

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee****2 April 2014****Local Development Plan Supplementary Guidance Phase 2****Report by Executive Director (Environment)**

This report provides a summary of the comments received on the various pieces of Supplementary Guidance published for consultation in autumn 2013. It makes recommendations for changes where appropriate and seeks consent to finalise and adopt the Supplementary Guidance to support the Local Development Plan (adopted 3 February 2014).

1. BACKGROUND / MAIN ISSUES

- 1.1 Under section 22 of the Planning etc. (Scotland) Act 2006 and regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, Supplementary Guidance (SG) can be adopted and issued by a planning authority in connection with a Local Development Plan (LDP) and any such guidance will form part of the development plan. Unlike the LDP, which requires to be made available for a period of representation, Supplementary Guidance is made available for consultation and the comments received are not subject to Examination by a Reporter.
- 1.2 The LDP sets out a list of SG to be prepared to support the policies and proposals in the Plan, an updated programme for which was approved by the E&I Committee on 20 November 2013 (Art 13/546 refers). As part of this programme, the following 4 pieces of guidance were consulted on from 30 August until 11 October 2013.
- Sustainable Design and Zero Carbon Development;
 - Flood Risk and Flood Risk Assessments;
 - Loch Leven Special Protection Area and Ramsar Site;
 - Employment and Mixed Use Areas
- 1.3 This report considers the comments that were received, and suggests changes to the Guidance where considered appropriate. It also takes into account the recommendations within the LDP Examination Report which have implications on the guidance.

2. KEY CONCERNS, RESPONSES AND PROPOSED CHANGES

- 2.1 Each of the pieces of guidance are considered in turn below and the key concerns, responses and proposed changes highlighted. The table in Appendix 1 provides a summary of the consultation responses and the recommended Council response to these. Full details of all the comments received and the revised Guidance is available in the Members Lounge (copies can be emailed to Members on request).

- 2.2 In general, the volume of responses received was relatively low but this was expected due to the technical nature of the documents. The Sustainable Design and Zero Carbon Development SG attracted the most interest and as such forms the bulk of this report.

Sustainable Design and Zero Carbon Development

- 2.3 The Sustainable Design and Zero Carbon Development Supplementary Guidance has been prepared in relation to Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction within the Adopted LDP. The Guidance sets standards for carbon savings from new built development in excess of those required under the Scottish Building Standards. However, it does not prescribe how a particular standard should be achieved. The purpose of the guide is to ensure the delivery of sensitive and appropriately designed development.
- 2.4 In addition to the 6 week consultation on the Supplementary Guidance, a workshop was held on 19 November 2013 to discuss the SG in greater detail with specific interested parties and stakeholders. A total of 11 responses were received during the consultation period. Respondents included: SNH, Homes for Scotland, Scottish Water, SEPA, TACTRAN and the development industry.
- 2.5 In general, all public bodies (SNH, SEPA and SW) and Tactran are in support of the SG, whilst the private sector responses raise objections to the standards set out within the document. In general, the sustainable principles and aspirations of the SG are supported by most respondents.
- 2.6 A number of concerns were raised as follows:

1. Lack of sustainability checklist at consultation stage

The checklist and statement template were not provided during the consultation stage in order to utilise the consultation and workshop to discuss the content, detail and implementation of the checklist. The checklist will be used to promote consideration of sustainability issues at the earliest stage possible. It includes a limited number of themed questions which will guide developers towards a sustainable development that meets the requirements of Policy EP1. The sustainability statement and checklist will not form part of the validation checklist and reference to this will be removed from the document.

2. Increased requirements at development management stage

The requirement to complete a sustainability checklist prior to the submission of an application and production of a sustainability statement in support of planning applications is perceived to create more red tape and increase requirements on the applicant. The detail required within both the checklist and the statement will be commensurate to the scale of the development. Furthermore, statements will only be required for developments of 2 dwellings or more or of over 250sqm floorspace for non-domestic development.

It is considered that the inclusion of statements of sustainable aspiration should be a fundamental part of the design detail for new development in Perth & Kinross and indeed for all development in Scotland. This should therefore be translated into the application process.

The sustainability statement and checklist are required to provide clear evidence of how the proposed development seeks to meet the requirements of the adopted policy EP1, a material consideration in the development management process. The statement should detail the key themes of sustainable design which will be established by the sustainability checklist.

It is proposed that the role and content of the checklist is clarified within the main body of the SG and any reference to 'sustainability score' is removed. The scope of the sustainability statement will remain the same. However, opportunities to merge the sustainability statement into design and access statements will be highlighted in order to limit the documents required.

3. Implementing building standards through planning process

Following the adoption of Policy EP1 (amended in accordance with the LDP Examination Report recommendations), the SG provides critical support in the achievement of the requirements set out within the LDP. Policy EP1 reflects the aspirations of the National Government which have been set out through the Climate Change Acts, Planning Acts, the National Planning Framework and Scottish Planning Policy.

