 or delete proposed access onto Golf Course Road.

J Fleming (0664/01/002) - Delete the proposed link road through site H258 and H64. Add site specific developer requirements for Waste Water Network investigation, the protection of habitats and the enhancement of biodiversity.

Zoe Grassie (0635/01/001) - The continuous operation of the Riding for the Disabled Association should be supported by the Council either through helping the group to find an alternative site or impose conditions on the developer.

Galbraith Group (0555/01/002) - Supports the allocation.

Kristin Barrett (0423/01/003) - The indicative site drawings should be separate for H258 and H63 rather than showing both sites at the same time.

H64 Blairgowrie South

Nichola McCourty (0089/01/003); John & Sylvia Mather (0575/02/001); Graeme Findlay (0359/01/001) - Delete the site.

H63 Glenalmon Road Rattray

Kristin Barrett (0423/01/003) - Mark existing greenery and regularly used paths to be retained on site. Clarify that the new linkage is to be created from the new residential properties to the existing Core Path.

Woodland Trust Scotland (0462/01/002) - Change `woodland screen planting` to `native woodland screen planting` in the developer requirements section.

Rosemount Open Space

C & F McCarthy (0659/01/001) - The open space boundary around the Little Struan should be redrawn as shown in the 1998 Plan. A Visual Impact Analysis should be undertaken to identify small areas which could contribute to the percentage of windfall developments in the area.

Michal Wojtowicz (0133/01/001) - Remove a 0.3 ha area at Belfield from the Open Space designation at Rosemount and leave it as white land within the settlement boundary.

Maureen Brass (0266/01/001) - Remove an area around Oakdene, Rosemount from the open Space designation.

Galbraith Group (0555/01/001) - Remove Stiellsmuir Farm from the open Space designation and leave it as white land.

Mr & Mrs Scott (0598/05/001) - A 1.19ha site currently designated as open space should be zoned for housing or left as white land within the settlement boundary.

Bernard Walton (0202/01/002) - Consider the development of the unused farm land adjacent to Piggy Lane instead of MU330 (no further detail provided).

<p><u>New sites</u></p> <p>Jean Squires (0340/01/001 & 002) - Consider allocating the land next to Davie Park in Rattray, for housing instead of MU330 (no further detail provided). Stuart Nichol (0041/1/005) - Consider designating the field next to the holiday park for future expansion or similar compatible uses (no further detail provided).</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>General</u></p>
<p><u>Infrastructure</u></p> <p>Christopher McCleery (0011/01/001 & 0011/02/001); Margaret Anton (0096/01/002); Hazel Harris (0015/01/001); Nichola McCourty (0089/01/001); Martin Smith (0146/01/001); Ardblair Medical Practice (0172/01/001); Brian Rickwood (0035/01/003); Ally Donald (0341/01/001); Ian Richards (0387/01/003); John G & Andrean Deidre McVean (0674/01/003); J Fleming (0664/01/001); Jacqueline Edwards (0620/01/001); Alan Young (0603/01/001); Irene MacGregor (0188/01/002); Heather Russell (0170/01/002); Alexander George Ramsay Main (0672/01/001); Stuart Nichol (0041/01/005) Robert M Robertson (0177/01/002) - TAYplan (CD022; pages 8-11) identifies Blairgowrie/Rattray as a Tier 2 principal settlement which provides opportunity to contribute to housing and business land provision within the overall LDP area. As a service centre, Blairgowrie & Rattray is expected to allocate the largest share of the housing land requirement in the Strathmore and the Glens Area. The sites allocated in the Proposed Plan allow for meeting the housing land requirement in the next plan period and beyond, providing a range of long term development opportunities. The scale of development proposed in the Plan is considered to be in line with the TAYplan strategy (see Issue 1: A Successful, Sustainable Place).</p> <p>The implications of the level of growth on the capacity of local infrastructure are discussed in the Infrastructure Study for Blairgowrie & Rattray (CD204). The study compiles a range of datasets which are used to inform the preparation of the Local Development Plan and analyses the information at settlement level. The study highlights the strengths and weaknesses of local infrastructure and refers to the improvements that can be facilitated through new development. For the purpose of the examination the study was expanded to respond to issues raised during the Proposed Plan consultation. The report covers seven topics and makes the following key points:</p> <ol style="list-style-type: none"> 1) Community facilities – Residents in Blairgowrie/Rattray have good access to basic community facilities. However, the variety and quality of leisure and recreational facilities need to improve to cater for the growing population. To address this, there are already plans in place for a new replacement Leisure Centre at Blairgowrie High School with £14.7M in the Councils Capital Budget approved in June 2018. Furthermore, 4ha of land is safeguarded within site MU5, for education/play provision which could be suitable for community facilities and a new public park. 2) Open space provision - The Proposed Plan safeguards existing open spaces such as playgrounds, playing fields, parks and cemeteries. New development will be required to create new public open space provision and contribute to the improvement of existing facilities such as the playingfields at Rosemount. Important existing landscape elements such as mature trees, core paths and watercourses need to be maintained and incorporated into the design of new development. To

- compensate for the loss of existing vegetation and mitigate for noise and visual impact, additional planting is often required.
- 3) Transport – The micro-simulation model was prepared for the settlement in 2009 and was last updated in 2014 (CD206). Based on the model, the Council's Transport Team has concluded that although there are some hotspots across town, with suitable mitigation measures there was sufficient capacity to accommodate the anticipated development at the time. There are plans to upgrade the traffic model in the upcoming years to reflect changes to junction arrangements around Wellmeadow. The updated model will be used to test the traffic impact of significant development proposals which come forward in the next plan period. To reduce the traffic impact of proposals, two relief roads are proposed for Blairgowrie; one through sites H64 & H258 and another through the Eastern expansion (E31 & MU330). Due to the capacity of the bridge over River Ericht, development is limited in Rattray. Developers are also required to provide new infrastructure for walking and cycling within developments and improve the network of Core Paths within the area where possible.
 - 4) Health Care Provision - NHS Tayside did not indicate having capacity issues or a lack of land available for healthcare provision in Blairgowrie & Rattray. Nevertheless, the Council notes the concerns of residents as well as the local surgery in terms of healthcare provision which were expressed during the Proposed Plan consultation. The Council will work with NHS Tayside to monitor housing growth and patient numbers to assess the need for any expansion of current facilities.
 - 5) Education - Blairgowrie High School and Rattray Primary School have capacity to support future projected levels of growth (currently at 68 % and 63% occupancy levels). The available capacity of Newhill Primary School (currently at 92% occupancy) may be impacted on through the level of projected growth but this will depend on the speed at which it is completed. The Council will continue to review the build rate of development within the catchment and where appropriate will secure financial contributions towards additional school capacity. Land is secured within MU5 for an additional school facility if necessary.
 - 6) Retail & Employment - The Proposed Plan consultation highlighted concerns over local employment opportunities and the proposed growth leading to increased commuting. Through the dedicated employment land and the allocation of mixed use sites which allow for employment generating land uses the Council seeks to encourage new businesses to locate to the area. It should be noted however that the Council has no influence on when businesses decide to take these opportunities or whether they are local or national/international organisations. New residents moving to the area may indeed choose to work in larger centres such as Perth and Dundee, increasing the number of commuters. This could provide incentive to public transport providers to improve services between these settlements. The formation of a local economic strategy as suggested by a respondent could also be a proactive step in moving forward.
 - 7) Energy and Water – Under Policy 51B all development within and close to settlements that have public sewerage systems will require connection to the public sewer. Currently, there is capacity at the waste water work within Blairgowrie and Rattray however if all the development within the LDP were to come forward a growth project would be required to accommodate all development. Regular liaison meetings are held with Scottish Water and they are aware a growth project may be required at some point in the future to accommodate planned growth and are comfortable with this.

In addition to the issues above, the loss of wildlife habitats, prime agricultural land and the town's changing character has also been raised in a number of responses. As evidenced in the 2017 Vacant and Derelict Land Survey Site Register (Scottish Government) (CD181) less than 3ha of brownfield land is available in Blairgowrie and Rattray. One of the two derelict sites, Westfields of Rattray Farm is already allocated for housing in the Proposed Plan. The other site, Erich Mills is within the settlement boundary however its potential for development is currently undetermined. This means that meeting housing requirements will require the allocation of mainly Greenfield land which will inevitably result in the expansion of the settlement. The Plan seeks to guide this process and ensure that it takes into account the existing landscape and the character of the built environment. As noted above, key natural features (including the Ardblair Trail) which are important to the character of the area and provide habitats for wildlife will be retained and incorporated in the design of proposals. New open spaces, landscaping areas and garden grounds provide new habitats and improvement to biodiversity. At the planning application stage it is ensured that surveys are undertaken where necessary regarding the presence of protected species and the impact of construction on habitats is minimised.

No modification is proposed to the Plan.

Settlement Boundary

Mr & Mrs Scott (0598/11/001) - The existing settlement boundary wraps around the clearly defined grounds of Eastwood Estate and is considered to be consistent with other sections of the boundary. The settlement boundary was drawn to include the curtilage of residential dwellings rather than to follow land ownership boundaries. The suggested site sits within a sensitive landscape framework where development could affect several mature trees. The proposed boundary change would leave an additional area as white land within the settlement boundary beyond the respondent's ownership (MD002). This land is also covered with mature native woodland. Sitting on the southern edge of Blairgowrie the site is not situated particularly well in relation to local services and facilities either. It should also be noted that this proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation.

No modification is proposed to the Plan.

Other General Issues

Alan Young (0603/01/001) - Both the Plan policies and associated Supplementary Guidance builds on monitoring and case studies from across the Council area as well as the wider national/international context. Policy 1 and the Draft Placemaking Guide (CD041) set out standards for design and include best practice advice on materials, density and vistas. This level of detail on a site specific basis however is not appropriate for the Proposed Plan.

No modification is proposed to the Plan.

Ally Donald (0341/01/004) - Although the respondent did not specify the preferred location of the cemetery it is presumed that they refer to the area across Perth Road which is part of site MU5. This area is allocated for housing in the Proposed Plan and is the subject of an in principle planning application which the Council has resolved to grant subject to signing a S75 legal agreement (17/00939/IPM). The zoning plan (CD201) for the site

includes employment uses at this location. The proposed cemetery search area within MU330 was chosen from three possible options (CD125) and was considered the best choice within Blairgowrie. The SEA (CD079; pages 69-79) concluded that it is a secluded, ambient site suitable for cemetery function and as part of the Eastern Expansion there will be an opportunity to improve access to the site. No modification is proposed to the Plan.

E31 Welton Road & MU330 Blairgowrie Eastern Expansion

Objections to Allocation(s)

Jean Squires (0340/01/001 & 002); Debbie Strachan (0497/01/001); Scott Strachan (0498/01/001); Jenni Peters (0502/01/001); Bernard Walton (0202/01/001); Bill & Joyce MacGregor (0262/01/001); John G & Andrean Deidre McVean (0674/01/001 & 002); Alan Young (0603/01/002); Iain Robertson (0258/01/001); Peter Banbury (0621/01/001); Ross Millar (0708/01/001); J B Scott (0521/01/002) - The Eastern Expansion and Welton Road are adjoining sites to the west of Blairgowrie. The issues raised in relation to E31 and MU330 overlap in many respects, and will be considered together.

The Eastern Expansion includes the adopted housing site H62 (CD014; page 283), a cemetery search area and H256 (MD003) which has been put forward for housing as a new site (CD079; page 113-122). Bringing these areas together under one larger site means that they can be developed under a comprehensive masterplan. The Eastern Expansion would help meeting the increased numbers required to be allocated in the Strathmore area in the current plan period (maximum 300 units) and beyond, providing a flexible, long-term housing land supply of approximately 900 units. The scale of the proposal allows for the delivery of greater infrastructure improvements such as a new link road, education contributions and new open space provision to facilitate the sustainable development of the town.

The individual sites which form part of the Eastern expansion are considered to be suitable for allocation on their own with constraints that can be mitigated through the layout and design of development. Limiting the size of the expansion in this plan period or allocating site H256 as a separate housing site as suggested by Farmcare would however prevent the development of the area under one masterplan and deliver the envisaged benefits to local infrastructure.

Some respondents objected to the expansion due to its visual impact on the southern approach to the town. In order to minimise this impact, any proposal will be required to provide a landscape framework integrating development with the wider countryside and provide a tree belt along the A923 for screening purposes. The southernmost part of the site would be a long walk away from the town centre however regular bus services (59 & 57/ 57A) along Coupar Angus Road provide an alternative to car travel. The development could provide incentive to further improve these services.

In terms of flooding and drainage, several smaller areas across the site are affected by flooding and both a Flood Risk Assessment and Drainage Impact Assessment are required for the site. The level of flood risk however is not considered to affect the viability of the site. The issues regarding the loss of greenfield land and the proposal's impact on other local infrastructure (road network, schools and GPs) were addressed at a settlement scale in the first section of this Schedule 4.

The loss of open space was another general concern raised. Under Policy 14, a development of this scale will be required to provide a number of functional public open spaces and contribute to off-site facilities where appropriate (e.g. playing fields at Rosemount). Some responses (0202/01/001; 0621/01/01; 0674/01/001) refer specifically to the existing tree line between site E31 & MU330, the tree line along Parkhead Road and the ancient woodland at the centre of the site. Through Policies 15; 14; 38 and 39 it is ensured that existing Rights of Ways, Core Paths woodlands and wildlife habitats are protected and valuable existing landscaping elements are integrated with the design of the proposal.

No modification is proposed to the Plan. However if the Reporter is minded, the indicative site drawing could be amended to highlight the existing tree line between site E31 & MU330 as well as the tree line along Parkhead Road and better reflect the position of the ancient woodland in relation to the link road and the site boundary (CD207). The revised drawing also provides an opportunity for correcting a technical error. On the drawing for MU330 a lighter green colour appears on the southern part of the site instead of grey for 'main developable areas'.

Proposed Access & Link Road

Mark Hilditch (0248/01/001); Ian Richards (0387/01/001); Scott Banks (0157/01/001); Stuart Nichol (0041/01/002); Bernard Walton (0202/01/001); Alan Young (0603/01/002); Bill & Joyce MacGregor (0262/01/001); J B Scott (0521/01/002) - The scale and layout of the proposal facilitates the development of a link road which takes pressure off of Coupar Angus Road and improves connectivity across the site. It benefits the whole of Blairgowrie by providing an alternative route to and from the town's main employment area and diverting some of the traffic away from the town centre. While the Plan does not require upfront infrastructure delivery, it states that no more than 75 houses should be occupied before the road link to E31 is constructed. A linked phasing programme will help avoid a potential scenario where a large built up area is only served by one main access until all phases are completed. In terms of the impact on woodlands and sites of historic importance, developer requirements ensure that the layout and design of development takes account of these features and minimises any adverse impact on them. It is acknowledged that the link road may cut through a narrow part of the ancient woodland and as suggested above, the indicative site drawing could be amended to better reflect this. It should be noted however that the exact route of the link road would only be determined at the planning application stage.

The new link road between Welton Road and Coupar Angus Road provides the main axis for the development towards the south and north. David Farquharson Road, as shown on the indicative site drawing would function as a secondary access where the layout of the residential area restrictive to speed and the volume of traffic. It is a logical connection that enables existing households access the new employment area and provides new households direct access towards the Rosemount area. The approval of a planning application for the site will be subject to suitable vehicular access and road layout informed by a Transport Assessment and will be agreed with the Roads Authority. There will also be an opportunity to test the traffic impact of proposals using the micro-simulation traffic model for Blairgowrie once it has been updated.

In terms of the suggestion to require an off-road, pedestrian access to town, the detailed masterplan will provide an opportunity to assess the permeability of the proposed layout and ensure that there is a logical network of streets and paths across the site to facilitate

active travel. The disused railway line the respondent refers to runs outwith the site boundary and it is not an existing Core Path. Policy 15: Public Access protects the integrity of disused railway lines in order to facilitate their potential future reuse. The potential of this area however has not been explored therefore it is not considered appropriate to refer to it in the Plan.

No modification is proposed to the Plan.

