

## **SPECIAL COUNCIL MEETING**

Minute of Special Meeting of Perth and Kinross Council held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 23 January 2013 at 10.00am.

Present: Provost E Grant, Councillors H Anderson, R Band, M Barnacle (left during consideration of Art. 32), P Barrett, R Brock, I Campbell, A Cowan, D Cuthbert, D Doogan, B Ellis, J Flynn, A Gaunt, J Giacomazzi, A Grant, T Gray, K Howie, A Jack, J Kellas, G Laing, A Livingstone, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts, W Robertson (left during consideration of Art. 32), C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson, W Wilson and A Younger.

In Attendance: B Malone, Chief Executive; D Burke, Depute Chief Executive and Executive Director (Housing and Community Care); J Fyffe, Depute Chief Executive and Executive Director (Education and Children's Services); J Valentine, Executive Director (Environment); B Renton, Depute Director (Environment); G Taylor, I Innes, G Fogg, C Flynn, S Hendry, C Elliot (all Chief Executive's Service); D Littlejohn, P Marshall, R Moody, B Murray, C Gray, K Crammond, E Rogers-Nicoll and A Finlayson (all the Environment Service); H Richardson and G Reeves (both Education and Children's Services).

Apologies for Absence: Councillors J Coburn and C Gillies.

Provost E Grant, Presiding.

### **30. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

### **31. REQUESTS FOR DEPUTATIONS**

Provost Grant advised the Council that two requests had been received in respect of Article 32, Proposed Local Development Plan – Representations and Proposed Responses, as follows:

- Ms Moira Brady on behalf of the Kinross Action Group
- Mr Geoff Brown on behalf of St Johnstone Football Club Ltd

The Council heard advice from I Innes, Head of Legal Services.

In terms of Standing Order 59, the Council agreed not to grant the requests for deputations due to the opportunity for written representations to be made to the Proposed Plan during the consultation period that ended on 10 April 2012.

**32. PROPOSED LOCAL DEVELOPMENT PLAN – REPRESENTATIONS AND PROPOSED RESPONSES**

There was submitted a report by the Executive Director (Environment) (13/18) outlining the representations received in response to the publication of the Proposed Local Development Plan. The report outlined the procedures towards the adoption of the plan and proposed responses to unresolved representation i.e. objections. The report recommended that the Council proceeded to submit the plan and the unresolved issues, without notifiable modifications, to the Scottish Ministers to hold an Examination.

**Statement by Provost on Procedural Points**

Prior to discussion, Provost Grant highlighted a number of procedural points:

- (i) As detailed in Report 13/18, the Proposed Local Development Plan must be consistent with the approved Strategic Development Plan (TAYplan) and take account of a range of documents produced by the Scottish Government and others. Therefore, any amendments would require to remain consistent with these documents, and must relate to the representations which were submitted to the Council by 10 April 2012.
- (ii) The recommendations in the report would be dealt with in the following order:
  - Recommendations (i) – (iii)
  - Recommendation (iv) as follows:
    - General Issues Schedules 01,02 & 46
    - Policies Schedules 03-13 & 15-19
    - Spatial Strategy Schedules 20a-f & 24
    - Perth Green Belt & Core Area Schedules 14,21-23 & 25
    - Perth Outwith Core Area Schedules 26 & 27
    - Highland Area Schedules 28-30
    - Kinross Area Schedules 31-36
    - Strathearn Area Schedules 37-40
    - Strathmore and the Glens Area Schedules 41-45
  - Recommendations (v) – (x)
- (iii) Standing Order 43 provides that where there is more than one amendment, the amendments require to be put against each other until only one amendment remains, and the vote is then taken between the motion and the amendment. In the context of the Council's consideration of the representations and responses, it is possible that amendments could come forward, all or parts of which are unrelated, and consequently, applying the terms of Standing Order 43 would not be appropriate. Accordingly, in the event of that situation occurring, it was agreed that the requirements of Standing Order 43 would be suspended, and that unrelated amendments be voted on their individual merits.

**Consideration of Report 13/18**

**General Introduction**

Officers answered a number of questions from members on the Proposed Local Development Plan, representation and proposed responses.

**Recommendations (i) – (iii)**

**Motion (Councillors Miller and Kellas)**

- (i) The representations received to the Proposed Local Development Plan, as outlined in Report 13/18, be noted;
- (ii) The findings of the Strategic Environmental Assessment and its subsequent addendum, as detailed in Report 13/18, be noted;
- (iii) The findings of the Habitats Regulations Appraisal and appropriate assessment, as detailed in Report 13/18, be noted.

**Resolved:**

In accordance with the Motion.

**Recommendation (iv)**

**General Issues – Schedules 1, 2 and 46**

**Motion (Councillors Miller and Kellas)**

The responses to the representatives in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.

**Resolved:**

In accordance with the Motion.

**Policies Schedules 3-13 and 15-19**

**Motion (Councillors Miller and Kellas)**

The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.