Building standards currently set out a mandatory minimum standard stating the following:

“Standard 7.1

Every building must be designed and constructed in such a way that:

- a. with regard to a dwelling, or school building containing classrooms, a level of sustainability specified by the Scottish Ministers in respect of carbon dioxide emissions, resource use, building flexibility, adaptability, and occupant well-being is achieved*
- b. with regard to a non-domestic building other than a school building containing classrooms, a level of sustainability specified by the Scottish Ministers in respect of carbon dioxide emissions is achieved, and*
- c. a statement of the level of sustainability achieved is affixed to the dwelling or non-domestic building.”*

This is a minimum standard and it is considered that it is the role of planning to seek to go beyond this in order to deliver sustainable development in Perth & Kinross. It is recommended that a strong case for this is included within the final SG.

4. Out of date following recent policy, legislation and regulation

The current draft of the SG was drafted during the first quarter of 2013. Since its completion, the Baker Report¹ was published and concluded that ambitious sustainable targets for building control should be scaled back. Despite this, Policy EP1 of the LDP has been adopted in accordance with the LDP Examination Report recommendations. The guidance therefore remains a requirement and puts in place a sound basis for achieving sustainable development, which also remains a key focus of national policy direction.

It is proposed that the background section of the document should be updated to reflect the current position regarding the newly adopted policy, legislation and standards.

5. Discouraging development in Perth and Kinross

The SG aims to encourage sustainable design for developments where it is feasible and commensurate to the potential impact of the development. Given Scotland's ambitious targets on a national level and the commitment for sustainability within all city-region plans, it is clear that all councils will place requirements upon new development throughout the country. This will create a level playing field for all.

It is proposed that the SG reiterates the national commitment for sustainability and joint working with neighbouring authorities through the aspirations of the city-region policies, i.e. TAYplan.

6. Implementation of standards set out in Policy EP1 through planning process

Following examination of the Perth & Kinross Local Development Plan, Policy EP1 has been adopted in accordance with the LDP Examination Report recommendations. The revised policy takes into account the new building regulations and planning policy requirements. The standards set out within the policy reflect the ambition of the Council to become an exemplar area for sustainable development. The requirements of Policy EP1 and this Supplementary Guidance will be implemented through the development management process through the use of appropriate planning conditions. The success and/or impact of the policy will be monitored through the assessment of the amount of developments achieving the required standards upon completion of development. In order to identify exemplar sustainable development in Perth & Kinross, it is suggested that the use of sustainability awards should be utilised. It is proposed to discuss the format of the award with interested stakeholders and report back to a future meeting of this Committee.

¹ The Baker Report – Purpose is to identify what Scotland's housing stock is expected to look like (in terms of energy demand) by 2020 assuming the emissions savings anticipated in delivery of Homes and Communities policies and proposals in RPP¹⁶

It is proposed that the success/impact of the policy is assessed each year in the Perth and Kinross Annual Performance Report.

Flood Risk and Flood Risk Assessments

- 2.7 The Flood Risk and Flood Risk Assessments Supplementary Guidance has been prepared in relation to Policy EP2: New Development and Flooding within the Adopted LDP. The Guidance will assist developers, their consultants and all stakeholders involved in the planning process in relation to flooding and drainage about the requirements of Perth & Kinross Council including when a flood risk assessment will be required, and what that assessment should contain.
- 2.8 A total of 12 comments were received from a variety of respondents including SEPA, Scottish Water and the development industry. As a result, it is proposed to make a number of minor modifications to the guidance to add clarity to technical matters and make reference to additional modelling software, further guidance documents and data available from SEPA.
- 2.9 The most significant change proposed relates to Drainage Impact Assessments. As it stands, the guidance effectively requires full detailed design to be signed off by SEPA etc. at the planning application stage. The construction industry argues that this is inappropriate, as it may result in a large amount of potentially abortive work being carried out if the application is refused. This may put off many potential developers from making applications, hence stifling development and economic growth. It is agreed that the requirement for detailed design (at full planning stage) is onerous so the wording will be amended to require 'outline design' that will be applicable to the scale of the development and the full design will be a planning condition.

Loch Leven Special Protection Area and Ramsar Site

- 2.10 The Loch Leven Special Protection Area and Ramsar Site Supplementary Guidance has been prepared in relation to Policy EP7: Drainage within the Loch Leven Catchment Area within the Adopted LDP. The guidance relates specifically to water quality of Loch Leven SPA and phosphorus entering the loch's catchment. It provides advice on the types of appropriate information and safeguards to be provided in support of a planning application so that it can be properly and timeously assessed by Perth & Kinross Council, in consultation with SNH and SEPA.
- 2.11 A total of 8 responses were received during the consultation period. Respondents included: RSPB, Scottish Water, SEPA, and the development industry.
- 2.12 All the public bodies (SW, SEPA, RSPB) are in support of the SG, whilst the development industry responses raise objections to the 125% reduction in phosphorous loading sought, the use of section 75 agreements, and the 5mg/litre level to be achieved for secondary treatment.