Proposed Density

John G & Andrean Deidre McVean (0674/01/001 & 002); Alan Young (0603/01/002); Peter Banbury (0621/01/001) - The reference to the 1998 Eastern Area Local Plan (CD058; Policy 57 page 35) which required each housing site to be a minimum of 0.3 hectares (Plan stated 0.3ha not 0.2ha as quoted by the respondent) is slightly misleading as this referred largely to infill developments in the core area of Rosemount. This policy was not applied to the new housing allocations in this plan. This approach also proved to be difficult to implement and did not fit every scenario. The emphasis for new greenfield allocations is to make best use of the land with higher densities appropriate to the locality. The masterplan for MU330 will have to take into account various constraints such as flood risk, landscaping and ancient monuments which impact the proposed layout. It is likely that density will vary across the site from high to low. Areas with higher density can accommodate smaller units for downsizing and first time buyers. Larger plots may be appropriate on other parts of the site adjacent to woodlands and by the periphery. The capacity range in the plan was based on 70% of developable area and medium density as an average. Policy 1 requires any proposal to respond sensitively to the surrounding built and natural environment and planning application stage provides an opportunity to assess the detailed design. It is not considered necessary to lower the capacity range in the Plan.

No modification is proposed to the Plan.

Developer Requirements

Respondents expressed concerns in relation to the protection of woodland areas and ancient monuments on site.

John G & Andrean Deidre McVean (0674/01/001 & 002) - Through developer requirements, it is ensured that development protects and enhances the settings of sites of archaeological significance. For both sites, a survey is required to evaluate and mitigate the impact of proposals. At the planning application stage Historic Environment Scotland would be consulted to ensure that proposals are sympathetic to the scheduled monument. As mentioned above mature woodland on site will be retained and the site drawings can be amended to highlight the tree belt between E31 and MU330.

No modification is proposed to the Plan.

SNH (0353/01/028); Woodland Trust Scotland (0462/01/004) - All development is required to comply with Policy 38B: Trees, Woodland and Development which presumes against the removal of ancient semi-natural woodland. The appropriate mitigation measures proposed to minimise the impact of development on the ancient woodland would depend on the layout and design of the development and would be examined in detail at the planning application stage. This includes matters such as the route and design of the link road as well as the appropriate boundary treatment or landscaping between the woodland and the

developed area.

No modification is proposed to the Plan. However if the reporter considered that the modification requested by SNH would make the Plan clearer, the following wording would not be opposed to by the Council:

“Retain and protect as far as practical existing ancient woodland (AWI LEPO) within the allocation. Provide new native tree planting along western edge of the site to link with this wood. Other woodland areas on site should also be retained for screening purposes.”

In terms of the tree belt along the A923, the Council does not consider it necessary to have a requirement for all new trees to be planted to be of native species and therefore does not support this change. The issue is discussed in detail under the `Site Allocations` section of Issue 16 A Natural, Resilient Place.

No modification is proposed to the Plan.

SEPA (0742/01/086) - The existing site specific developer requirement only requires that the developer of site MU330 reserves an area of land for the possible future development of a cemetery. The development of the cemetery would be undertaken by the Council rather than the developer, once all the necessary investigative works had been carried out and independent of the housing development. It is not therefore considered appropriate to require the housing developer to carry out intrusive ground investigation to establish the acceptability of the ground for a cemetery by means of a site specific developer requirement.

No modification is proposed to the Plan.

Kristin Barrett (0423/01/003) - The Plan requires the developer to retain part of the site for expanding the cemetery provision in Blairgowrie. The settlement map marks the area of search where there may be potential for new provision.

No modification is proposed to the Plan. However if the reporter is minded to accept the modification, the Council would be comfortable with changing the wording of the requirement to “retention of part of the site for cemetery provision”.

Other Comments

Farmcare (0604/01/001) - Site H256 has undergone a Strategic Environmental Assessment and forms part of the Eastern Expansion mixed use allocation in the Proposed Plan. As detailed above, the Council’s aim is to facilitate the development of this area under a comprehensive masterplan that takes into account the whole of the site including elements such as the link road. Allocating H256 separately for housing would be counterproductive to this aim and could lead to the fragmentation of the larger site.

No modification is proposed to the Plan.

Ally Donald (0341/01/003) - Policy 20 requires an affordable housing contribution amounting to an equivalent of 25% of the total units proposed. Affordable housing may be provided in the form of social rented accommodation and will be delivered as part of the overall masterplan. It is not considered necessary to require the completion of these units first.

No modification is proposed to the Plan.

MU5 Western Blairgowrie

J & J Atherton (0088/01&02/001); Margaret Anton (0096/01/003); Renate Millington (0372/01/001); Alexander George Ramsay Main (0672/01/002); Avril & George Anton (0554/01/001); Irene MacGregor (0188/01/001); Andrew Cowan (0640/01/001); Stuart Nichol (0041/01/004); Ian Richards (0387/01/002); Alan D Grant (0135/01/001) - MU5 is considered to be in line with the spatial strategy of TAYplan which requires development to be concentrated in tiered settlements. The site is one of the two larger mixed use allocations in Strathmore and provides a significant contribution to housing and business land in the area. It also provides opportunity to improve local infrastructure through safeguarding land for educational and/or play provision at a central location. The site is carried forward from the adopted LDP (CD014; page 283) and planning permission in principle has recently been granted (subject to signing a Section 75 agreement) for a mixed use development on site.

It is unfortunate that development will result in the loss of agricultural land; however it is not consequential that it would negatively impact the character of the town or the biodiversity potential of the area. Through its layout, development can minimise impact on neighbouring properties and provide a landscape framework which fits in with the surrounding area. The retention of ancient woodland on site and the formation of new open spaces and private gardens could enhance green infrastructure and provide a diversity of habitats for wildlife. The Proposed Plan also protects local footpaths and the Arblair Trail. As shown on the indicative site drawings the existing Core Paths (CD129) within the site are to be retained and new path should be incorporated in the layout of development (e.g. along western edge of the site). In terms of the boundary treatment along new path, this level of detail is not appropriate for the Plan.

Although flooding is not considered to be a major constraint for the site, during the consultation for LDP1, SEPA have stated that a Flood Risk Assessment is required for the site. A Wastewater Network Investigation is also required for the site to determine whether network improvements are necessary. With regards to the current proposal for the site, Scottish Water has confirmed that the existing infrastructure currently has capacity for the scale of the proposed development. In line with the developer requirements, a Transport Assessment was completed for the whole site and the proposal was also tested using the Council's Blairgowrie Traffic Model. The suggestion to mention the infrequency of bus services and include a developer requirement for a bus stop/shelter is not considered appropriate. The accessibility of public transport services is addressed as part of the Transport Assessment for the site and examined in detail at the planning application stage.

It is acknowledged that a development of this scale will have an impact on neighbouring uses. Noise & light pollution, the loss of privacy, overshadowing, traffic generation, access issues and disturbance from construction can be avoided or minimised through the production of a masterplan and the use of planning conditions. The situation and height of existing trees and hedges are also considered at the planning application stage as part of the design in order to minimise any negative impact on new and existing properties.

A number of respondents have commented on elements of the submitted planning application such as the proposed hotel, and supermarket. The Plan calls for 4ha of employment land as part of this mixed use site which is considered desirable in terms of providing opportunity for economic growth. As for the education/play provision element, the

Council wishes to see land safeguarded within this allocation in order to allow for potential additional facilities in the future. The details of the proposal, including the layout and design of these facilities, are addressed at the planning application stage.

Woodland Trust Scotland (0462/01/003) - The Council does not consider it necessary to have a requirement for all new trees to be planted to be of native species and therefore does not support this change. The issue is discussed in detail under the 'Site Allocations' section of Issue 16 (A Natural, Resilient Place).

RSPB (0546/01/020) - The developer requirement regarding the expansion of woodland refers to new woodland and structure planting within the boundary of the site to minimise the impact of development. The area described by RSPB is outwith the boundary of MU5 where this requirement does not apply.

Kristin Barrett (0423/01/003) - Contour lines are not shown on any settlement map or indicative site drawing as this level of detail is not considered necessary in most cases. For MU5 where developer requirements make reference to a 90m contour line, it may be useful to identify this however it would not be consistent with other parts of the Plan. The respondent's points regarding footpaths and bus services have been addressed above within this section.

No modification is proposed to the Plan.

H341 Westfields of Rattray

Stuart Nichol (0041/01/003); Diane & Allan Cushnie (0103/01/001) - The site for housing development was first suggested at the MIR stage of the Adopted LDP and was previously included in the settlement boundary of the 2005 Draft Eastern Area Local Plan (CD017; Map 2 page 134) which did not progress due to the introduction of the new type of Local Plans. The reason for not including it in the Adopted Plan was meeting housing targets elsewhere and the opportunity to develop it under Policy RD3: Housing in the Countryside (CD014; page 31). The site was recommended again for inclusion in the Proposed Plan as its development did not prove viable under the restriction of Policy RD3. The Proposed Plan extends the settlement boundary and includes a wider site including brownfield and greenfield land. The redevelopment of brownfield land is encouraged by SPP (CD004; para 40) and is expected to improve the appearance of the site. The greenfield element was included in order to increase the viability of the overall development. The site is approximately 1.6 km away from the town centre and has a bus stop within 400m from its entrance.

The site drawings indicate the extent of the existing woodland on site and there is a requirement to retain important trees, provide additional planting and implement measures to increase biodiversity.

In terms of the traffic concerns, the A93 is a strategic route which has the capacity to accommodate additional traffic. Growth in Rattray is generally limited by the capacity of the bridge over River Ericht however the development would be relatively small scale with 68-104 units proposed. Respondents also expressed concerns around road safety and providing access to the site. It is acknowledged that the site is close to the current junction of Hatton Road and Balmoral Road. The Council's Transport Planning Team reviewed the potential access arrangements and suggested that a more detailed assessment will be necessary in order to determine the impact of development on the junction. In line with this,

a Transport Statement should be added to the developer requirements.

There has not been any proposal which would suggest that this is a suitable site for tourism related uses. It is also questionable whether it would be financially viable as a tourism proposal, considering the costs associated with the brownfield site. It is not considered justified or necessary to change the proposed site from housing to tourism allocation.

No modification is proposed to the Plan. However if the reporter is minded, the Council would be comfortable with adding a Transport Statement to the site specific developer requirements to ensure that the impact of the development on the nearby junction is fully understood and mitigated.

Bellway Homes Limited (0559/01/004) - Questions that Persimmon's interest in the site as previously indicated by the landowner could prove its effectiveness. The Council has contacted Persimmon Homes who stated that they are not looking to develop this site. However this is not in itself a reason to believe that the site could not become effective during the Plan period. It is under the control of a single land owner who supports its release for housing development. In terms of school capacity, according to 2017 figures (CD124), Rattray Primary is currently at 63% capacity and is capable to cope with additional demand. The suggestion to allocating site H272 instead in Meigle is discussed under Issue 48 (Strathmore Area – Settlements with Proposals).

No modification is proposed to the Plan.

SEPA (0742/01/104) - High and medium probability surface water flood risk is indicated for two small patches around the SE corner of the site. This is not considered to be a significant constraint however the Proposed Plan does state that a Flood Risk Assessment may be required. The Council's Flooding Team would indicate a need for an FRA at the planning application stage if the proposed development was likely to be affected by surface water flood risk or increase the probability of flood risk elsewhere. Under Policy 50, a Drainage Impact Assessment will be required for the site regardless. Depending on the proposal, this may be sufficient in addressing issues around surface water flood risk.

No modification is proposed to the Plan.

H258 Golf Course Road & H64 Blairgowrie South

Alistair & Fiona Gall (0216/01/001); Karen & Allan Smith (0204/01/001); Colin Thom (0295/01/001); G McPherson (0306/01/001); W T & M H Ramsay (0661/01/001); John & Sylvia Mather (0575/01&02/001); M Stewart (0639/01/001); J Fleming (0664/01/002); Nichola McCourty (0089/01/003); Graeme Findlay (0359/01/001); Zoe Grassie (0635/01/001); Galbraith Group (0555/01/002) - H258 and H64 are adjacent sites at the edge of the Rosemount area. H64 is an existing housing site which has in principle planning application awaiting decision (17/00961/AMM). H258 was previously designated as open space and is now proposed as an extension to H64. Although the majority of responses were received in relation to H258, the issues raised relate to both sites and will be discussed together.

Rosemount is an attractive area within the settlement boundary of Blairgowrie where several housing sites have been proposed for development in the past. Despite the high demand, the Council have been limiting development in the area in order to retain its

special semi-rural character. There is presumption in favour of development under masterplans which allow for a coordinated approach to development and delivering greater benefits to local infrastructure. The location of both sites is favourable in relation to local facilities such as the school and the playing fields. The link Road from Hazelwood Road to Berrydale road within H64 is expected to improve connectivity and permeability within the area. H258 is supported as it is a logical extension to H64 and allows for a new connection to be made with Golf Course Road.

Proposals for these sites are required to respond to the countryside setting of the Rosemount area and create new linkages with existing open spaces and core paths. Existing vegetation on site is limited; shrubs and tree lines along the edges can be incorporated in the design of development. Measures to support biodiversity can be incorporated in the development through appropriate landscaping and private gardens also provide a variety of habitats for wildlife. The impact of the development as well as construction on neighbouring households is assessed in detail at the planning application stage.

On both H258 and H64, development is subject to a Transport Assessment to ensure there is capacity for additional traffic in the area. The three access points which H258 and H64 share facilitates the distribution of traffic across the area instead of putting pressure on one access. Under Policy 51, both developments will be required to connect to the public sewer. At the planning application stage, Scottish Water is consulted in order to make sure that the Waste Water Treatment Works has capacity to accommodate additional development. In terms of school capacity, education contributions will be sought from developers in line with Policy 5. (Also see response under the infrastructure section).

Site H258 is currently occupied by the Riding for the Disabled Group on an informal basis, without a formal lease. The Golf Course Road field has been used for the group's entire operation as a short term solution after losing the use of a nearby outdoor arena in early 2018. The group believes that the alternative sites the landowner may provide would not be suitable for their needs as they lack existing stables and security of tenure which would be required to apply for grants and expand their services. As a lease is not in place and the land use has not formally changed in planning terms (e.g. to educational/community facility), it is not considered appropriate to require the developer or the landowner of the site to provide a suitable alternative for the group. Making this a condition would set a precedent which may discourage others to allow for temporary uses, for community benefit, on land with a long term development potential. As requested in the representation, the Council has made contact with the RFDA. While it cannot guarantee that an alternative site will be found, the Council would like to see this valuable service continue and offered to assist the group with searching for a suitable location.

No modification is proposed to the Plan.

Kristin Barrett (0423/01/003) - The indicative site drawings are shown together for H258 and H64 as the two sites are closely interlinked and will be connected through a link road. Any proposal for these sites should take into consideration the relationship to the wider area allocated for housing.

No modification is proposed to the Plan. However if the Reporter is minded to make the modification, the Council would not oppose to highlighting the site boundary between H258 and H64 to make the indicative site drawing clearer.

H63 Glenalmond Road Rattray

Kristin Barrett (0423/01/003) - The site is carried forward from the Adopted LDP (CD014; page 283) and detailed planning permission for residential development has been granted for the site (16/01861/FLM). The site is currently farmland with some trees and shrubs around its boundary. The developer requirements and the site drawing that shows the proposed landscaping and paths reflects the design approved at the planning application stage which is considered to be in line with the Policies on the retention and provision of open space and green infrastructure. In terms of the distribution of affordable housing units, the Draft Placemaking Guide (CD041) promotes a variety of tenure which is distributed evenly across the community and allows for greater inclusivity (para 3.3.2).

Woodland Trust Scotland (0462/01/002) - The Council does not consider it necessary to have a requirement for all new trees to be planted to be of native species and therefore does not support this change. The issue is discussed in detail under the 'Site Allocations' section of Issue 16 A Natural, Resilient Place.

No modification is proposed to the Plan.