- 2.13 The 125% reduction in phosphorous loading is a requirement of policy EP7 and was subject to consideration at the LDP Examination. The Reporter was content that the 125% figure is well established, and did not consider any need to alter this. SEPA and SNH have agreed to the memorandum of understanding for planning procedure for applications in the Loch Leven catchment, which enables the use of planning conditions instead of section 75 agreements for this issue, to streamline the process of issuing planning consents requiring phosphorous mitigation within the Loch Leven SPA. No change is therefore necessary to the Guidance in this respect.
- 2.14 In relation to the 5mg/litre level this is a low-tech solution which is achievable. The 2mg/litre level, although desirable, is only achieved through a high-tech design, which has higher maintenance implications, and is more likely to fail. SEPA have advised that they prefer the 5mg/litre level to remain for these reasons. However, it is proposed to update the guidance to justify the 5mg/litre level, explaining this is a low tech solution.

Employment and Mixed Use Areas

- 2.15 The Employment and Mixed Use Areas Supplementary Guidance has been prepared in relation to Policy ED1: Employment and Mixed Use Areas within the Proposed Plan which details the most relevant uses for development on the identified site.
- 2.16 Only 4 representations were received raising minor issues. However, a few modifications are proposed largely as a result of the DPEA Examination, and the Reporters findings which are binding on the Council.
- 2.17 The Scottish Motor Auctions site in Kinross Op13 has been removed from the Supplementary Guidance as the Reporter deleted it from the Local Development Plan due to the high risk of flooding, as has the former Kinross High School site Op12 as the Reporter recommended it become a housing site.
- 2.18 Although the LDP Reporter added a new site at Newburgh Road, Abernethy MU8 and the Almond Valley Village H73, it is not appropriate to include them within the Supplementary Guidance as the consultation on the draft guidance didn't include these sites. Consideration will be given to the uses appropriate for Almond Valley through the master plan process and if considered necessary, the guidance will be updated at a later date to include both sites.
- 2.19 Other modifications made to the Plan have altered the size of sites and the supplementary guidance has been amended to reflect this.

3. CONCLUSION AND RECOMMENDATION(S)

- 3.1 This report provides an update on the changes that are suggested to the various pieces of Supplementary Guidance as a result of public consultation as well as the Examination of the Proposed Plan. Following consideration of this report, the guidance will be finalised and submitted to Scottish Ministers who have 28 days to consider it. On completion of this process, and if not directed otherwise by Ministers, the guidance will become statutory policy and have the same status as the Development Plan.

3.2 The Committee is therefore asked to:

- i) Approve the following pieces of Supplementary Guidance as key policy documents to support the Local Development Plan;
- Sustainable Design and Zero Carbon Development;
 - Flood Risk and Flood Risk Assessments;
 - Loch Leven Special Protection Area and Ramsar Site;
 - Employment and Mixed Use Areas
- ii) Remits the Executive Director (Environment) to finalise the Supplementary Guidance and to submit it to Scottish Ministers.

Author(s)

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Approved

Name	Designation	Date
Barbara Renton	Depute Director (Environment)	21 March 2014

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting Brenda Murray on 01738 475343

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:

- (iii) Promoting a prosperous, inclusive and sustainable economy
- (v) Creating a safe and sustainable place for future generations

Corporate Plan

- 1.2 This section should set out how the proposals relate to the achievement of the Council's Corporate Plan Priorities:

- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 The Head of Finance has been consulted in the preparation of this report. There are no financial implications arising from directly from the recommendations of this report.

Workforce

- 2.2 None.

Asset Management (land, property, IT)

- 2.3 None.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The various pieces of Supplementary guidance were considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **relevant** and the following outcomes expected following implementation:
- The Supplementary Guidance supports the land use policies and proposals of the LDP. The implementation of the Guidance is not determined by a person's race, gender, disability or any other protected characteristic and therefore the impact of the Guidance should have a neutral impact on the population in terms of equality.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and the determinations reached for each of the relevant pieces of supplementary guidance are set out below.

Sustainable Design and Zero Carbon Development

- 3.5 The Supplementary Guidance: Sustainable Design and Zero Carbon Development will be designed to reduce energy consumption, promote efficiency and the provision of low and zero carbon technologies. It will form the basis for standards for new buildings across Perth & Kinross. It is intended to set the framework for development consents for projects. It will drive up the standards for the design/construction of all buildings. While the individual effects may not be significant in themselves this will depend on how the supplementary guidance is developed and implemented. However, it is likely that there will be significant cumulative effects over the lifetime of the Development Plan as energy and resource use will be reduced.
- 3.6 It is not expected that this Supplementary Guidance will result in any significant, cumulative or trans-boundary environmental effects over and above those already identified through the SEA of higher level plans. Nor is it expected that it will create any additional risks to human health, exceed any quality standards or limits, or result in any additional impacts on special or protected natural, historic or cultural environments.
- 3.7 Perth & Kinross Council is therefore of the opinion that SEA of the Sustainable Design and Zero Carbon Development, Supplementary Guidance is not required because significant environmental issues have already been assessed through the SEA of the higher level plans.

Flood Risk and Flood Risk Assessments

- 3.8 The Flood Risk and Flood Risk Assessments, Supplementary Guidance is being prepared in response to an undertaking in the Proposed Local Development Plan as Modified to provide additional guidance on how development can comply with the terms of the New Development and Flooding policy (policy EP2). Both the Proposed Local Development Plan and the higher level Strategic Development Plan have undergone SEA.
- 3.9 It is not expected that this Supplementary Guidance will result in any significant, cumulative or trans-boundary environmental effects over and above those already identified through the SEA of higher level plans. Nor is it expected that it will create any additional risks to human health, exceed any quality standards or limits, or result in any additional impacts on special or protected natural, historic or cultural environments.
- 3.10 Perth & Kinross Council is therefore of the opinion that SEA of the Drainage within the Loch Leven catchment Area, Supplementary Guidance is not required because significant environmental issues have already been assessed through the SEA of the higher level plans.

Loch Leven Special Protection Area and Ramsar Site

- 3.11 The Drainage within the Loch Leven catchment Area, Supplementary Guidance is being prepared in response to an undertaking in the Proposed Local Development Plan as Modified to provide additional guidance on how development can comply with the terms of the Drainage in the Loch Leven catchment area policy (policy EP7). Both the Proposed Local Development Plan and the higher level Strategic Development Plan have undergone SEA.
- 3.12 It is not expected that this Supplementary Guidance will result in any significant, cumulative or trans-boundary environmental effects over and above those already identified through the SEA of higher level plans. Nor is it expected that it will create any additional risks to human health, exceed any quality standards or limits, or result in any additional impacts on special or protected natural, historic or cultural environments.
- 3.13 Perth & Kinross Council is therefore of the opinion that SEA of the Drainage within the Loch Leven catchment Area, Supplementary Guidance is not required because significant environmental issues have already been assessed through the SEA of the higher level plans.

Employment and Mixed Use Areas

- 3.14 The Mixed Use and Employment Sites Supplementary Guidance is being prepared in response to an undertaking in the Proposed Local Development Plan as Modified to provide additional guidance on how development can comply with the terms of the Employment and Mixed Use Areas policy (policy ED 1). Both the Proposed Local Development Plan and the higher level Strategic Development Plan have undergone SEA.
- 3.15 It is not expected that this supplementary guidance will result in any significant, cumulative or trans-boundary environmental effects over and above those already identified through the SEA of higher level plans. Nor is it expected that it will create any additional risks to human health, exceed any quality standards or limits, or result in any additional impacts on special or protected natural, historic or cultural environments.
- 3.16 Perth & Kinross Council is therefore of the opinion that SEA of the Mixed Use and Employment Sites, Supplementary Guidance is not required because significant environmental issues have already been assessed through the SEA of the higher level plans.

Sustainability

- 3.17 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

- 3.18 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and Climate Change Act using The Integrated Appraisal Toolkit. The Supplementary Guidance, which supports the policy framework set out in the Local Development Plan, which seeks to achieve sustainable development and reduce the impact of climate change through its emerging vision, strategies, policies and proposals, will have a further positive impact on sustainable development and climate change.

Legal and Governance

- 3.19 The Head of Legal Services has been consulted.

Risk

- 3.20 None.

4. Consultation

Internal

- 4.1 The Council's Flooding Team have been consulted in the preparation of this report.

External

- 4.2 A full public consultation has been undertaken in the preparation of the supplementary guidance considered in this report. Feedback was received from the public, the development industry and other agencies including SNH, SEPA, Scottish Water and the RSPB.

5. Communication

- 5.1 None

2. BACKGROUND PAPERS

Proposed Local Development Plan January 2012
Proposed Plan as modified January 2014
Perth and Kinross Proposed Local Development Plan Examination Report
October 2013

3. APPENDICES

Appendix 1 - Summary of the consultation comments and the recommended responses.

APPENDIX 1

Comments received on the supplementary guidance

Comments on Sustainable Design and Zero Carbon Development supplementary guidance