Rosemount Open Space

Rosemount is a primarily residential area with a semi-rural character. Most of the land is privately owned however a significant area of greenspace is protected for its amenity value. In response to comments received at the MIR stage, the open space boundary has been revised to ensure consistency across the area (CD209). The proposed designation allows for small scale development within well-defined garden grounds and covers other areas which contribute to the special character of Rosemount and should be retained. On a settlement level, developable land is getting scarce within the settlement boundary. Retaining open space around Rosemount is weighed up against the opportunity to provide housing close to local facilities. As Rosemount is a sensitive location and the demand to develop is high, there is a preference for development under masterplans (such as H64 & H258). One off developments which originally created the character of the area, in current circumstances could result in the fragmentation of open spaces with high visual amenity value.

C & F McCarthy (0659/01/001) - Changing the designation of the 1998 Local Plan, the 2014 Adopted Plan tightened the open space boundary around the little Struan following the line of a fence. The Proposed Plan carries forward a very similar version realigning the open space boundary as shown on the map submitted by the respondent (CD200). The first two applications cited in the representation (06/01776/FLL; 12/00086/FLL) were both granted planning permission under the 1998/2005 Plan boundary. The 2014 application for the renewal of planning permission (14/01533/FLL) was granted regardless of the open space boundary change as no built development was proposed on the overlapping area (CD187). Permitted development rights within the curtilage of the house were revoked as part of this consent in order to retain control of any future built development. In the officer's report it was flagged up that the new open space boundary did not take into account of the 2012 planning consent. Since then works have started on site and in 2017 an application for a different design was approved (17/01317/FLL) (CD193) (CD205).

The area covered by the 2014 planning permission could be acknowledged as the garden ground of the new residential unit however removing the open space designation would not change the fact the permitted development rights have been revoked as part of the

planning consent. Furthermore, the revised design approved in 2017 indicates that the new property's garden ground does not stretch as far as the open space designation. The area which the respondent requests to be outwith the open space designation appears to be part of the larger undeveloped area to the west of Woodlands Road (CD210). During the LDP1 examination the reporter acknowledged the value of this undeveloped area and also stated that Woodlands Road is a narrow country lane with no footways, sharp bends and with poor visibility and it is not an ideal location for further development.

The respondent also refers to some other changes in the area which have occurred over time (CD237). The changes are justified below:

- Site A & D - the open space designation was removed to exclude the houses and their well-defined garden grounds.
- Site C – this site is covered below, under the response to Mr Michal Wojtowicz (0133/01/001)
- Site E – the site changed from agricultural designation to a proposed site for football pitches and is now protected as open space / sport facility.

No modification is proposed to the Plan.

Michal Wojtowicz (0133/01/001) - The area in question is part of the front garden of 'Belfield' and has been designated as open space since 1998 for its visual amenity value. The suitability of the open space designation was revisited during the previous examination, where the Reporter stated that the designation should be maintained (CD015; page 862). It was argued that the area makes a small but valuable contribution to the sense of openness at Rosemount and visual connection between Woodland Road and the wider undeveloped area to the west. There has been no change since then which would justify altering the open space boundary this time around.

No modification is proposed to the Plan.

Maureen Brass (0266/01/001) - In 2014, planning permission (14/01122/IPL) for the development of a house on site was refused as it was contrary to the LDP. In relation to this proposal the argument was made that although only a small part of the open space designation was affected, it would undermine the objective of the policy and encourage further piecemeal development in the area. Although it is acknowledged that part of the wider area was formerly part of a semi enclosed walled garden, development on this plot would close a gap and block views from Golf Course Road across the area, affecting the sense of openness (CD208). The boundary around the property has been revised during the preparation of the Proposed Plan and the private garden ground to the front of the property was excluded from the open space designation. The private garden of the property is large enough to provide scope for development subject to planning permission and there are also some outbuildings on site which could be repurposed. It is not considered appropriate to remove the proposed area of open space from the designation.

No modification is proposed to the Plan.

Galbraith Group (0555/01/001); Mr & Mrs Scott (0598/05/001) - Both sites (MD004) were zoned for 'agricultural land' in the Eastern Area Local Plan (1998) (CD058; Map B) and for open space in the adopted LDP (CD014; page 283). In the previous examination the reporter stated that the open space designation, including privately owned areas, helps preserve the semi-rural character of Rosemount. Removing the designation would result in

areas of white land within the settlement boundary and open them up for development. Compared to proposed sites H64 and H258 which are in the same area, these sites are less centrally located and would not result in the same benefits (e.g. improved connectivity). Both sites would use Golf Course road as a main access which may not have the capacity to accommodate additional development, considering the existing allocations on the other side of Rosemount. Furthermore, both sites would be visually prominent from the road, breaking the continuous line of hedges which currently border the sites (CD202). While the Stillesmuir Farm site was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. Neither site had the benefit of full public consultation. Considering that housing numbers could be met elsewhere in the area it is not a preferable option to remove the open space designation in either of these cases.

No modification is proposed to the Plan.

Bernard Walton (0202/01/002) - It is acknowledged that the fields at Rosemount are not prime agricultural land as opposed to some of the other sites which are allocated in the Plan. As detailed above, development in Rosemount is currently limited by the open space designation and the commitment to retain its semi-rural character. Were larger scale development encouraged here it would fundamentally alter the areas character and require a change in approach with as preference for the development of a comprehensive masterplan. This approach, or the specific site, was not submitted during the earlier LDP2 plan preparation stages and so has not had the benefit of stakeholder engagement or public consultation. If it were to be considered, it would be for the next plan cycle as it would require both public consultation and detailed environmental assessment.

No modification is proposed to the Plan.

New Sites

Two respondents have mentioned further alternative sites however none of these representations included any detail (e.g. site boundaries) or indicated the effectiveness of alternative sites:

- Jean Squires (0340/01/001 & 002) - An area of land south to Davie Park in Rattray (CD079, pages 298-306) has previously been assessed for residential use but was ruled out due to impact on transport infrastructure. Rattray is not considered an ideal location for large scale development as it is likely to require a new bridge over River Erich which may make development unviable.
- Stuart Nichol (0041/01/005) - In terms of the expansion of the tourism designation around Blairgowrie Holiday Park, the Council is not aware of a demand for additional land for tourism related activities at this location. If any interested party was to suggest the designation of this area, the site would have to be assessed alongside other proposals and be subject to stakeholder engagement and public consultation.

No modification is proposed to the Plan.

Reporter's conclusions:General - infrastructure

1. TAYplan sets a housing land requirement of 143 per year for the Strathmore and the Glens Housing Market Area over the plan period, 2016 to 2028 (see Issue 1 A Successful, Sustainable Place). Sites are allocated in Blairgowrie/Ratray over the plan period for a capacity range of between 798 and 1080 houses in order to help meet this housing land requirement.
2. Blairgowrie/Ratray is the largest settlement in the Strathmore and the Glens Housing Market Area and is identified as a tier 2 principal settlement in TAYplan. The spatial strategy of TAYplan states that most new development will be built in principal settlements. I noted on my site inspections that the town has a wide range of services/shops and facilities including 4 supermarkets. It is also well connected by public transport to Perth (and less regularly to Dundee) during the working week. A regular town centre bus route serves much of the town.
3. TAYplan seeks the prioritisation of the re-use of previously developed land and buildings. However, the council submits that there is less than 3 hectares of brownfield land available in the town. Furthermore, one of the brownfield sites is already allocated in the proposed plan (H341) and the second is not regarded as effective. In the absence of adequate previously developed land, I am satisfied that the strategy of the proposed plan in allocating some greenfield sites in order to fulfil the housing requirement of TAYplan, is justified.
4. I note that the council's transport team concluded that, on the basis of a 2009 micro-simulation model, although there are some hotspots, with suitable mitigation measures, there was sufficient capacity to accommodate the anticipated level of development in the town at the time. No objections have been submitted by the council's transport team to any of the town's allocated sites. I recognise the argument that the traffic model should be updated as traffic may have increased since it was prepared. The council intends to upgrade the micro-simulation model to test the traffic impact of significant development proposals which come forward in the next plan period and states that the traffic impacts of all significant development proposals can also be tested using the model once it has been updated to better reflect the current scenario. I am also aware that a relief road is proposed for Blairgowrie as part of the development of 2 of the larger sites allocated in the proposed plan (E31 and MU330), in order to reduce the traffic impact of proposals and that development in Ratray has been limited due to the bridge capacity. Furthermore transport assessments, required for the larger allocated sites at the planning application stage, would deal with traffic generation and access issues for each site and any mitigation required.
5. There are four council run car parks in the town with on-street parking also available. According to the Blairgowrie and Ratray Town Centre Charrette (2016), the town centre has a total of 215 off-street parking spaces and 77 on-street spaces. On my site inspections, I did not have a problem parking on or off-street and the level of provision would appear adequate. I accept that pressures on parking may increase in the tourist season and I agree that it would be sensible to reassess the management of the existing spaces to ensure the best use of the spaces available, including for blue badge holders, given the level of future development planned. A parking strategy is currently being drafted by the council which will look at managing parking across the council area. This

will provide an opportunity to consider the management of parking across the town.

6. While noting the concerns expressed with regard to road capacity and parking, given the above, I am not convinced that, contrary to the evidence provided by the council, the level of development proposed in this plan period cannot be accommodated by Blairgowrie/Rattray's road network (with adequate mitigation) or by the level of existing parking. The non-reinstatement of the railway line does not alter my view.

7. Core routes/pedestrian links are identified on the allocated site's indicative drawings. Policy 1 Placemaking states that the design, density and siting of development should create and improve links within and, where practical, beyond any development site. All buildings, streets and spaces should be easily navigable particularly on foot, bicycle and public transport and all proposals should incorporate green infrastructure to promote active travel and make connections, where possible, to blue and green networks. The council states that new infrastructure for walking and cycling would be required within developments together with connections to and improvements of the existing network of core paths, where possible. I do not, therefore, accept the argument that there would be a lack of active transport provision as a result of the developments proposed.

8. No objections have been received from the main infrastructure providers with regard to inadequate capacity of education, health care or energy/water facilities. I am aware of the local surgery comments that the NHS TAYside Health Board has not been in contact with them, but the council asserts that it will continue to monitor the situation and maintain contact with infrastructure providers to assess the need for any additional provision. In addition, the proposed plan makes provision for developers to make appropriate contribution towards required infrastructure (Policy 5 – Infrastructure Contributions) and site MU5 has an area reserved for educational use. Despite the fears expressed, the evidence submitted does not allow me to reasonably conclude that infrastructure constraints would be an insurmountable problem for the level of development proposed.

9. I consider that the existing safeguarded employment site, new employment allocation (E31) and mix of uses proposed (including employment uses) on site MU5 will provide ample opportunities for employment development over and beyond the plan period. The provision of existing and new employment land within Blairgowrie itself together with the existing level of public transport (which could be improved further in the future) has the potential to reduce commuting for existing and future residents, rather than changing the character of the settlement to a dormitory commuter town. I agree that the formation of a local economic strategy would be a proactive way forward, but this could be prepared outside the local development plan process. Reference is made to a number of vacant premises in the town centre. The new development proposed could enhance the vitality and viability of the town centre supporting existing businesses/facilities and encouraging new businesses/facilities to locate.

10. I note the plans to build a replacement leisure centre in the town and the education/play provision safeguarded in site MU5. In addition, the protection of existing open spaces and important landscape elements, the requirement for the provision of new public open space provision and contributions towards the improvement of existing facilities in the proposed plan. Similarly the proposed plan includes policies which seek to protect key natural features and wildlife including important habitats. I deal with the detailed impact of individual sites below but overall, subject to the implementation of the proposed plan policies and the site specific developer requirements, I do not consider that the impacts of future development on community facilities, open spaces or the natural

environment/biodiversity would be unacceptable.

11. Although the level of development proposed will inevitably have some cumulative impact on the character of the town, I find that the evidence submitted does not justify the assertion that this would be an unacceptably adverse impact. On the basis of the information before me, I conclude that the level of growth proposed for Blairgowrie/Rattray, during the plan period, can be accommodated by the settlement infrastructure and would conform with the TAYplan spatial strategy.

General – settlement boundary

12. I find under Issue 1 A Successful, Sustainable Place, that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to allocate further sites for housing within this Housing Market Area.

13. The proposed extension to the settlement boundary is located on the southern edge of Blairgowrie. The area is predominantly covered in trees/woodland except for a large field. The existing settlement boundary follows the garden curtilage of residential properties (including the garden grounds of Eastwood House as shown on map 3 of the representation). I consider this to be a logical settlement edge. The settlement boundary excludes 2 blocks of mature conifer woodland and a field which are also owned by Eastwood House. It is proposed that the boundary should include these areas to allow for a low density housing development. However, this would also involve the inclusion of an area of mature native woodland outwith the ownership of Eastwood House.

14. Following my site inspection, I agree with the council that the area proposed to be included in the settlement boundary would be particularly sensitive to development, given the level of mature landscaping. It is argued that much of the woodland within the ownership of Eastwood House would be retained. Nevertheless, I find that the level of detail submitted with the representation does not allow me to safely conclude that the amendment to the settlement boundary would not result in development, even of low density, which would have an unacceptable impact on the surrounding wooded landscape. Furthermore, I am aware that this amendment to the settlement boundary was not included in the Main Issues Report and has not been publically consulted on.

15. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Strathmore and the Glens Housing Market Area, I conclude that the proposed modification to the settlement boundary (H395) is not currently justified. The argued existence of a suitable access for housing development or the proposed thinning of the conifer woodland does not alter my conclusions.

Other general issues

16. Policy 1 Placemaking states that the design, density and siting of development should respect the character and amenity of the place and that all proposals should consider and respect any surrounding important landmarks, views or skylines as well as the wider landscape character of an area. The council's draft Placemaking Supplementary Guidance (2017) seeks to develop the placemaking criteria and give further guidance on how to achieve the policy requirements. Furthermore, policy 2 (Design Statements) requires the preparation of design statements for all developments

of 5 or more dwellings. I note that the council has based the policies and supplementary guidance on monitoring and case studies. I am satisfied that existing policies in the proposed plan together with the supplementary guidance would ensure that the density, design and materials used in developments would fit in with the wider environment. I deal with the provision of services and open space in the section on infrastructure above. No modifications required.

17. I am aware that planning permission in principle has now been issued for site MU5 which includes the land opposite the existing cemetery. This permission does not include the provision of a new cemetery but a cemetery search area remains in site MU330. The planning process has moved on and overtaken the plan-making procedure. Given the existing permission, the modification requested would not be appropriate.

E31 Welton Road and MU330 Eastern Expansion

Objections to the principle of the allocations and extension of the housing site

18. These 2 large allocations to the south-east of Blairgowrie include 17.3 hectares of employment land and 53.1 hectares for an indicative capacity of 594 to 928 houses. Site MU330 is an extension of the 11.5 hectare adopted housing site H62 which is allocated for 150 houses. It is proposed that 9 hectares of the employment land and 300 houses would be developed during the plan period. Their development would provide an important contribution to the housing land requirement of TAYplan. A masterplan will be required for the comprehensive development of the 2 sites including a link road from Cupar Angus Road to Welton Road.

19. I accept that the level of development proposed is substantial. However a connected masterplan approach will enable the sites and link road to be developed in a co-ordinated and phased manner which will minimise the impacts, compared to 2 or 3 sites being developed independently and to different timescales. The co-ordinated development of sites of this scale also enables the provision of infrastructure improvements such as the new link road and retention of part of the site for cemetery expansion.

20. Having visited the sites, I agree that the level of development will have an impact on the character of the area particularly that part of the extended site at the southern entrance of Blairgowrie. However, the site specific developer requirements for the retention of wooded areas on site and the new landscape areas or physical landscape works shown on the indicative drawing to the north, south, east and west of the allocated sites would help to integrate the development with its wider landscape setting, including the part of the extended site on the southern approach to the town. A further site specific developer requirement states that the built form and layout of site MU330 should respond appropriately to the landscape and strengthen the character of Blairgowrie as a distinctive place. Any developments would also have to satisfy policy 1 (Placemaking). A sympathetic design and layout would be essential as this would form a gateway development for the south-east of Blairgowrie. Given the above, I am not convinced that a sensitive development could not be achieved.