Comment	Received from	PKC Officer response	Change to be made to Guidance
Relevant section/paragraph of Guidance			
Sustainable Design Principles			
We welcome the sustainable design principles for new development	SNH	Noted	No
Not only buildings that contribute to Sustainable Development but spaces too	SNH	Agree. Reference to be made to sustainable public realm design and open space	Yes - refer to sustainable design/ use of public space
Welcome the emphasis on ensuring consideration of sustainable design from the outset	SNH	Noted	No
Achieving a minimum of bronze active level under Section 7 is a dangerous commitment	Springfield Properties	This is an ambition target that reflects Policy EP1 and is supported by Scottish Ministers during the LDP Examination	No
Kinross as developers will be able to construct elsewhere for less, minimum is a commendable idea however the delivery should not force specific options	Springfield Properties	Noted	No
Inefficiencies or unknown consequences down the line could lead to opposite results or savings	Springfield Properties	Implementation and monitoring section is considered in the final chapter	No
The use of the sustainability label and wheel would provide more flexibility and allow each case to be adopted or assessed on a better individual basis	Springfield Properties	Noted	Yes - investigate opportunities to introduce a sustainability label
Zero Carbon Development & Zero Waste			
Low and zero carbon issues need fundamental rethink and need a proportionate approach - checklist cannot be obstacle to planning consent process	Homes for Scotland	A feasible and robust approach is offered to support Policy EP1. Checklist will be developed as a consultation and initiation tool rather than a major obstacle	Yes - sustainability checklist to be developed

Fully support the Council's stance on Zero Carbon Policy	Scottish Water	Noted	No
Zero Waste approach taken by SG is positive	SEPA	Noted	No
Support in general the aspirations and the guidance on what the Council is hoping to achieve. The use of LZCGT can detract from other measures for lower cost and greater return	Springfield Properties	Community/ strategic LZCGT schemes could be considered and the long term benefits realised	No
Guidance should delete all parts relating to low and zero-carbon generating technologies and instead out best non-technical practice guidance and should simply note that progress towards higher energy standards in buildings will be progressed through Building Standards	Stewart Milne Homes	Low carbon technology is a fundamental part of sustainable design and sustainability. Reference is included as a clear opportunity to reduce reliance on need for unsustainable energy. Technology is a requirement for certain development under Policy EP1	No
There are issues of duplication between planning and building standards which need to be ironed out	Paul Dean Architect	Requirements are in line with Scottish Ministers recommendations and requirements	Yes - clearly set out the roles of planning and building standards
Wording and tone around sustainable transport could be strengthened	Tactran	Section will be reviewed and amended if required	No
No mention of Climate Change Act and Scottish Government Report on Proposals and Policy objectives in relation to transport	Tactran	Background section to be revised following publication of the Scottish Government Climate Change Adaptation Framework	No
Hierarchy of active travel puts cyclists above pedestrians and no mention or encouragement of public transport	Tactran	Guidance encourages a shift to more sustainable forms of transport than the private car	No
While generally in support of the guidance, I am aware of the concerns with regard to low carbon requirements which may change by government decisions	Cllr Anne Gaunt	Noted	No
Landscape			

Adding the use of landscaping, planting of hedges as boundaries and street trees for climate change and cooling of urban environments	SNH	Noted. Landscape section to be reviewed to ensure point is fully considered	Yes - revise landscape section
The law of diminishing returns in relation to carbon emissions has to be recognised for new build housing - insulation levels	A & J Stephen	The Council believe that sustainable design and zero carbon have both short and long term benefits	No
Policy & Guidance			
Policy imposes standards in excess of building standards	Homes for Scotland	Standards are set as a minimum requirement. Planning policy, as per national ambition, seeks to provide ambitious targets for P&K	
Defer adoption until 2014/15 - ministers likely to review Climate Change Act provisions	Homes for Scotland	Noted	No
As there is a revised version of SPP currently being prepared surely any consultation should take place after this has been complete	GS Brown Construction Ltd	SG will be updated to reflect draft SPP and NPF3	No
Guidelines appear to rely on the LDP Policy EP1 - of which the underlying terms remain to be validated	TMS Planning and Development Services	Policy EP1 has now been adopted following the LDP Examination.	No
Planning and Building Regulations			
Need for clear separation on building standards and planning process	Homes for Scotland	Planning policy is based on adopted policy and other material considerations. At the point of drafting, this policy is based on adopted CC Act, Policy EP1 and national planning policy	No
Building regulations are already onerous that they are making new houses difficult to build, planning powers should not be used to overlap or exceed the standards of building regulations	GS Brown Construction Ltd	Standards are set as a minimum requirement. Planning policy, as per national ambition, seeks to provide ambitious targets for P&K	No

Not accepted that planning is appropriate mechanism to determine energy standards for new residential buildings, a matter already addressed through building standards	TMS Planning and Development Services	Standards are set as a minimum requirement. Planning policy, as per national ambition, seeks to provide ambitious targets for P&K	No
This guidance has been overtaken by changes in government policy around building standards and energy performance of buildings - building standards and planning policy should be separate	Stewart Milne Homes	SG still relevant in support of LDP Policy EP1	No
Matter relating to building standards should not be included	B7 Huth Consultant	Noted	No
It is essential that building control deal with building control matters. Detailed design should only be required after the principle of development has been established	Muir Group	Requirements are in line with Scottish Ministers recommendations and requirements	No
Water and Flooding			
Water efficiency is key	Scottish Water	Covered within SG	No
Specific reference to the new mandatory standards applicable to domestic dwellings within 2013 Technical Handbook	Scottish Water	SG to be updated following the adoption of 2013 handbooks and other relevant policies	Yes - SG to be updated following adoption of 2013 handbooks and other relevant policies
Request to make direct reference to flush volumes for WC cisterns and tap flow rates	Scottish Water	Too detailed	No
Be clear on domestic and non-domestic development	Scottish Water	Clarification to be provided	Yes - clarification of definition of domestic and non-domestic