21. With regard to the provision of open space, policy 14 (Open space retention and provision) would seek the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of a development of this scale. I also note that contributions to the expansion of the strategic playing fields and facilities at Rosemount would be expected. Core paths/pedestrian links are shown on the indicative

drawing and their retention and additional linkages to the surrounding network required. Furthermore policies in the proposed plan seek to protect rights of way, core paths, woodlands and wildlife habitats. However, I accept that the indicative drawing could be improved by more clearly illustrating the location of woodland on the site and to correct a small technical error with the colour. I deal with this matter further under “developer requirements” below.

22. I acknowledge that particularly the southern part of site MU330 would be located outside an easily walkable distance to facilities in the town centre. However, I am aware that bus routes pass along Coupar Angus Road with regular services into and out of the town. Much of the site would be located within walking distance of Coupar Angus Road.

23. The Scottish Environment Protection Agency has not objected to the development of either of these sites on flood risk grounds. Although I recognise that there are some areas across the site with flooding issues, I note that flood risk assessments and a drainage impact assessment would be required. I do not consider that flooding or drainage would amount to an insurmountable obstacle to development.

24. I find at paragraph 3 above that the loss of greenfield land would be acceptable given the lack of brownfield alternatives in the town and at paragraph 11 that the level of growth proposed during the plan period, can be accommodated by the settlement infrastructure and would conform with the TAYplan spatial strategy.

25. I am satisfied that, subject to the implementation of the proposed plan policies and site specific developer requirements, the overall impact of the development of these 2 sites would be acceptable. Sites E31 and MU330 should remain as allocations in the proposed plan.

Objections to the proposed access and link road

26. I regard the provision of a link road through the 2 sites as an essential element of the design to ensure that the impact on the existing road infrastructure and character of the rest of Blairgowrie is minimised. The link road would provide an alternative route for both residential and business traffic avoiding Coupar Angus Road. It would also redirect some of the existing and new employment site traffic, which is travelling south, away from the town centre, reducing pressure on the town centre road network. I am aware that the upfront provision of the road is not required by the council. Instead, the site specific developer requirements state that no more than 75 houses can be occupied before the road link has been constructed. I am satisfied that this, together with the preparation of a masterplan would ensure that the link road is provided in an appropriate, phased manner.

27. Two accesses to the link road are proposed, one directly from Coupar Angus Road at the south of the town and one via David Farquharson Road, which runs through a relatively new housing development. I sent a further information request to the council (FIR11) asking for a response to the concerns expressed about the use of the David Farquharson Road as one of the accesses. The council responded that the road is currently in the process of being adopted by the council and the geometry has been designed to accommodate all through traffic including HGV's. However, it is intended that Coupar Angus Road would provide the primary access and main route through the allocated sites. In terms of the construction phase, a traffic management scheme is proposed in order to minimise the impact of construction traffic on the area.

28. I noted on my site inspection that David Farquharson Road is currently a quiet residential street with no through traffic. I agree with the council that the design of the street could technically accommodate all vehicles. However, on-street parking, tight corners and traffic management measures, such as pedestrian refuges in the middle of the street, are likely to act as a disincentive to its use as a principle route by HGV traffic. I consider that the route would provide an important secondary car/pedestrian/cycle link from the new housing to this part of the town, including Rosemount.

29. I acknowledge the argument that until the whole link road is constructed, David Farquharson Road and Welton Road would be the main accesses for all traffic and the unacceptability of this given safety concerns about the use of the residential street by existing residents including pedestrians and children. (I noted on my site inspection the nearby children's play area). Having taken on board all of the responses to the proposed plan and my further information request, I find that the preparation of a traffic management plan with direct reference to David Farquharson Road should be added to the site specific developer requirements to ensure that the impact on the road and the surrounding residents can be taken into account and adequately minimised/mitigated. This would make it clear that David Farquharson Road would operate as a secondary, not a primary route. The proposed plan does not currently refer to a hierarchy of access use. The preparation of a traffic management plan should help to ensure that using the new link road or Welton Road would be the preferred alternative for larger vehicles and that residential traffic is likely to be the main user of this access road. I am content that, subject to this modification, a safe secondary access would be achievable both before and after the link road construction.

30. I deal with the impact on core paths/pedestrian linkages above and on ancient woodland below. The use of the disused railway line as an off road pedestrian access, while a worthwhile idea, has not been investigated in any detail. The evidence submitted does not justify its inclusion in this local development plan.

Objections to proposed density

31. In order to make the most efficient use of greenfield land, I agree with the council that low density development on the site as a whole would not be appropriate. The scale of the site would allow a variety of densities to be constructed. However, I regard the medium density proposed, of 16 to 25 dwellings per hectare, as the minimum density which should be applied across the site as a whole. Taking into account the various constraints/requirements including flood risk, cemetery provision, ancient woodland and landscaping, the council has assumed that only 70% of the site would be developable. I am not persuaded that the proposed medium density figures would result in overdevelopment or be out of character with the site's location on the edge of an urban area. Previous local plan guidance does not alter my view that the capacity range of 594 to 928 should remain in the plan.

Developer requirements

32. The site specific developer requirements for site E31 include the evaluation of archaeological potential and mitigation specifically for the protection of Scheduled Monuments. For site MU330 surveys are to be undertaken prior to the implementation of schemes to ensure mitigation of any impact on sites of archaeological importance and the setting of archaeological features. Scheduled ancient monuments are shown on the indicative drawing for the sites. I am also aware that policy 26 (Scheduled monuments

and non-designated archaeology) provides additional safeguards. No archaeological organisation has asked for further requirements to be added for these sites. I do not, therefore, accept that references to a full archaeological assessment or segregation of certain areas of the site are necessary.

33. I asked for party's comments (including Scottish Natural Heritage and the Woodland Trust) on the council's suggested rewording of the developer requirements and the proposed new indicative drawing with regard to trees and woodland, as a further information request (FIR 10). The council has suggested a further re-wording of the developer requirement as a result of the comments received. The importance of preventing the removal of existing trees and woodland especially of high natural, historic and cultural heritage value is set out in Scottish Planning Policy and the Scottish Government's Policy on Control of Woodland Removal. I agree that a stronger developer requirement should be added for site MU330 which refers to the undertaking of a detailed survey to establish the ecological value of the existing woodland. In addition I accept that reference to retaining an adequate buffer between the woodland and the new development; both screening and biodiversity; and, in this case, the provision of native tree planting along the western edge of the site to link with the existing ancient woodland should be included.

34. I conclude that the council's suggested wording in their response to my further information request would deal appropriately with the woodland on the site subject to 2 modifications. I consider that direct reference to the Scottish Government's Policy on Control of Woodland Removal should be added to the second sentence for clarity. I do not then consider that the wording "as far as practical" would be necessary as the woodland would have to be retained and protected in line with the government's woodland policy. This wording should be deleted.

35. I acknowledge that the changed position of the link road in the council's new indicative drawing appears to suggest that an increased area of woodland would be impacted upon. I find that the existing location of the link road, on the proposed plan indicative drawing, should be retained to prevent confusion. The OS base for Blairgowrie/Rattray on page 133 of the proposed plan shows the link road following the wayleave. This together with the indicative drawing gives sufficient detail at this early stage in the process. However, the other changes to the indicative drawing to highlight the existing tree lines between site E31 and MU330 and along Parkhead Road should be retained. The technical error with regard to colour can be amended as a non-notifiable modification.

36. Subject to these modifications which I recommend below, I am satisfied that the impacts on trees and woodland on the site would be adequately minimised.

37. I note that it is the council and not the developer who will develop the cemetery. I therefore accept that the addition of a site specific developer requirement in relation to an intrusive ground investigation would not be reasonable.

38. I agree that the use of the term cemetery "expansion" is misleading and should be amended to state cemetery "provision".

Other comments

39. I am not convinced of the argument that site H256 needs to be identified separately

in the proposed plan. The housing capacity range for the site as a whole is clearly stated. The comprehensive development of this area in a co-ordinated and phased manner will be necessary to minimise impacts and ensure the timely delivery of infrastructure requirements. The development of the area as individual sites would not achieve this. No modification required.

40. While acknowledging the importance of providing social housing as part of the development of site MU330, I do not consider that it would be reasonable to require its construction ahead of open market housing. The preparation of a masterplan will ensure the timely delivery of both social and market housing. No modification required.

MU5 Western Blairgowrie

41. This 24.6 hectare site is allocated in the adopted local development plan. Planning permission in principle has now been approved for a mixed use development comprising residential development, employment land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works. (I also note that a detailed planning application has been submitted for phase 1A). Development management has overtaken the development plan preparation process and the principle of mixed use development, including a food retail unit on this site has now been established.

42. I note that planning conditions attached to the permission cover many of the concerns expressed in representations. They seek to protect existing rights of way, core paths and archaeological interests while requiring a Travel Plan (which would assess public transport accessibility), a Construction Traffic Management Scheme, protected species surveys and planting to be of locally native species. I also recognise that a Transport Assessment has been prepared and that the Scottish Environment Protection Agency or the Royal Society for the Protection of Birds (Scotland) have not objected to the planning application. Furthermore, I am satisfied that policy 1 (Placemaking) of the proposed plan together with the attached supplementary guidance would ensure that impacts on the amenity of existing residents could be adequately resolved/minimised at the detailed planning application stage. I do not consider that additional site specific developer requirements are necessary or that any should be deleted.

43. I find that circumstances have not changed, since the inclusion of this site in the adopted local development plan, which would justify its removal. Given all of the above, the site should remain as a housing allocation. I do, however, accept that as reference to the 90 metre contour line is mentioned in the site specific developer requirements, it should be shown on the indicative drawing, for clarity. I have recommended that the proposed plan be modified accordingly. I regard the level of detail on the indicative drawing to be otherwise appropriate.

H341 Westfields of Rattray

44. This 4 hectare site is located on the northern edge of Rattray and involves the development of both brownfield and greenfield land for an indicative capacity of 68 to 104 dwellings. The site is outwith but adjacent to the settlement boundary in the adopted local development plan. The development of brownfield land is encouraged by Scottish Planning Policy and I accept that the allocation of additional greenfield land would increase the site's viability. In addition the redevelopment of the site provides the opportunity to remove some redundant buildings and improve the appearance of the

entrance to Rattray. This is one of only 2 sites proposed for housing development in Rattray over the plan period. I do not regard the proposed level of development to be excessive, given the need to satisfy the housing land requirements of TAYplan.

45. I noted on my site inspection that there is a tight bend to the north of the existing access to the brownfield site and that the site is close to the Hatton Road/Balmoral Road junction. In addition, the lack of footpaths passing the site. I do not regard these access constraints as an insurmountable obstacle to the development of the site, but agree that a Transport Statement should be added to the site specific developer requirements to ensure that these matters are assessed in detail. Although on the edge of the settlement, the availability of bus stops in Rattray provide the opportunity for sustainable access to the town centre.

46. The provision of a landscaping framework for development and the retention of important trees and additional planting are included in the site specific developer requirements. It is assumed by the council that 75% of the site would be developable as significant woodland planting would be required to be retained. I am satisfied that these requirements together with other policies in the plan would enable the development of the site without unacceptable impacts on protected species and habitats. The indicative drawing shows 3 small areas of investigation for flooding. As a consequence, I agree with the Scottish Environment Protection Agency that the need for a Flood Risk Assessment should be added to the site specific developer requirements rather than stating that an assessment “may” be required. This would inform the siting, layout, design and capacity of development to avoid an increase in flood risk on or off-site.

47. With regard to effectiveness, the site is being promoted by a willing land-owner. I am not convinced that the lack of a specific house-builder attached to the site means the site would not become effective over the plan period, in a marketable location such as Blairgowrie/Rattray and given the past interest expressed by Persimmons. I note the council's update that there is capacity at Rattray primary school.

48. Despite its location on the outskirts of the settlement, taking into account all of the above but, in particular, the site's partial brownfield status together with the need to satisfy the majority of the housing requirements of TAYplan in principal settlements and to maintain an element of flexibility in supply, I conclude that this site should remain as a housing allocation. The evidence submitted does not support the assertion that tourism or employment uses would provide a viable or more appropriate alternative to housing development. These suggested substitute uses do not alter my conclusions.

H258 Golf Course Road

49. This 1.5 hectare, green field site is located in the Rosemount area of Blairgowrie within the settlement boundary and to the south of site H64. It is protected as open space in the adopted local development plan. Rosemount has a semi-rural character different to other parts of the town and open views from Golf Course Road contribute to this special character. From my site inspection I consider that the development of this site for housing would reduce the open character along the western part of Golf Course Road and impact adversely on the amenity value of the wider area of open space. I note that the reporter for the previous local development plan examination also considered that the proposal to extend site H64 to the south would result in the loss of an area of land which contributes to this pleasant semi-rural character.

50. I issued a further information request (FIR18) asking the council if site H64 could be developed independently from site H258, without the need for the link road to Golf Course Road for access. The council responded to confirm that, in terms of network capacity, the link road is not a prerequisite for any planned future development in Blairgowrie, other than site H258. The potential link road has been included in the proposed plan as it is considered a logical connection which would improve movement and permeability within the wider area. The promoter of the site has responded to state that the proposed link to Golf Course Road would enable both site H258 and H64 to be developed and serviced independently of each other. I acknowledge the difficulties referred to with the delivery of the Hazelwood Road link for site H64. In addition, the potential improvements for connectivity to the Community Campus if a link to Golf Course Road was provided. However, I am not persuaded that such a link is essential and note that the council is willing to consider compulsory purchase powers to facilitate the completion of the Hazelwood link. The deletion of site H258 would not therefore prejudice the delivery of site H64.

51. Furthermore, I find in issue 1 A Successful, Sustainable place that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. The removal of this site, which is allocated for an indicative capacity range of 18 to 31 houses, would still allow adequate housing land to be provided to satisfy the requirements set out in the strategic development plan. There is no strategic numerical justification to provide this site for housing.

52. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of this Housing Market Area, I conclude that the evidence submitted does not currently justify the removal of the existing open space designation and allocation of site H258 for housing. I recommend that this housing allocation should be deleted and the open space designation reinstated. The favourable location of the site in relation to local facilities does not alter my view. (While noting the presence of the Riding for the Disabled Association on the site, this has not been a determining factor in my considerations).

H64 Blairgowrie South

53. This 7.8 hectare green field site is allocated for housing in the adopted local development plan and is within the settlement boundary. A planning application for the erection of 117 houses, garages and associated works has been approved for the northern part of the site. The indicative capacity for the whole site is 94 to 148 dwellings. Development management has overtaken the development plan preparation process and the principle of residential use on the north of this site has now been established.

54. From my site inspection, I agree with the reporter for the previous local development plan that this area of land does not serve the same amenity function as the land to the south (including site H258) and east. Its development, with the proposed landscape area or physical landscape works to the south, would not have a major impact on open views from Golf Course Road. I am satisfied that the development of the whole site (which is adjacent to housing estates, either existing or under construction to the north and south-west) and the associated link road, could be accommodated without an unacceptable impact on the character or amenity of Rosemount as a whole. It is assumed by the council that, due to landscaping requirements, only 75% of the site will be developable. I regard the medium density of 16 to 25 houses per hectare applied to the developable area of the site as appropriate given the location of the site between an urban and semi-rural

environment. The site's capacity of 85 in the adopted local plan appears unusually low and does not alter my view.

55. I regard the provision of the proposed link road as an important element of the design of the site given the additional traffic which would be generated on the local road network. This would also have the benefit of providing a new connection to Perth Road from Berrydale Road. I acknowledge the difficulties with the delivery of the Hazelwood Road link referred to by the council in their response to my further information request (FIR 18). However, I am also aware of the council's willingness to consider compulsory purchase powers to facilitate its completion. Given the alternative access point and the potential to achieve the Hazelwood link in the future, I am not convinced that the distribution of traffic across the area would be unacceptable or that the accesses could not be designed to ensure the safety of pedestrians including children.

56. In accordance with standard planning procedure, the preservation of views is not a matter I have taken into account in assessing the land use implications of the proposal. However, I am content that existing policies in the local development plan such as policy 1 (Placemaking) would ensure that a satisfactory design and layout is achieved with acceptable impacts on neighbouring housing and the environment. The provision of landscaping areas and/or the physical landscape works shown on the indicative drawing have the capacity to enhance the biodiversity of the area, as required by the site specific developer requirement. I deal with infrastructure provision in Blairgowrie as a whole at paragraphs 1 to 11 above.

57. I find that circumstances have not changed, since the inclusion of this site in the adopted local development plan, which would justify its removal. Given all of the above, the site should remain as a housing allocation. I do not consider it necessary to add further detail to the indicative drawing such as road names or identification of the cemetery or the primary school, as requested in representation 0423 (summarised under site H258). I am satisfied that the existing indicative drawing is sufficiently clear, for the purposes of the proposed plan, when viewed together with the settlement drawing on page 133.

H63 Glenalmond Road, Rattray

58. This site has detailed planning permission. On my site inspection I noted that construction on-site has commenced. The plan preparation process has been overtaken by events on the ground. The additions requested to the site specific developer requirements would not be appropriate at this stage.

Rosemount open space

59. Rosemount has a semi-rural character unique to other areas within the settlement boundary of Blairgowrie. Open views across this area contribute to this special character. It is designated as open space in the proposed plan. I agree with the reporter for the examination of the existing local development plan that although most of this land is privately owned, it is important that this significant area of green space within the settlement boundary is protected for its amenity value. In the proposed plan, the council has made a number of changes to the open space boundaries included in the adopted local development plan. It is argued in CD209 that these changes were necessary to ensure that the open space boundary was drawn with a more consistent approach and to be more in line with the Ordnance Survey mapping. I deal with the representations regarding the Rosemount open space below and with sites H64 and H258 above.

60. The adopted local development plan tightened the open space boundary around The Little Struan to include the area the subject of the representation. It is argued that the boundary has been amended slightly further east in the proposed plan. From my site inspection the logical boundary would align with the wooden fence (post/rail) which marks the private garden ground. This would appear to correspond to the boundary included in the proposed plan.

61. The area proposed to be excluded from the open space designation has the appearance of a field/paddock. It extends into the open countryside and provides open views from Piggy Lane, across the Rosemount open space, which are important to the special character and high visual amenity value of this undeveloped area. Its open space designation protects these open views. I concur with the council that the semi-rural character of the wider Rosemount area is worthy of protection despite being predominantly in private ownership and not in active recreational use. The argued inconsistencies in the council's approach to open space designation elsewhere do not change my view that, in this case, the deletion of the open space designation would harm the integrity of the wider undeveloped area.

62. I note that the 2014 planning permission referred to does not propose built development on this area of land and that permitted development rights were removed within the curtilage of the new house. I also agree with the reporter for the examination of the adopted local development plan, that the narrowness of Woodlands Road with no footpaths and poor visibility limits the scope for further development.

63. Taking all of the above into account I find that the proposed removal of this area of land from the open space designation has not been justified. I conclude that the open space boundary, as shown in the proposed plan, should remain. The boundary as shown in the 1998 Local Plan, the planning applications then approved or the argued need for more windfall development do not alter my conclusions.

64. The relatively small area of land located to the south-east of Bellfield is used as an orchard and is part of the property's private curtilage. It is designated as open space in the adopted local development plan. Following my site inspection, I agree with the reporter for the examination of the previous local development plan, that this site makes a small but valuable contribution to the sense of openness which is an important element of the amenity value and semi-rural character of Rosemount and Woodlands Road. This is worthy of protection by the open space designation. I am satisfied that, although there are mature trees/shrubs on the site, in the winter months at least, the site provides a visual connection between Woodlands Road and the wider undeveloped area. I also concur that the narrowness of Woodlands Road with no footpaths and poor visibility limits the scope for further development accessing this lane. I acknowledge that this private garden ground has no public access or recreational use. Nevertheless, this does not detract from its amenity value and contribution to the overall integrity of the wider Rosemount area. Furthermore, its designation as open space does not prevent its future use as private garden ground.

65. I find that circumstances have not changed since the previous local development plan to justify excluding this area from the open space designation. I conclude that the open space boundary, as shown in the proposed plan, should remain. The council's previous support or otherwise for the modification to the open space boundary does not alter my conclusions above.

66. The front garden of Oakdene is removed from the open space designation in the proposed plan. The additional area now requested to be removed, lies to the east of the front garden and provides views from Golf Course Road towards the wider area of open space, beyond the stone wall boundary. It is identified as open space in the adopted local development plan. Following my site inspection I consider that the development of even a single house at this location, although involving a relatively small piece of land, would block views of the wider area and diminish an important visual link from Golf Course Road. It would have an adverse impact on the semi-rural character and amenity value of the undeveloped Rosemount area as a whole. I also note that planning permission has previously been refused by the council for the development of a house at this location.

67. I find that circumstances have not changed since the previous local development plan to justify excluding this area from the open space designation. I conclude that the open space boundary, as shown in the proposed plan, should remain.

68. The two greenfield sites to the south-west and south-east of Stiellsmuir Farm are located behind hedges to the north of Golf Course Road. They are designated as open space in the adopted local development plan. Following my site inspection I consider that both of these sites add to the undeveloped nature of Golf Course Road and the wider area of Rosemount open space. It is important to protect the amenity value of this wider area and the semi-rural character which it contributes to. The open space designation seeks to achieve this. The removal of the open space designation from these sites and their designation as white land would reduce the sites' protection from development. The development of either or both of these substantial sites would have a significant harmful impact on the semi-rural character of Woodlands Road and/or Golf Course Road and the visual amenity of the Rosemount area as a whole. I recognise that they are not in use for recreational purposes but this does not detract from their contribution to the undeveloped character of the area.

69. Furthermore, I find in Issue 1 A Successful, Sustainable Place that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to provide further sites for housing development within this Housing Market Area.

70. I find that circumstances have not changed since the previous local development plan to justify excluding either of these two sites from the open space designation. I conclude that the open space boundary, as shown in the proposed plan, should remain. The argued infill nature or limited agricultural use of the P Keir Doe site do not alter my findings.

71. I recognise that, unlike other housing sites in the proposed plan, the area adjacent to Piggy Lane is not prime agricultural land. However, this area of undeveloped land makes an important contribution to the semi-rural character and visual amenity of the Rosemount area, which I agree with the council is worthy of protection. I am also aware that this area was not included in the Main Issues Report as an alternative development site and has not been the subject of public consultation.

72. Given the above, together with the lack of detail in the representation, I conclude that the allocation of land at this location, as an alternative to other housing sites, is not currently justified.

73. Overall, I conclude that none of the changes to the open space designation at Rosemount, proposed in representations, would be appropriate.

New sites

74. I find in Issue 1 A Successful, Sustainable Place that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to provide further sites for housing within this Housing Market Area.

75. I note the lack of detail submitted with regard to the exact location of the area referred to. However, an area of land next to Davie Park, Rattray has already been the subject of a site appraisal for housing by the council. It was considered unsuitable as it was likely that a new bridge across the River Ericht would be necessary to access the site. Land at Davie Park, Rattray has not been promoted by the landowner through this examination and the evidence submitted does not allow me to safely conclude that the development of the site, as a whole or in part, is either viable or effective.

76. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of this Housing Market Area, I conclude that the allocation of land at Davie Park, Rattray for housing is not currently justified. The argued brownfield nature of the site or its riverside location do not alter my findings.

77. Similarly the evidence submitted does not justify the allocation of land beside the existing holiday park at Rattray for tourism use or future expansion. The area to the north of the holiday park is greenfield and outside the settlement boundary. Furthermore, the site was not included in the Main Issues Report, has not been promoted by the landowner and has not had the benefit of public consultation. I conclude that the suggested allocation for tourism use is not currently justified.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Add the following bullet to the site specific developer requirements for site MU330 (Blairgowrie Eastern Expansion):

- A traffic management plan to minimise the impact of construction traffic on the area, including for the use of David Farquharson Road as a secondary access route, both during and after construction. This should be prepared and agreed in conjunction with the Roads Authority prior to construction commencing.

2. Amend the indicative site drawing for site MU330 (Blairgowrie Eastern Expansion) as set out in CD 207 except for the line of the link road which should remain as shown in the proposed plan.

3. Amend the 12th bullet of the site specific developer requirements for site MU330 (Blairgowrie Eastern Expansion) to read:

- Undertake a detailed survey to establish the ecological value of the existing ancient woodland (AWI LEPO) within the site. Retain and protect the woodland in line with

the Scottish Government's Policy on Control of Woodland Removal and with the recommendations of the survey. Provide native tree planting along the western edge of the site to link with this wood and retain an adequate buffer between the woodland and new development. Other woodland areas on site should also be retained for screening and biodiversity purposes.

4. Amend the penultimate bullet of the site specific developer requirements for site MU330 (Blairgowrie Eastern Expansion) to read:

- Retention of part of the site for cemetery provision.

5. Amend the indicative site drawing for site MU5 (Western Blairgowrie) to include reference to the 90 metre contour line, as shown in the council's response to informal further information request 02.

6. Add the following bullet to the site specific developer requirements for site H341 (Westfields of Rattray):

- A Transport Statement dealing with the impact of the development on the nearby junction of Hatton Road and Balmoral Road and footpath links to the rest of Rattray.

7. Amend the second bullet of the site specific developer requirements for site H341 (Westfields of Rattray) to read:

- A Flood Risk Assessment will be required.

8. Delete site H258 (Golf Course Road) and allocate as open space.

Issue 47	Strathmore and the Glens Area – Coupar Angus	
Development plan reference:	H65 - Larghan, page 166 E32 - Coupar Angus West, page 165 E33 - East of Scotland Farmers Ltd, page 165	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
Michael Gallagher (0012) Landowner (0016) L Mowat (0383) Galbraith Group (0555) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Settlement summary and allocated sites in Coupar Angus	
Planning authority's summary of the representation(s):		
<u>H65 Larghan</u> Michael Gallagher (0012/01/001) - Wording in the LDP is unclear as changes are mentioned at Larghan Park but the site is on the other side of Forfar Road. L Mowat (0383/01/001) - The site should be removed from the plan completely or reduced to the size of the western field leaving the rest open space or community woodland. The site is too far from the town centre and the local infrastructure would not be able to support the development. The area is currently prime agricultural land and development would affect wildlife habitats as well as neighbouring houses. Coupar Angus relies on the 2 Sisters food plant and should this close there would be surplus housing. The area around the food plant should be allocated for housing and the use of empty houses and plots should be prioritised. Galbraith Group (0555/01/003) - Supports the allocation of the site. The site complies with TAYplan spatial strategy (CD022; pages 8-9) and the landowner is taking steps to determine whether market interest exists for the site. <u>E32 Coupar Angus West</u> SEPA (0742/01/092) - SEPA requests that a Flood Risk Assessment included as a site specific developer requirement. A potential flood risk has been identified at this site and the inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.		

<p><u>E33 East of Scotland Farmers Ltd</u></p> <p>SEPA (0742/01/096) - SEPA requests that a Flood Risk Assessment included as a site specific developer requirement. A potential flood risk has been identified at this site and the inclusion of a developer requirement with regards a FRA will ensure that developers are fully informed of the flood risk issues affecting the site at the earliest opportunity thereby preventing delay and frustration later in the planning process. It will also ensure that flooding issues are taken into account prior to submitting a planning application and potential developers recognise that the developable area of the site may be constrained by flood risk.</p> <p><u>New Sites</u></p> <p>Landowner (0016/01/001) - Requests the allocation of a 0.55ha site at Beech Hill Road (MD010) which currently has in principle planning consent (17/00958/IPL). Allocating the site in the Plan would be beneficial for stakeholders who may not be aware of this development opportunity.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>H65 Larghan</u></p> <p>Michael Gallagher (0012/01/001) - No specific change was sought.</p> <p>L Mowat (0383/01/001) - Delete site or reduce its size. Consider area around 2 Sisters food plant for housing (no site boundary provided).</p> <p><u>E32 Coupar Angus West</u></p> <p>SEPA (0742/01/092) - Add Flood Risk Assessment to the site specific developer requirement.</p> <p><u>E33 East of Scotland Farmers Ltd</u></p> <p>SEPA (0742/01/096) - Add Flood Risk Assessment to the site specific developer requirement.</p> <p><u>New Sites</u></p> <p>Landowner (0016/01/001) - Allocate a 0.55ha site at Beech Hill Road which currently has in principle planning consent (17/00958/IPL).</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>H65 Larghan</u></p> <p>Michael Gallagher (0012/01/001) - Larghan is the area of the town where the development site is situated and the map shows its exact location to avoid any confusion.</p> <p>No modification is proposed to the Plan.</p> <p>L Mowat (0383/01/001) - Coupar Angus is a tier 3 principle settlement in TAYplan (CD022;</p>

pages 8-9) and is expected to accommodate some growth. The town has good facilities for its size and the Proposed LDP provides employment land for the expansion of the two main local employers. Site H65 has been carried forward from the adopted LDP (CD014; page 286) and is the only allocated housing site in the settlement. It has a positive landscape setting and access can safely be achieved from Forfar Road.

The Proposed Plan requires the retention of the existing landscape framework. New open spaces will link to this network and complement the provision at Larghan Park which is across the road from the site. Any negative impact on neighbouring houses can be avoided or minimised through the production of a masterplan and the use of planning conditions.

Due to the closure of its branch in the West of Scotland, the 2 Sisters food plant is offering staff to relocate to Coupar Angus which would generate additional demand for housing. The area directly to the west of the existing premises is proposed for the extension of employment use while the land south to the food plant, across the A94 may have the potential to accommodate additional housing. This area is currently within the settlement boundary however further work is required to establish the effectiveness of this site. It would be premature to allocate it in the Plan at this stage before a feasibility study is completed.

No modification is proposed to the Plan.

E32 Coupar Angus West & E33 East of Scotland Farmers Ltd

SEPA (0742/01/092 & 096) - Both sites are subject to low or medium probability flooding in parts and site E32 has two small areas with high probability surface water flooding. A Flood Risk Assessment may be required at the planning applications stage in line with Policy 50.

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

New Sites

Landowner (0016/01/001) - In the adopted LDP (CD014; page 286), the settlement boundary was extended to include this site (MD010) which is considered to be appropriate for small scale development. The site is relatively small in size and its capacity is also constrained by the access onto Beech Hill Road which is not wide enough to accommodate a larger development. The site is expected to accommodate less than 10 units; therefore it has become a windfall site rather than an allocation in the Plan. If a developer wished to progress the site, there would be a presumption in favour of residential development which is in line with the existing in principle consent and the Local Development Plan's policies.

No modification is proposed to the Plan.

Reporter's conclusions:

H65 Larghan

1. Coupar Angus is one of the larger towns in the Strathmore and the Glens area. It is identified in TAYplan as a tier 3 principal settlement which has the potential to play an

important but more modest role in the regional economy and should accommodate a small share of additional development. Coupar Angus has 2 main local employers (East of Scotland Farmers Limited and 2 Sisters Poultry Limited), both of which have adjoining land allocated in the proposed plan which would allow for expansion. The representation refers to the possible closure of the 2 Sisters food plant but the council has brought to my attention the relocation of staff, from another branch which has closed in the West of Scotland, to Coupar Angus. Furthermore, I noted that job vacancies at the food plant were being advertised on my site visit.

2. This greenfield housing site is located to the north of Forfar Road (A94) at the eastern entrance to Coupar Angus and is allocated for a capacity range of 80 to 125 homes. The site is also allocated for housing in the adopted local development plan. I do not accept that the wording in the proposed plan makes its identification difficult. The settlement map and indicative plan show the site's location clearly. This is the only housing site allocated in Coupar Angus and given the size of the settlement, its facilities and the presence of 2 existing large employers with the potential for expansion, I do not regard the number of houses planned as excessive over the plan period. The evidence submitted does not justify the assertion that the infrastructure of the town could not cope with a development of this size.