SG could take a more pro-active approach to avoiding flood risk by incorporating or referring to Strategic Flood Risk Assessment (SFRA), a strategic scale rather than site by site	SEPA	Covered by other policies within LDP and/or SG	No
Would like to see Section 4.7 expanded to include the role culverts can play in flooding and drainage, taking SP into account	SEPA	Section 4.7 to be reviewed	Yes - review of Section 4.7
General			
Cannot locate sustainability checklist	Various	Checklist to be developed following discussion from workshop	Yes - sustainability checklist to be developed
Include policies in the LDP in the Sustainability Checklist	SNH	Not considered necessary	No
Strong economic argument to defer standards	Homes for Scotland	Strong economic opportunities from sustainable development and design adaptation (increased land yield)	No
Yet more information required in respect of a planning application	Homes for Scotland	Clarification required regarding development management process.	Yes - clarification on development management procedure to be provided
SG could be developed by identifying explicitly other areas where there is a need for the consequences of climate change	SEPA	Wider context paragraph to be considered	Yes - identify specific areas of climate changes adaptation or impact areas
Anticipation of technological or material advances could lead to shortfalls in predicted achievement where such technologies or materials are still in initial stages of development or early stages of application	Springfield Properties	SG is drafted on existing and tested practice/ technologies	No

A sustainability guide would be better than a checklist - more work needs to be done on this	Springfield Properties	The checklist was consulted upon during the workshop on 21 November 2013. The checklist will be developed on the basis of comments during the workshop and presented to Scottish Ministers together with the final SG	No
Sustainability Checklist is in need of consultation as the document circulated, consultation abandoned or restarted with checklist included	GS Brown Ltd	Noted	Yes - sustainability checklist to be developed
Draft SG is no longer necessary and should be withdrawn or at the very least amended to simply state that new buildings must comply with the relevant Building Standards. As currently drafted, the SG will lead to less sustainable buildings	A & J Stephen Ltd	The guidance supports the now adopted Policy EP1 within the LDP	No
Guidelines fail to properly guide the form of information required in support of proposals or to detail how this information will be evaluated/ assessed and how compliance will be assessed by the Council	TMS Planning and Development Services	Development Management process to be clarified	Yes - clarification on development management procedure to be provided and firm up policy adoption statement/ background
Guidance will only be successful if there is an integration of approach	Alistair Godfrey (individual)	Development Management process to be clarified	Yes - clarification on development management procedure to be provided and firm up policy adoption statement/ background
I have a concern that non-planning matters are being included	B7 Huth Consultant	SG is focused on planning related issues with regards to sustainable development. It provides guidance to achieve requirements of LDP Policy EP1	No

Concerns over how the sustainability issues will be balanced against other planning concerns	B7 Huth Consultant	Sustainability will be reinforced as a planning issues in planning decisions, becoming a material consideration in the planning decision as normal	No
It has been useful to understand the perceived role of the SG and potentially the Sustainability Checklist. I felt it should be seen as an encouragement to good practice rather than an assessment tool	B7 Huth Consultant	We will draft the checklist which identifies opportunities and encourages sustainable thinking from the outset of the design and planning process	Yes - sustainability checklist to be developed
Concern that the SG is too superficial and doesn't provide the right level of information at the right points of influence in the planning-design-development process. This process needs to be unpicked from the point of view of developers, designers and planners. Guidance needs to be tightened to be useful for all of them	ARUP	The role of the SG within the Development Management process will be clarified and detailed further	Yes - clarification on development management procedure to be provided. Expand on requirements of each interested party
It should be clearer when information should be submitted	Paul Dean Architect	Noted	Yes - clarification on development management procedure to be provided
Ideally, there should be a measure of conformity between authorities	Paul Dean Architect	Agreed. Potential to include section on joined up approach. TAYplan reinforces this	Yes - include details on joined up approach
Opportunities to emphasise links within our own work on active travel to assist developers and others to take advantage of expertise and tools we have developed	Tactran	Noted	Yes - reference to be made regarding existing travel initiatives and sustainable travel
The 'Sustainability Score' system is supported in principle but more explanation of how this emphasises and reinforces the encouragement in developers to adopt and embed active and sustainable travel principles	Tactran	Sustainability score approach to be revised to clarify Development Management approach	Yes - remove reference to 'Sustainability Score' and clarify Development Management process

Need more awareness of SG implications	Cllr Anne Gaunt	Implications of SG to be included and detailed	Yes - bring out implications further within document
It should be that the official are capable of assessing it and that any provisions are able to be enforced	Neil Gaunt - Community Councillor	The checklist and SG will need to be understandable and able to be used by all interested parties. Enforcement issues are discussed in the final chapter	No