3. I agree that the site is some distance from the town centre. However, I noted on my site inspection that there are bus stops further to the west along Forfar Road. The site is currently in agricultural use but I recognise the constraints for development elsewhere in the town, especially to the north and south due to flood risk from the River Isla and small burns, as well as archaeological constraints. The site specific developer requirements included in the proposed plan require the existing landscape framework to the east and west to be retained and large areas of the site are identified as a proposed landscape area or for physical landscape works. I am satisfied that the landscape works together with other policies in the proposed plan would ensure that adverse impacts on wildlife habitats and neighbouring houses would be prevented or minimised to an acceptable level. The landowner has responded to support the site's allocation and to confirm that steps are being taken with regard to marketing the site. The alternative sites for housing referred to around the food plant have not been promoted by the land owner or been the subject of environmental assessment or public consultation. The land directly to the south-west of the food plant is already designated for general employment use.

4. I find that circumstances have not changed, since the inclusion of this site in the adopted local development plan, which would justify its removal either in its entirety or in part. While the use of empty houses and plots should be encouraged, I find that the allocation of this greenfield site has been adequately justified. Given all of the above, the site should remain as a housing allocation.

E32 Coupar Angus West and E33 East of Scotland Farmers Limited

5. I recognise that a potential flood risk has been identified at both of these general employment sites. The Strategic Environmental Assessment for the proposed plan identified that, before any further development, a requirement for a Flood Risk Assessment should be added. I accept the importance of ensuring that potential developers are made aware of possible flood risk constraints and that they are taken into account prior to the submission of a planning application. The best way to achieve this is to refer to the need for a Flood Risk Assessment in the site specific developer requirements. I recommend this modification for both sites.

New site – Beech Hill Road

6. The council has not allocated sites for less than 10 housing units in the proposed plan. This greenfield site has planning permission in principle for housing. On my site inspection I noted that access would be constrained by the narrowness of Beech Hill Road. As a consequence of access constraints, the evidence submitted does not allow me to safely conclude that the 0.55 hectare site is likely to be able to accommodate 10 or more units.

7. It is argued that the allocation of the site might bring it to the attention of potential developers and help raise the profile of Coupar Angus as a settlement with options for residential growth. The site is within the settlement boundary and there would be a presumption in favour of development in the event that the planning permission in principle lapsed. Furthermore, there are other ways to publicise the site. I noted on my site inspection that a “for sale” sign is clearly visible. Given all of the above, I find that the allocation of this site has not been adequately justified.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. Add the following bullet to the site specific developer requirements for site 32 (Coupar Angus West):

- Flood Risk Assessment

2. Add the following bullet to the site specific developer requirements for site 33 (East of Scotland Farmers Limited):

- Flood Risk Assessment

Issue 48	Strathmore and the Glens Area – Settlements with Proposals	
Development plan reference:	H68 - Ardler Road, Meigle, page 240 H69 - Forfar Road, Meigle, page 241	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
Elizabeth Gordon (0110) Gordon L Halder (0134) Rae Taylor (0182) Michael McLaren (0255) Perth & Kinross Heritage Trust (PKHT) (0272) L Lobban (0297) Hadden Group Ltd (0418/01) Ronnie McNiven (0448) Alison Gambling (0551) Bellway Homes Limited (0559) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Settlement summaries and allocated sites in Strathmore settlements with proposals	
Planning authority's summary of the representation(s):		
<u>Meigle</u>		
<u>Proposed Sites</u>		
<p>Gordon L Halder (0134/01/001) - Both H68 and H69 are on agricultural land with Grade A soil. Less fertile agricultural land and derelict land should be prioritised for development. There is a historic issue with sewage capacity in Meigle and it would require a major system upgrade to support the amount of houses proposed in the Plan. There is no need or demand in the settlement for large scale development. Development would compromise the village's character and put strain on the local school.</p>		
<p>Bellway Homes Limited (0559/01/005) - H68 and H69 are not effective sites. They were allocated in the 1988 Local Plan (CD058; page 57) as well as the Adopted LDP (CD014; pages 298-299) and it is questionable why development never took place on either. Furthermore, site 69 was only assessed for 50 units rather than the indicated capacity range of 64-100. Considering against the tests set out in PAN 2/2010 (CD040; pages 16-17), there are questions in relation to the ownership and marketability of both sites. To meet housing land requirement in the Strathmore HMA, additional sites should be allocated instead of or in addition to H68 and H69.</p>		
<u>H68 Ardler Road</u>		
<p>Elizabeth Gordon (0110/01/002) - Since the Development Plan adopted for the area in 1998 (CD058; page 57) the housing numbers for the site have been gradually increased from 18 to the currently suggested 23-36. At the same time, there is a lack of local</p>		

employment opportunities and public transport services are limited. There is also concern about the high likelihood of flooding from the Meikle Burn and developing a field which currently absorbs rainwater. Although a Flood Risk Assessment is amongst the developer requirements, a Drainage Impact Assessment is also necessary as the Burn is reaching its capacity as a drainage ditch. The Plan should specify that the only suitable access to the site is to Ardler Road; Tree Back along the NW boundary of the site is an unadopted single track road. The respondent notes that the use of developer requirements is inconsistent, requirements mentioned for others sites such as 'sympathetic built form and layout'; archaeological investigation, and Drainage Impact Assessment are relevant to H68 as well.

Rae Taylor (0182/01/002) - Flood risk on site has been increasing over the past years which undermine the assumptions made in the previous development plans. The scope of the Flood Risk Assessment required by the Proposed Plan is unclear, it should be explicit that it includes impact on any property not only the ones adjacent to the site. A Drainage Impact Assessment should also be required for the site. The housing capacity range is higher than the suggested 20 houses in the Adopted Plan (CD014; page 298). It should be specified if the intention is to develop smaller houses on site and numbers should be reduced to 20. An archaeological investigation should be required to recover any historic evidence before development takes place. It is unclear what is required in terms of creating links to existing Green Infrastructure. While an otter survey is required by the Proposed Plan, the impact of development on other species (e.g. beaver, mink, water rat) should also be assessed.

Alison Gambling (0551/01/001) - High density development is not sympathetic to the character of the village and its immediate surroundings. Medium or low density would be more suitable for this site, reducing the capacity range to 14-23 or <14. A higher number of houses would further increase flood risk for properties in the area and would have a higher impact on parking and road usage.

Hadden Group Ltd (0418/01/001) - Supports the allocation of the site. The site is in the control of the respondent and its physical constraints such as flood risk were examined and assessed. It is an effective housing site identified in the adopted LDP that could be developed in the emerging LDP2 period. The indicative capacity range in the Proposed Plan is appropriate and factors in developer requirements and affordable housing provision. Reducing this would be counter-productive from a development economics point of view. The preparation of a detailed planning application for site H68 is underway and it is likely to be submitted in 2018.

SEPA (0742/01/060) - Supports the requirement for a Flood Risk Assessment.

H69 Forfar Road

Perth & Kinross Heritage Trust (0272/01/010) - Recommends highlighting the likelihood of an archaeological investigation being required.

L Lobban (0297/01/001) - Instead of developing prime agricultural land, non-productive land such as the strip along the disused railway line should be utilised. Less than 50 houses would be more in keeping with the character of the village instead of the suggested 100. The site is in a flood area and as it is on higher ground, development could worsen flooding issues elsewhere. The current infrastructure, including roads, employment opportunities, schools and other services cannot support the proposed scale of expansion. Reasonable expansion to the village would be acceptable.

Ronnie McNiven (0448/01/001) - The traffic concerns which have been raised in relation to a previous application to the site (08/00055/FUL) have not been addressed (RD034). There is a high volume and speed of traffic passing through the village and traffic is often stopped at the junction of the A94 and B954. New development would only make congestion in the area worse.

Michael McLaren (0255/01/001) - The landowner confirms that they support the development of the site. They are encouraged by renewed interest in the proposed purchase of the site indicating development interest in the village and site H69.

New Sites

Bellway Homes Limited (0559/01/001) - MIR site H272 (MD012) should be allocated in the Proposed Plan. The reasons include issues with the deliverability of sites H252, H68, H69 and H341 within the Strathmore HMA Area. Without the evidence to suggest that these sites can be delivered, the Council should consider alternative sites instead of or in addition to them. H272 meets all the effective land supply tests as outlined in PAN 2/2010 (CD040; pages 16-17) and could be developed as a mix of low density and medium density areas. The proposal has been revised since the previous examination and the number of units was reduced to 125-150. It can also deliver planning gains such as 25% affordable housing, improved open space provision and enhancement of the Scheduled Monument on site. Bellway Homes Limited (0559/01/006) also questions the SEA scoring (CD079; pages 253-273) for MIR site H272 and suggests more positive results.

Modifications sought by those submitting representations:

Meikle

Proposed Sites

Gordon L Halder (0134/01/001) - Delete both H68 and H69.

Bellway Homes Limited (0559/01/005) - Sites H68 and H69 are not effective and should either be removed from the Plan with alternative sites allocated or alternative sites should be added to the existing allocations.

H68 Ardler Road

Elizabeth Gordon (0110/01/002) - Reduce housing numbers to a maximum of 20 houses. A detailed Drainage Impact Assessment should be added to developer requirements. Specify that the only potential access to the site is onto Ardler Road.

Rae Taylor (0182/01/002) - Reduce housing numbers to a maximum of 20 houses. Clarify that the Floor Risk Assessment needs to include impact on any property not only the ones adjacent to the site. A Drainage Impact Assessment and an Archaeological Investigation should also be required for the site. Clarify requirement in relation to Green Infrastructure and require the survey of animals living in the burn other than otters.

Alison Gambling (0551/01/001) - Reduce capacity range for the site to reflect medium or low density.

H69 Forfar Road

Perth & Kinross Heritage Trust (0272/01/010) - Highlight the likelihood of an archaeological investigation being required at the Site Specific Developer Requirements section for the site.

L Lobban (0297/01/001) - Reduce capacity to a maximum of 50 and concentrate development on non-productive agricultural land.

Ronnie McNiven (0448/01/001) - No specific modification was sought but concerns were raised regarding the traffic impact of the proposal.

New Sites

Bellway Homes Limited (0559/01/001 & 006) - Allocate site H272 for housing and alter the SEA scoring for the site.

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

Gordon L Halder (0134/01/001) - H68 and H69 are smaller allocations, giving an element of choice within the Strathmore area. Both are situated a short walk away from the centre and local facilities. Although it is not a tiered settlement, Meigle has a good range of facilities and services including a shop, post office, primary school, church and cafes. There is an hourly service into Blairgowrie and Dundee (Bus 57; 57A) providing an alternative to commuting by car. It is acknowledged that development would result in the loss of some prime agricultural land which surrounds the village from all sides. To minimise impact on soil resources, Policy 49 requires developments to implement appropriate soil management measures and consider opportunities to re-use good-quality soils elsewhere. There is no reason to believe however that development would take away from the village's character. In terms of local infrastructure, the primary school has capacity (62% occupancy) to accommodate new pupils (CD124). Scottish Water is currently undertaking assessments to determine the exact capacity of Meigle Wastewater Treatment Works and expects to have an accurate view by mid-September 2018. They confirmed that in a worst case scenario where no additional capacity can be released, they would look to support interim solutions to facilitate development.

Bellway Homes Limited (0559/01/005) - Despite not coming forward in the current Plan period, it would be premature to consider either site non-effective. Hadden Group has recently submitted a detailed planning application (18/01144/FLL) for H68 which indicates that the site is effective under the conditions outlined by the Proposed Plan. H69 is under the ownership of a landowner who supports the development of the site. The site is currently being marketed and there are no known constraints which would make it non-effective. It should also be taken into account that in the past years the housing market has been going through a phase of recovery with low build rates.

The respondent refers to the assessment of H69. The site has been carried forward from the Adopted Local Development Plan (CD014; pages 298-299) and the principle of the proposed land use was considered appropriate at the LDP1 Examination (CD015; pages

887-888). As discussed below under the H69 Forfar Road heading, the capacity range which is now shown in the Proposed Plan reflects the Council's new approach of defining site capacity.

H68 Ardler Road

Elizabeth Gordon (0110/01/002); Rae Taylor (0182/01/002); Alison Gambling (0551/01/001) - The site is well situated between the town centre and Victory Park. During the preparation of the Proposed Plan, further work has been carried out to determine the capacity of the site with regards to changing market conditions. There is a growing demand for affordable units as well as smaller homes for downsizing and first time buyers. The site has the potential to accommodate these types of accommodation within a higher density development. Based on the assumption that 75% of the site is developable and high density can be achieved, the capacity range was increased to 23-36. This is not considered out of character with the village as Meikle already has some higher density areas with smaller plots (e.g. across the road from site H68).

SEPA's latest record on flood risk indicates low and medium probability river flooding to the northern boundary of the site. This area is marked for indicative landscaping in the Proposed Plan to ensure no development takes place here. Any proposal for the site will have to be supported by a Flood Risk Assessment and comply with Policy 50 which states that there is a presumption against development which would increase the probability of flooding elsewhere. Although a Drainage Impact Assessment is not highlighted on the list of developer requirements, Policy 50 states that a DIA will be required for any proposal greater than 1000m².

Ardler Road provides a logical primary access to the site and the indicative landscaping to the north separates development from Tree Back Road. If despite of this vehicular access was proposed onto Tree Back, its suitability would be considered at the planning application stage.

Based on Council records, H68 does not contain any site of archaeological significance. However, Policy 26B states that if discoveries are made during any development, works should be suspended and the Local Authority should be informed. In terms of protecting wildlife at the burn, developer requirements refer to Policy 45 which deals with the protection of watercourses within the River Tay Special Area of Conservation. The Policy specifically requires an otter survey to be undertaken where the development site is within 30m of a watercourse as it is a qualifying feature of the River Tay SAC. Under Policy 40, development is required to protect all species and enhance wildlife habitats. Any negative impact of a proposal on species in and around the burn would have to be mitigated at the planning application stage.

The developer requirement for green infrastructure to link with the wider network is considered to be clear; there are obvious links to be made with Victory Park to the west as well as to the burn through the indicative landscaping area to the north of the site.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification requesting the addition of a Drainage Impact Assessment to the site specific developer requirements, the Council would be comfortable with making this change as it would not have any implications for any other aspect of the plan.

H69 Forfar Road

L Lobban (0297/01/001); Ronnie McNiven (0448/01/001) - Site H69 is carried forward from the Adopted Plan (CD014; pages 298-299) as it remains suitable for residential development. The housing numbers are limited to 50 during the lifetime of the plan and part of the site should be safeguarded for educational use and/or playing fields adjacent to the school. The capacity range for the site was based on known constraints and medium density which is considered to be appropriate in the context of the surrounding area. Flood risk constraints were factored into the estimated developable area and any proposal would have to comply with Policy 50 which protects against development that would increase the probability of flooding elsewhere. In relation to concerns over transport infrastructure, the Council's Transport Planning Team has confirmed that there is no road capacity issue in Meikle. However a junction analysis would be useful in order to identify any necessary junction realignment or improvements at Dundee Road/Forfar Road. A Transport Statement would determine the impact that future development traffic might have on this junction.

No modification is proposed to the Plan. However if the Reporter is minded, a Transport Statement could be added to site specific developer requirements to ensure that the impact of the development on the nearby junction is fully understood and mitigated.

Perth & Kinross Heritage Trust (0272/01/010) - The site is considered to have some archaeological potential as a medieval papal bulla (MPK 18069) has been found in the southern part of the field. Although there is not a site specific requirement, every planning application is assessed against the policies in the Plan. Policy 26: Scheduled Monuments and Non-Designated Archaeology in the Proposed Plan would therefore be applied to this site as part of the planning application process.

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

New Sites

Bellway Homes Limited (0559/01/001 & 006) - Site H272 (MD012) has not been supported in the last Examination as it is less well connected to the village than the two sites proposed in the Plan (CD015; page 888). It is further away from the village centre and separated from the existing built up area by a stretch of woodland and stone wall that runs along its norther and western boundaries. The main access is proposed onto Ardler Road, some parts of which are very narrow, with no public footpaths. The development may also affect the setting of historic structures including Belmont Castle. Although housing numbers have been reduced in the current submission, it is still a large scale site, exceeding the area of both existing allocations in Meikle. It should also be noted that while the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation. Meikle is not identified as a tiered settlement in TAYplan (CD022; pages 8-11) and it is not considered necessary or appropriate to allocate H272 in addition to or instead of the proposed sites in the Plan.