Comments on Flood Risk and Flood Risk assessments supplementary guidance

Comment	Received from	PKC Officer response	Change to be made to Guidance
Relevant section/paragraph of Guidance			
Sections 1, 2, 3, 5 and 7 - The comments are related to the performance of the Council to carry out their role as Roads, Flooding and Planning Authority and as such not relevant to this document	Scone & District Community Council	The comments are not relevant in the context of this consultation exercise. Note: The Council carry out their roles as Roads, Flooding and Planning Authority as per the relevant legislation.	No changes
Section 1 - The consultee has asked for clarity on roles of landowner, developer and the Council.	John Leggate	The various roles are discussed throughout the document	No changes
Sections 1, 2, 3, 5 and 7 - The comments are related to the performance of the Council to carry out their role as Roads, Flooding and Planning Authority and as such not relevant to this document	J Donald Kerracher	The comments are not relevant in the context of this consultation exercise. Note: The Council carry out their roles as Roads, Flooding and Planning Authority as per the relevant legislation.	No changes
Section 4 - Request to add additional documents to design guidance list.	Scottish Water	Yes, it would be appropriate to add 'Delivering Sustainable Flood risk Managment Guidance Document' (June 2011) and 'Surface Water Management Planning Guidance' (Feb 2013) to Section 4 Design Guidance List.	Yes, refer to PKC officer response
Section 3, 6, 7 and 8 - Consultee has queried the definition of the formula, requirement for flood probability in this document, grammatical errors, water table testing requirements and application of Climate Change.	Anton Edwards	Grammatical errors amended, explanation of formulas to be clarified, water table permeability testing to be carried out in winter and summer, Climate Change to be applied to 200 year only.	Yes, refer to PKC officer response

Sections 4, 5 and 6 - Consultee has suggested adding additional guidance, amending comments related to SEPA, add additional modelling software, mention that SEPA have data available to developers etc.	SEPA	SEPA have provided many valid comments on the guidance document and all comments will result in changes to the document	Yes, various changes such as additional model types that can be used by developers and add 'Land Use Vulnerability Guidance' to the guidance list in Section 4. Plus more..
Section 5, 6, 7 and 8 - Consultee stating requirements for full drainage design during Full planning submission is very onerous as is the requirement for 300mm freeboard to garden levels. In addition the stated blockage and roughness factors are not suitable for all developments. Confirmation of Maintenance agreements is not achievable at the full planning stage.	Milard Consulting	The requirement for detailed design (at Full planning stage) is onerous so the wording will be amended to require 'outline design' that will be applicable to the scale of the development and the full design will be a planning condition. The freeboard of 300mm to garden level will remain but the wording amended to be site specific. Maintenance agreements to be changed to 'in principle'. Blockage requirements to be amended to 'site specific'.	Yes, refer to PKC officer response
Consultee is making general comments about his experience and most comments are not applicable or already included in the guidance document.	J Scot Symon	Comments not applicable or already included in guidance document	No changes
Section 2 - Consultee suggests SEPA do not normally comment on developments unless related to live planning applications.	A&J Stephens Builders Ltd	SEPA will provide advice and assistance to anyone upon request. SEPA's response to this consultation confirms this.	No changes

Section 5 and 7 - Consultee stating requirements for full drainage design during Full planning submission is very onerous as is the requirement for 300mm freeboard to garden levels. Reference is also made to the onerous hydraulic design requirements, commuted sum and revision of SPP.	G S Brown	The requirement for detailed design is onerous so the wording will be amended to require 'outline design' that will be applicable to the scale of the development and the full design will be a planning condition. The freeboard of 300mm to garden level will remain but the wording amended to be site specific. The revision of SPP is following a different timescale so delaying this guidance is not appropriate. The hydraulic design will be amended to clarify the application of climate change to 200 year only. The wording for commuted sum will be amended to 'may' be applicable.	Yes, refer to PKC officer response
In general the comments made are related to aesthetics that are covered under separate SEPA guidance. The reference to embankment slopes is relevant but there has to be a compromise on land take/storage capacity.	Alistair Godfrey (individual)	The guidance note refers to the requirement for SuDS ponds to be aesthetically pleasing. Shallow slopes are preferred but there must be a compromise on creating sufficient storage capacity in relation to land take. A maximum slope of 1:4 seems reasonable.	No changes

Section 5 and 6 - Consultee stating requirements for full drainage design during Full planning submission is very onerous as is the requirement for 300mm freeboard to garden levels. The requirement for developers to ensure flooding team receives any submission is not reasonable. In addition the stated blockage percentage is not suitable for all developments.	Muir Homes Ltd	The requirement for detailed design is onerous so the wording will be amended to require 'outline design' that will be applicable to the scale of the development and the full design will be a planning condition. The freeboard of 300mm to garden level will remain but the wording amended to be site specific. The wording of submitting the documentation will be amended and the blockage percentage changed to be 'site specific'.	Yes, refer to PKC officer response
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Comments on Loch Leven Special Protection Area and Ramsar Site supplementary guidance

Comment	Received from	PKC Officer response	Change to be made to Guidance
Relevant section/paragraph of Guidance			
whole document- no comment	Scottish Water	Scottish Water's welcome of the SG is acknowledged	no change
satisfied with content of document	SEPA	comments are welcome	no change
Section1: guidance should make clear that it only covers the foul drainage/septic tank aspect or expand the guidance to cover all activities covered by development planning	RSPB	This is a valid point	1st paragraph altered to reflect the issue raised
para3.1: agree much improvement of loch water quality has been achieved, level of phosphorous and nitrogen in the loch must not be allowed to increase.	Alistair Godfrey (individual)	agreed; the measures contained in the Supplementary Guidance aim to improve water quality further	no change
Section 6: planning application for new development, policy 12 is referred to, there should be a description of this link	RSPB	policy 12 referred to relates to the previous Kinross Area Local plan 2004. The suggested link is not necessary to the implementation or understanding of the Guidance, however, mention of policy EP7 to be inserted into SG	mention of policy EP7 to be inserted into SG
section 6: some recognition should be made for previous mitigation measures on a development site	The Good House Company / Patrick Milne Home / Muir Homes	Applications relying on previous mitigation measures will be considered on a case by case basis	no change

Section 7: 5mg/litre appears to be the intent of the guidance according to the calculations shown in "phosphorous mitigation calculations", technology allows for a more stringent level of around 2mg/litre	The Good House Company / Patrick Milne Home / Muir Homes	The 5mg/litre is a low-tech solution, and is achievable; 2mg/litre, although desirable, is only achieved through a high-tech design, which has higher maintenance implications, and is more likely to fail. SEPA prefer the 5mg/litre level to remain for these reasons	SG updated to justify the 5mg/litre level, explaining this is a low tech solution.
Section 8: no justification is given for the 125% reduction in phosphorous loading sought.	The Good House Company / Patrick Milne Home / Muir Homes	In response to the use of 125% in Policy EP7C of the Local Development Plan, the Reporter was content that the 125% figure is well established, and did not consider any need to alter this figure	no change
Section 8: Do not agree with 125% reduction in phosphorous loading, should refer instead to 100% reduction, also state that Circular 3/2012 states that "Planning Obligations should not be used to resolve existing deficiencies"	GS Brown	In response to the use of 125% in Policy EP7C of the Local Development Plan, the Reporter was content that the 125% figure is well established, and did not consider any need to alter this figure. SEPA and SNH have agreed to the memorandum of understanding to use planning conditions instead of section 75 agreements for this issue, to streamline the process of issuing planning consents requiring phosphorous mitigation within the Loch Leven SPA	no change
Section 9: SEPA authorisation- suggest all septic tank owners should be required to register their septic tank	RSPB	SEPA have indicated that the Loch Leven area has a very up-to date register relating to septic tanks. This is therefore not seen as a necessary requirement	no change

Comments on Employment and Mixed Use Areas supplementary guidance

Comment	Received from	PKC Officer response	Change to be made to Guidance
Relevant section/paragraph of Guidance			
Perth West H70			
Food retail (supermarket) for Perth West should not be discounted by the SG but assessed as part of the masterplan process and planning application. The SG should provide that Perth West development is phased from the outset to maximise internal trip movements, thereby supporting the transport SG triggers for developer contributions.	Ristol	Comments noted. The site has now been reduced considerably in size as a result of the LDP Examination and therefore a supermarket would not be supported at this time.	Yes - as a result of LDP Examination
Former High School, Kinross H75			
Allocation should include a provision for up to 80 cars on site due to shortage of car parking in Kinross town centre which has detrimental impacts on retail, commercial, tourist and community facilities.	Mr Robert Walker	This site within the LDP has developer requirements of providing adequate off street parking - therefore any development on this site should provide off street parking.	No
Scottish Motor Auctions, Kinross Op13			
The allocation should include a large tourist use to maximise the location adjacent to Loch Leven.	Mr Robert Walker	SEPA objected to this site due to flood risk and the site has now been deleted from the LDP as a result of the LDP Examination. Therefore, this site will no longer be included within this supplementary guidance.	Yes - as a result of LDP Examination
General			

<p>Scottish Water provided comment on the capacity for each site and whether network investigations would be required for development to commence. The comments on each site contained within the guidance, is a high level assessment including current capacity. The impact on non-domestic developments on our network infrastructure and capacity at our water and wastewater works is very difficult to assess without detailed plans. Whilst we can provide current capacity at our works within PKC, this would be based on the housing equivalent demand rather than a volumetric or treatment capacity.</p>	<p>Scottish Water</p>	<p>Comments noted. These are all matters that will be addressed at the masterplan and planning application stages.</p>	<p>No</p>
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