The respondent refers to the effectiveness of sites H252 in Alyth, H68 and H69 in Meikle and H341 in Rattray. As stated above, both sites in Meikle are considered to be effective. The sites in Alyth and Blairgowrie/Rattray are discussed under the relevant Schedule 4

summaries (see Issues 45 and 46).

No modification is proposed to the Plan.

In terms of the suggestion to alter the SEA for the site, the current assessment – as part of the Environmental Report Addendum (2017) (CD067) - reflects the Council's views. Any technical corrections and/or clarifications to the assessment will be included in the Post Adoption Statement once the Local Development Plan has been formally adopted. This will be made available for public viewing online and in hard copy, in accordance with Environmental Assessment (Scotland) Act 2005 (CD027).

No modification is proposed to the Plan.

Reporter's conclusions:

Proposed sites - overall

1. Although not identified as a principal settlement in TAYplan, Meigle is one of the larger villages in the Strathmore and the Glens area. TAYplan states that some development may be provided in settlements that are not defined as principal settlements provided that it can be accommodated and supported by the settlement. On my site inspection I noted that Meigle has a range of local facilities including a SPAR shop, café, church, primary school, playing fields and several bus stops (with an hourly bus service into Blairgowrie and Dundee). A small employment site is safeguarded in the proposed plan.

2. I acknowledge that both of the allocated housing sites would result in the loss of prime agricultural land and agree that where available, alternative sites including derelict land, should be developed in the first instance. However, the evidence submitted does not allow me to reasonably conclude that there is alternative non-prime land which could accommodate this level of housing development. I also recognise that policy 49 (Soils) seeks to minimise the impact on soil resources and to consider opportunities to re-use soils necessarily excavated from sites. The council has verified that the local primary school has capacity to accommodate the additional pupils and Scottish Water has not objected to the proposal. I am not persuaded, by the evidence submitted, that the local infrastructure cannot accommodate the level of development proposed.

3. Given the above, I do not regard the allocation of 2 housing sites for 73 to 86 dwellings to be excessive for a village of this size and with this range of facilities, over the plan period. I acknowledge the concerns expressed about the possible adverse impact on the village character and community spirit, but do not agree that this would necessarily be the case, and conversely, the new housing would support existing facilities including businesses and the local school. I conclude that, in conformity with policy 1 of TAYplan, the level of development proposed for Meigle can be accommodated and supported by the settlement. The number of houses for sale in Meigle does not alter my conclusion.

4. A detailed planning application has now been approved for site H68 and the landowner of site H69 has responded to the proposed plan consultation confirming support for the development of the site. The detailed planning approval for site H68 and the promotion of a third housing site through this examination does not support the contention that the village is an unmarketable location. Despite the lack of development in the past, in the absence of any evidence of constraints which would make either site undeliverable, I am not persuaded that either of the allocated sites are ineffective. I deal with the issue of the

capacity of site H69 below.

H68 Ardler Road

5. As stated above, I am aware that detailed permission has now been issued for the construction of 33 houses on this site. The planning process has moved on and overtaken the plan-making procedure. The principle of the residential development of the site, within the capacity range identified, has been firmly established. However, the granting of planning permission does not guarantee the implementation of the approved development and it may be that, for whatever reason, further planning applications are submitted in the future. Should this be the case, it would be appropriate to highlight the need for a drainage impact assessment as set out in Policy 50 New Development and Flooding. A further site specific developer requirement should be inserted which would apply to any future planning applications. Subject to this modification, the site should remain as an allocation in the proposed plan.

H69 Forfar Road

6. This large 5.7 hectare greenfield site is located to the east of Meigle and access would be achieved from the A94. The site is allocated in the existing local development plan for a first phase of 50 dwellings. The site developer requirements include the provision of an area for educational use and/or playing fields adjacent to the school and the provision of landscape planting along the eastern and northern site boundaries. Taking this into account, I regard the 70% developable site area assumed by the council to be appropriate. Given the location of the site within a village, I also find that the medium density of 16 to 25 dwellings per hectare giving an overall capacity of 64 to 100 houses would be acceptable. With the limitation to 50 houses on this site over the plan period, I have found above that the level of housing development proposed would be appropriate for a village of this size, with this level of facilities.

7. The Scottish Environment Protection Agency has not objected to the allocation of this site on the grounds of flood risk and I am aware that the council's transport team consider that there is no road capacity issue in Meigle. I am satisfied that policy 50 (New development and flooding) of the proposed plan, (which also deals with proposals that would increase the probability of flooding elsewhere), would ensure that any flooding issues are satisfactorily dealt with at the planning application stage. From my site inspection, I agree that some junction realignment or improvement may be necessary. Given the traffic concerns expressed, I recommend that a Transport Assessment should be added to the site specific developer requirements, to ensure that the traffic impact of the development can be fully assessed and where necessary, mitigated. In addition, I recognise that the site has some archaeological potential. As a consequence, I accept that reference to the possible need for an archaeological investigation should be added to the site specific developer requirements.

8. Land along the disused railway is promoted as an alternative site for the provision of housing, but the level of detail submitted with regard to the site referred to or its deliverability does not justify its allocation. I find that circumstances have not changed, since the inclusion of site H69 in the adopted local development plan, which would justify its removal. The council's site assessment for 50 houses rather than the 64-100 range does not alter my view. Given all of the above, the site should remain as a housing allocation.

New site

9. I find under Issue 1 A Successful, Sustainable Place, that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to allocate further sites for housing within this Housing Market Area.

10. This large 12 hectare greenfield site is located to the south of Meigle and would be a greater distance from the village centre facilities than either of the allocated sites (H68 and H69). It is outside but adjoining the settlement boundary in the adopted local development plan. I have found above that sites H68 and H69 are deliverable and should remain in the proposed plan. The 125 to 150 houses suggested for this housing site, in addition to the 73 to 86 houses on allocated sites would lead to an unacceptable level of housing development in a village of this size, contrary to the intentions of TAYplan. I do not consider that a settlement such as Meigle could either accommodate or support such a level of development during the plan period. I am aware of the offer to phase the development of the site, but this does not change my view that the allocated sites provide an adequate level of housing land for Meigle during this plan period.

11. The planning gains offered including affordable housing, woodland planting, improved open space provision, and enhancement of a scheduled ancient monument/bowling green would not justify the resultant adverse impact on the character of the village. From my site inspection, I also have concerns about the use of the narrow part of Ardler Road as a main access and the possible adverse impact on the settings of the nearby historic structures associated with Belmont Castle. Furthermore, I note that this housing site was not included in the Main Issues Report and has not been publically consulted on.

12. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Strathmore and the Glens Housing Market Area, I conclude that the allocation of site H272 is not currently justified. The argued effectiveness of the site and inaccuracy of the council's site assessment do not alter my conclusions.

13. I deal with sites H252 and H341 in Issues 45 Alyth and New Alyth and 46 Blairgowrie and Rattray respectively.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Add the following bullet to the site specific developer requirements for site H68 (Ardler Road):

- Drainage Impact Assessment

2. Add the following bullets to the site specific developer requirements for site H69 (Forfar Road):

- A Transport Statement
- Archaeological investigation may be required

Issue 49	Strathmore and the Glens Area - Settlements without proposals	
Development plan reference:	Meikleour, page 242 Kettins, page 216 Ardler, page 113	Reporter: Katrina Rice
Body or person(s) submitting a representation raising the issue (including reference number):		
Elisabeth Monaghan (0033) Meikleour Trust (0180) Ian Sleith (0206) Hallyburton Estate (0571) McCrae & McCrae Ltd (0583)		
Provision of the development plan to which the issue relates:	Settlement summaries and allocated sites in Strathmore settlements without proposals	
Planning authority's summary of the representation(s):		
<u>Meikleour</u> Meikleour Trust (0180/01/001) - Supports extending the settlement boundary which allows for meeting local demand for housing. However the burn and the Conservation Area boundary further to the east would have been a more natural boundary to the settlement. <u>Kettins</u> Ian Sleith (0206/01/001) - The settlement boundary includes the `Old Inn` but not its curtilage. The boundary should be altered to acknowledge the existing residential use of the building (MD017). Hallyburton Estate (0571/01/001) - The settlement boundary of Kettins should be altered to allow residential development to take place within the settlement and increase the available infill potential from 1ha to 4ha (MD016). Hallyburton Estate would investigate the viability of a prospective housing scheme and the developable area in light of the flood risk and drainage constraints. An appropriate scale of development could provide scope to help fund new village facilities such as a community hall/football changing facilities. The respondent refers to initial discussions with the local community and state that the early indications from Kettins Parish Community Council (PKCC) are that new housing in Kettins could be supported subject to more detail. With the help of relevant stakeholders, a development brief could be produced to guide appropriate development on site. <u>New Sites</u> <u>Landward site</u> Elisabeth Monaghan (0033/01/001) - Requests the allocation of a 1.0 ha site south to Myreriggs Road (between Blairgowrie & Coupar Angus) for housing (MD021). The site could accommodate approximately 10 units with associated landscaping and open space. The site does not appear to have any significant constraints and it would provide opportunity for small scale development, potentially by a local house builder.		

<p><u>Ardler</u></p> <p>McCrae & McCrae Ltd (0583/01/001) - Requests the allocation of a 2.86 ha site to the north of Main Street in Ardler (MD014). The site was removed from the previous draft Plan however it is maintained that a small addition to the village would help support local facilities such as the school and the public house.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>Meikleour</u></p> <p>Meikleour Trust (0180/01/001) - No specific modification was sought however the respondent pointed out that the settlement boundary could be aligned with the burn and the Conservation Area boundary.</p> <p><u>Kettins</u></p> <p>Ian Sleith (0206/01/001) - Alter the settlement boundary according to include the Old Inn's curtilage.</p> <p>Hallyburton Estate (0571/01/001) - Alter the settlement boundary of Kettins to allow residential development to take place.</p> <p><u>New Sites</u></p> <p><u>Landward site</u></p> <p>Elisabeth Monaghan (0033/01/001) - Allocate a site south to Myreriggs Road for housing.</p> <p><u>Ardler</u></p> <p>McCrae & McCrae Ltd (0583/01/001) - Allocate a 2.86 ha site to the north of Main Street in Ardler.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>Meikleour</u></p> <p>Meikleour Trust (0180/01/001) - The proposed boundary was taken forward in the Plan to allow for a small extension to the village. The boundary change creates 0.37 ha of white land which can accommodate some residential development to meet local demand for housing. The site excludes a small area by the burn which is subject to high probability surface water flood risk. It is however acknowledged that the burn would provide a natural boundary to the village and it already defines the eastern boundary of the Conservation Area. Aligning the boundary with the burn would not add significantly to the area of white land and any potential flood risk mitigation measure can be agreed at the planning application stage.</p> <p>No modification is proposed to the Plan. However if the Reporter is minded, the Council would be comfortable with altering the boundary as shown on the map (MD018) as it would not have any implications for any other aspect of the plan.</p>

Kettins

Ian Sleith (0206/01/001) - The suggested addition to the settlement boundary includes the curtilage of a residential building (MD017). The area is a well-defined garden ground bordered by trees and separated from the surrounding paddock by a fence. Its inclusion would be consistent with the rest of the settlement boundary.

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

Hallyburton Estate (0571/01/001) - Kettins is a non-tiered settlement where the settlement boundary was drawn with the intention to limit future growth. It has limited local services and facilities and the proposed boundary change would result in a relatively large extension to the settlement (MD016). Part of the area has previously been assessed as a potential allocation and was not taken forward due to the lack of local infrastructure, flooding constraints and potential access issues (CD079; pages 201-212). These constraints are relevant to the larger site as well. Kettins burn runs along the eastern boundary of the site and poses medium probability flood risk to approximately 25% of the area. The existing link to Newhall House is very narrow and an alternative access would have to be taken across the burn. Providing access to the site could also affect trees within and around the site. The capacity of the local road network is likely to be constrained to support significant additional development. Furthermore, the entire area of the site is prime agricultural land.

The respondent refers to initial discussions with the local community and state that the early indications from Kettins Parish Community Council (KPCC) are that new housing in Kettins could be supported subject to more detail. The Council has contacted KPCC who noted that they were not aware of the extent of the proposed boundary change and stated that they cannot confirm support or comment on the proposed modification at this stage on behalf of the local community (CD145). It should be noted that this proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation. KPCC's response also confirms that the local community is not aware of the larger boundary change being proposed and there is no clear indication that housing development would be supported.

In light of the above, it is not considered appropriate to extend the boundary as requested by the respondent.

No modification is proposed to the Plan.

New SitesLandward site

Elisabeth Monaghan (0033/01/001) - The proposed site is located south to Myreriggs Road between Blairgowrie and Coupar Angus (MD021). West Myreriggs is a predominantly rural development with approximately 35 houses and it does not have a settlement boundary in the Plan. As explained in Issue 1 (A Successful, Sustainable Place), the approach to determining whether settlements should be identified in the Plan takes into account their size as well as their relative significance in its particular location in terms of the range and type of facilities such as schools, shops or community facilities. West Myreriggs is situated

between two larger settlements and it does not have services and facilities on its own. Following the TAYplan hierarchy (CD022; pages 8-11), housing supply in the Strathmore and Glens area is met through allocations in principle settlements and smaller sites are provided in villages which have sufficient infrastructure to support development. It should also be noted that this proposal was not submitted during the earlier LDP2 plan preparation stages at pre MIR or MIR and so has not had the benefit of stakeholder engagement or public consultation. It is not considered to be appropriate to allocate the site in the Local Development Plan.

No modification is proposed to the Plan.

Ardler

McCrae & McCrae Ltd (0583/01/001) - The site has been allocated in the Proposed Local Development Plan 1 (CD053; page 291) however it was removed at the Examination stage due to the lack of local facilities and the visual prominence of the site (CD015; page 886). While the proposal was submitted again during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation. The proposal is contrary to TAYplan (CD022; pages 8-11) which focuses growth in tiered settlements and it would be a significant addition to the village. As Ardler has seen substantial development in the past years it is not considered necessary to allocate further land within the settlement boundary.

No modification is proposed to the Plan.

Reporter's conclusions:

Meikleour

1. No objections to the boundary change in the proposed plan to allow for infill housing development have been received. The extended boundary was drawn to exclude an area along the east, which has a high probability of surface water flood risk. However, this eastern boundary follows no physical feature on the ground. Following my site inspection, I agree that a more logical, robust settlement boundary would follow the burn and the existing boundary of the Conservation Area, further to the east. I am satisfied that this would not unacceptably increase the amount of white land available for development and that policy 50 (New development and flooding) of the proposed plan would ensure that any potential flood risk could be adequately dealt with at the planning application stage.

2. The proposed extension to the settlement boundary of Meikleour should be amended accordingly.

Kettins

3. The area the subject of the representation is laid out as a domestic garden with trees, bushes, a stone wall and fences marking the boundaries with surrounding fields and School Road. I noted on my site inspection that, in most cases, the existing settlement boundary follows the curtilage of residential properties. However, in this case, the suggested extension to the existing settlement boundary would involve a relatively large area of land, in a settlement where the boundary has been drawn tightly to limit future growth. The location outside the settlement boundary does not prejudice the continued use of the garden ground. I also note that this proposed extension was not included in the

Main Issues Report and has not been the subject of public consultation. Given the above, I find that the amendment to the settlement boundary is not currently justified. The apparent support of the council for the modification does not alter my view.

4. I find under Issue 1 A Successful, Sustainable Place, that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to allocate further sites for housing within this Housing Market Area.

5. Kettins is not identified as a principal settlement in TAYplan. The existing settlement boundary has been drawn to limit future growth given the limited local services and facilities available. The extension to the settlement boundary proposed for housing development would involve 2 areas of green field land separated by a track and a line of mature trees. Both are prime agricultural land and the extension would be large relative to the existing size of Kettins. I noted the narrowness of the existing access through Newhall House on my site inspection. In the event that an alternative access was required it would have to cross Kettins burn. In addition, I am aware of the council's assessment that the capacity of the road network to accommodate significant additional housing development and flooding issues are likely to be further constraints.

6. The representation acknowledges that there are certain constraints in Kettins that require to be investigated. Work with regard to the feasibility of a pumped waste water solution, a drainage impact assessment, access study and flood risk assessment is proposed. It is argued that a viable housing site must be allocated to make the expense worthwhile for all parties. A development brief would then be prepared. However, the evidence submitted does not allow me to safely conclude that the access, road network capacity and flooding/drainage constraints could be successfully overcome, whether or not the housing site was phased.

7. The proposed extension to the settlement boundary was not included in the Main Issues Report and has not been publically consulted on. This is confirmed by Kettins Parish Community Council who has responded to state that this is a larger area than indicated in earlier discussions. At this stage, the community council is unable to make any comment on the proposal until it has had the opportunity to consider it fully.

8. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Strathmore and the Glens Housing Market Area, I conclude that the proposed extension to the settlement boundary of Kettins is not currently justified. The proposed funding of new village facilities, provision of affordable housing/ self-build opportunities, argued need to protect the primary school's future and access to public transport do not alter my conclusions.

New Sites

Landward site

9. I find under Issue 1 A Successful, Sustainable Place, that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to allocate further sites for housing within this Housing Market Area.

10. West Myreriggs is a small housing development located in the countryside. It does not have a settlement boundary in the proposed plan and has no services/facilities. The proposed small housing site consists of a field and a house plot and is located to the south of the existing single line of housing along Myreriggs Road. From my site inspection, it appears to be used for grazing and has stables in the north-eastern corner. A development of even 10 houses on the one hectare site would be large relative to the existing size of West Myreriggs. I note the lack of infrastructure constraints to the site's development and the arguments advanced with regard to its effectiveness. Nevertheless, I consider that the development of this greenfield site for housing would not accord with the aims of Policy 1 Location Priorities of TAYplan which seeks to focus the majority of development in principal settlements and allows for some development in other settlements where it can be accommodated and supported. Furthermore, I am aware that this housing site was not included in the Main Issues Report and has not been publically consulted on.

11. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Strathmore and the Glens Housing Market Area, I conclude that the allocation of this site is not currently justified. The recent redevelopment of the Moorfield House Hotel site, existence of public transport/pedestrian links, or proposed provision of landscaping and greenspace do not alter my conclusions.

Ardler

12. I find under Issue 1 A Successful, Sustainable Place, that there is no shortfall in meeting the housing land requirement in the Strathmore and the Glens Housing Market Area. Adequate housing land has been provided to satisfy the requirements set out in the strategic development plan. Accordingly there is no strategic numerical justification to allocate further sites for housing within this Housing Market Area.

13. This 2.86 hectare greenfield site is located to the north of existing housing in the small settlement of Ardler. It is outside but adjacent to the settlement boundary in the existing local development plan. I noted on my site inspection that there are no shops and few community facilities located in Ardler and it has poor public transport linkages. A development of this size would not accord with the aims of Policy 1 Location Priorities of TAYplan which seeks to focus the majority of development in principal settlements and allows for some development in other settlements where it can be accommodated and supported. Furthermore, I am aware that this housing site was not included in the Main Issues Report and has not been publically consulted on.

14. Given the above and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Strathmore and the Glens Housing Market Area, I conclude that the allocation of site H351 is not currently justified. The council's former support for the allocation of this housing site in a previous local development plan and the argued need to support the village pub and local schools, do not alter my conclusions.

Reporter's recommendations:

I recommend that the following modification be made:

1. Amend the settlement boundary of Meikleour, on page 242 of the proposed plan, as shown on map MD018.

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: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Brian Rickwood (0035) Lynne Palmer (0040) Stuart Nichol (0041) 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) Cllr 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. <u>The Vision and Policies</u> 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

Cllr 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

Cllr 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

Cllr 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:Habitats Regulations Appraisal

1. I agree that the policy should be modified in accordance with Table 8.1 of the appropriate assessment of the proposed plan. This is because it is important to accurately reflect the wording of section 48(5) of The Conservation (Natural Habitats, &c.) Regulations 1994.

The Vision and Policies

2. The proposed plan must accord with adopted strategic policies. So, it is appropriate for the vision to reference TAYplan. Every application needs to be determined on its own merits in accordance with the development plan as a whole. There are times when development needs to be restricted (in order to comply with environmental regulations, for example). So, where necessary, policies may need to be worded negatively.

3. The section “How to Use the Plan”, on page 8 explains the structure of the plan and how decision makers would apply it. The plan cannot accurately predict exactly where and when all proposals will be submitted. Nevertheless, I am satisfied that it provides a context within which sustainable development may be encouraged in appropriate locations. With the modifications recommended by this examination, individual policies would be flexible enough to be applied consistently throughout the plan period in response to individual applications.

Developer Requirements

4. The council has a responsibility to conduct a Strategic Environmental Assessment for site allocations contained within the development plan. This process establishes that a site is suitable for development in principle. In addition, statutory bodies such as Scottish

Natural Heritage and Scottish Environment Protection Agency are consulted during the plan preparation process. However, where development is proposed for unallocated sites or there remain detailed matters to resolve in response to individual applications, it is appropriate for developers to fund this work. Conditions may be attached to individual planning permissions to secure any necessary remediation works and/or to ensure that the natural environment does not suffer unnecessary harm. Moreover, proposals must accord with the development plan as a whole. Consequently, I consider it unnecessary to modify the plan to state that development proposals should only be approved subject to satisfactory resolution of these detailed matters.

Format

5. The proposed plan could have been formatted differently. However, I find nothing confusing or disingenuous about the way that it has been put together. As the majority of residents are likely to be most interested in the place where they live, the alphabetical ordering of the settlement maps seems to me to be the most straightforward and accessible way to present them.

6. The council has explained the planning history for the Glenisla Golf Course, which is to the east of Alyth, in the open countryside. I note that planning permission for a masterplan and the first phase of development here (18/01214/AMM) has now been granted. Thus, circumstances on the ground have overtaken the plan-making process. I see no need to mark the masterplan area on the settlement map. However, it would assist potential developers and members of the public if reference to it were made in the settlement summary. I have recommended a modification to the text on page 108 of the proposed plan accordingly.

7. The proposed plan is written for different audiences, all of whom have different levels of expertise and interest in the development of land across Perth and Kinross. Both within the proposed plan and as a part of its Development Plans Scheme, I am satisfied that the council has done all that can reasonably be expected of it to explain the process of plan preparation and production to a lay audience. Moreover, the preparation of the plan is also subject to a process of local democratic oversight and independent examination.

Mapping

8. The amount of detail shown on the base mapping layer is appropriate for the settlement maps within the proposed plan. I agree that showing too much detail on the base layer would risk inhibiting the ready interpretation of the settlement maps. There are a number of reasons why the shape of the indicative site drawing may differ from the base mapping layer used for the settlement maps. These include differences in the scale of the mapping; cartographic drawing methods (so-called 'generalisation') and the date of survey. As the site drawings are indicative only, I am satisfied that their scale does not need to be determined. Their otherwise sketchy appearance and degree of variance from the base mapping layer used for the settlement maps is also acceptable for their intended use.

9. For the sake of consistency and ease of interpretation, I agree that north arrows should be added to all settlement maps and all indicative site drawings. Where possible, the orientation of each indicative site drawing should be the same as the settlement map to which it relates. However, if changing the orientation of the drawing would inhibit its ready interpretation (e.g. by making lettering too small to read), then its orientation should

not be changed. This is a matter that may be addressed as a non-notifiable modification.

10. Two green fills are used on the indicative drawings but only one is explained in the key. The darker fill denotes "Proposed Landscape Area or Physical Landscape Works". However, no explanation is provided as to what the lighter fill denotes. I agree that the key of each drawing where the lighter green fill is used should be amended to explain what this colour denotes.

11. I agree that the descriptions of the blue and yellow pecked lines on the indicative site drawings key should be changed to clarify which users these routes would be intended for. In each case, the blue pecked line should be described in the key as denoting "Vehicle/ Pedestrian Access" instead of "Main Routes". In each case, the yellow pecked line should be described in the key as denoting "Pedestrian Access/Active Travel Routes" instead of "Core Routes/Pedestrian Links".

12. In some cases the indicative site drawing and accompanying developer requirements specify the location and type of landscaping that should be provided as part of a proposal. However, I agree with the council that it is not always possible to determine these matters at an early stage. Moreover, even if developer requirements are made clear from the start, they would need to be secured by condition or obligation on a case-by-case basis. Failing to specify at this point in time where and what type of landscaping should be provided would not prevent the council from requiring these details to be submitted and agreed at a later stage. Consequently, I see no need for the proposed plan to specify what form and purpose landscaping should take in every case.

Glossary

13. Glossary entries should be restricted to words and phrases that are not in common usage or have a specific technical meaning in relation to land-use planning. In most cases, words used throughout the proposed plan should be attributed their normal meaning (i.e. their dictionary definition). Where the precise definition of a word is essential to the proper understanding of how a policy should be applied, this will be explained within the text of the policy. Thus, I see no need for the words "sewer", "sewerage", "waste" and "effluent" to be included in the glossary.

14. Paragraph 4.1 of Scotland's Third National Planning Framework highlights the vital importance of culture to Scottish identity. Paragraph 60 of Scottish Planning Policy differentiates between 'community' and 'cultural' facilities. TAYplan Policy 5: Town Centres First requires community and cultural facilities to be contained within a network of centres. With these higher-level plans in mind, I consider that it would be appropriate to include specific reference to cultural facilities within the glossary. Furthermore, this would be consistent with similar modifications that have been recommended in the cases of Issue 7: Retail and Commercial Development and Issue 8: Community Facilities, Sports and Recreation. Hence, I consider it appropriate to modify the phrase 'social and community facilities' in the glossary to include cultural facilities.

15. Although environmental legislation contains definitions of European designated sites, it would aid clarity if these terms were explained within the glossary. I shall make minor changes to the wording of the proposed modification to improve their clarity. Policy 36B: National Designations refers to "Site of Special Scientific Interest", so I agree that this term should also be defined within the glossary.

Jargon

16. I am satisfied that the glossary explains technical terms with sufficient clarity to allow a reasonably well-informed reader to understand them. All other words used in the proposed plan should be attributed their normal meaning (i.e. their dictionary definition). Where the precise definition of a word is essential to the proper understanding of how a policy should be applied, this will be explained within the text of the policy.

Supplementary Guidance

17. The Planning (Scotland) Bill passed its third reading on 20 June 2019. Section 4 of Part 1 of the Bill repeals section 22 of the Town and Country Planning (Scotland) Act 1997. This would remove the power for planning authorities to adopt supplementary guidance. However, the Bill is yet to receive Royal Assent and this examination must be conducted within the context of current legislation.

18. If the Bill receives Royal Assent before this examination concludes, then this matter will need to be addressed. However, the situation at this time is that the council is entitled to reserve the production of supplementary guidance to a later date. The content of that guidance is not a matter for this examination to address.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 8, under the sub-heading "Habitats Regulation Appraisal (HRA)", replace "...a significant adverse effect on the conservation objectives and qualifying features..." with "...adverse effects on site integrity..."

2. On page 108, add the following text to the end of the settlement summary:

"A masterplan for development of the Glenisla Golf Course, located to the east of Alyth, has been agreed."

3. On the following pages, alter the key to the indicative drawings to explain what the lightest green tone denotes:

102 (Aberfeldy); 110 (Alyth and New Alyth); 111 (Alyth and New Alyth); 118 (Auchterarder); 119 (Auchterarder); 123 (Balbeggie); 136 (Blairgowrie/Rattray); 137 (Blairgowrie/Rattray); 138 (Blairgowrie/Rattray); 139 (Blairgowrie/Rattray); 140 (Blairgowrie/Rattray); 141 (Blairgowrie/Rattray); 147 (Bridge of Earn and Oudenarde); 148 (Bridge of Earn and Oudenarde); 149 (Bridge of Earn and Oudenarde); 166 (Coupar Angus); 171 (Crieff); 172 (Crieff); 188 (Dunning); 210 (Inchture); 227 (Kinross and Milnathort); 228 (Kinross and Milnathort); 237 (Luncarty); 241 (Meigle); 261 (Perth Area Strategy); 263 (Perth Area Strategy); 268 (Perth Area Strategy); 271 (Perth Area Strategy); 277 (Perth Area Strategy); 286 (Pitlochry); 287 (Pitlochry); 294 (Scone); 296 (Scone); 304 (Stanley); 305 (Stanley), and 306 (Stanley).

4. Replace "Main Routes" with "Vehicle/Pedestrian Access" on the key for the indicative site drawings on pages:

102 (Aberfeldy); 110 (Alyth and New Alyth); 111 (Alyth and New Alyth); 118

(Auchterarder); 119 (Auchterarder); 123 (Balbeggie); 136 (Blairgowrie/Rattray); 137 (Blairgowrie/Rattray); 138 (Blairgowrie/Rattray); 139 (Blairgowrie/Rattray); 140 (Blairgowrie/Rattray); 147 (Bridge of Earn and Oudenarde); 148 (Bridge of Earn and Oudenarde); 149 (Bridge of Earn and Oudenarde); 166 (Coupar Angus); 171 (Crieff); 172 (Crieff); 188 (Dunning); 210 (Inchture); 227 (Kinross and Milnathort); 228 (Kinross and Milnathort); 237 (Luncarty); 241 (Meigle); 261 (Perth Area Strategy); 263 (Perth Area Strategy); 268 (Perth Area Strategy); 271 (Perth Area Strategy); 277 (Perth Area Strategy); 286 (Pitlochry); 287 (Pitlochry); 294 (Scone); 296 (Scone); 304 (Stanley); 305 (Stanley), and 306 (Stanley).

5. Replace “Core Routes/Pedestrian Links” with “Pedestrian Access/Active Travel Routes” on the key for the indicative site drawings on pages:

102 (Aberfeldy); 110 (Alyth and New Alyth); 111 (Alyth and New Alyth); 118 (Auchterarder); 119 (Auchterarder); 123 (Balbeggie); 136 (Blairgowrie/Rattray); 137 (Blairgowrie/Rattray); 138 (Blairgowrie/Rattray); 140 (Blairgowrie/Rattray); 147 (Bridge of Earn and Oudenarde); 148 (Bridge of Earn and Oudenarde); 149 (Bridge of Earn and Oudenarde); 166 (Coupar Angus); 171 (Crieff); 172 (Crieff); 188 (Dunning); 210 (Inchture); 227 (Kinross and Milnathort); 228 (Kinross and Milnathort); 237 (Luncarty); 241 (Meigle); 261 (Perth Area Strategy); 263 (Perth Area Strategy); 268 (Perth Area Strategy); 277 (Perth Area Strategy); 286 (Pitlochry); 287 (Pitlochry); 294 (Scone); 296 (Scone); 304 (Stanley); 305 (Stanley), and 306 (Stanley).

6. In the glossary entry for “**Social and Community Facilities**”, add “, **Cultural**” between “**Social...**” and “**...and...**”.

7. Add the following entries to the glossary (to be inserted within the existing alphabetical order and formatting):

“**Natura Site** A Special Area of Conservation or a Special Protection Area.”

“**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 European Council Habitats Directive (Directive 92/43/EEC). A SAC is classified for habitats and species (excluding birds) which are considered to be most in need of conservation at a European level and are listed in Annexes of the Directive.”

“**Special Protection Area (SPA)** A strictly protected site designated under the provisions of Article 4 of the European Council Birds Directive (Directive 2009/147/EC). A SPA is classified for rare and vulnerable birds, as listed at Annex I of the Directive, and for regularly occurring migratory bird species.”

“**Site of Special Scientific Interest (SSSI)** An area of land or water (to the seaward limits of local authority areas) that Scottish Natural Heritage (SNH) 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. A SSSI is designated by SNH under the provisions of the Nature Conservation (Scotland) Act 2004.”