Amendment 1 – Schedule 4 - No 10 - Transport and Accessibility (Councillors Barnacle and Cuthbert)

*Amend Schedule 4 No 10 Transport and Accessibility – Response to Representations under heading ‘Policy TA1 Transport Standards and Accessibility Requirements’ from Portmoak Community Council (00638/1/001); Councillor Michael Barnacle (02633/1/009); Fossoway and District Community Council (00830/1/017) to amend the recommendation to read as proposed.*

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**Amendment text**

*Portmoak Community Council (00638/1/001); Councillor Michael Barnacle (02633/1/009); Fossoway and District Community Council (00830/1/017): 'In terms of Policy TA1 protecting the railway line south of Kinross if the Reporter was so minded the Council would have no issue with the addition of a paragraph on page 199 stating 'The Council will seek to retain the route of the former railway line to the south of Kinross and protect it from built development. To provide further protection to former railway lines the Council would have no objection to Policy CF2: Public Access being amended to include Development proposals that would have an adverse impact upon any (proposed) core path, former railway line, asserted right of way or other well used route.....'*

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 1 in relation to Policy CF2, the Motion be amended to include the following wording on page 199 of the Proposed Local Development Plan:

*To provide further protection to former railway lines the Council would have no objection to Policy CF2: Public Access being amended to include Development proposals that would have an adverse impact upon any (proposed) core path, former railway line, asserted right of way or other well used route.*

Councillors Barnacle and Cuthbert withdrew Amendment 1 in relation to Policy TA1.

**Resolved:**

In accordance with the Motion as amended.

**Spatial Strategy Schedules 20a-f and 24**

**Motion (Councillors Miller and Kellas)**

**The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.**

**Resolved:**

In accordance with the Motion.

**Perth Green Belt and Core Area Schedules 14, 21-23 and 25**

**Motion (Councillors Miller and Kellas)**

**The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.**

Amendment 2a Schedule 4 – No 22 – Perth Area (within Core) Green Belt – Green Belt Boundary – Gannochy (Councillors A Grant and Barrett)

*Amend the proposed Council response in Schedule 4 no. 22 as follows: the fourth sentence of the Council's response in relation to The Gannochy Trust representation no. (10152/2/001) be deleted. The last sentence of the first*

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*paragraph be amended to read “The existing H3 is an infill area between existing residential uses and the extension will provide a suitably robust designed green belt boundary linking to the farm track on the south side of the site” Last paragraph to read “If the reporter was so minded the Council would have no objection to the green belt being amended as shown in the enclosed plan”*

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 2a, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 2b – Schedule 4 – No 23a – Perth Area (within Core) Perth City Proposals – Site H3 Gannochy Road (Councillors A Grant and Barrett)

*Amend the proposed Council response in Schedule 4 no. 25c as follows:  
Second sentence in relation to H3 to read “The Council is comfortable with the principle of extending the site as outlined in the representation “. Add a sentence after .....the 50 units suggested. “However, the site should be identified specifically for affordable housing”.  
Second paragraph 1<sup>st</sup> sentence delete “ though with different boundaries outlined above”*

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 2b, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 3 – Schedule 4 – No 25c – Perth Area (within Core) South Settlements – Bridge of Earn, Clayton Road (Councillors Jack and Cuthbert)

**Introduction**

*The amendment is requesting a change in the village boundary so that it only includes the recent planning consent at Clayton Road, with the remaining area being deleted.*

**Amendment text**

*Amend the proposed Council response in Schedule 4 no. 25c as follows: The second and last sentences of the Council’s response should be deleted and replaced with “the boundary should be redrawn to reflect the Councils recent planning application decision and if the Reporter was so minded the Council would have no objection to the eastern Bridge of Earn boundary in the vicinity of Clayton Road being redrawn as shown in the enclosed plan which would become a core document at the examination.*

In accordance with Standing Order 43, a roll call vote was taken.

2 Members voted for Amendment 3 as follows:

Councillors Cuthbert and Jack

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37 Members voted for the Motion as follows:

Provost E Grant, Councillors H Anderson, R Band, M Barnacle, P Barrett, R Brock, I Campbell, J Coburn, A Cowan, D Doogan, B Ellis, J Flynn, A Gaunt, J Giacobazzi, A Grant, T Gray, K Howie, J Kellas, G Laing, A Livingstone, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts, W Robertson, C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson, W Wilson, and A Younger.

**Resolved:**

In accordance with the Motion.

Amendment 4 – Schedule 4 – No 25c – Perth Area (within core) South Settlements – Site H14 – Old Edinburgh Road / Dunbarney Avenue, Bridge of Earn (Councillors Jack and Cuthbert)

**Amendment text**

*Amend the proposed Council response in Schedule 4 no. 25c as follows: the sentence relating to the connectivity between the Meadows and Bridge of Earn which states “There is sufficient traffic capacity on the local road network to accommodate the development of the site and the requirement to provide through links will increase connectivity between the Meadows and Bridge of Earn.” should be deleted. The last sentence should also be deleted and replaced with “The Meadows, Earngrove and Kintillo Road are narrow and unsuitable for additional traffic. If the reporter was so minded the Council would have no objection to specific developer requirement 1 relating to site H14 being amended to read that access should be from the Wicks of Baiglie Road only”.*

In accordance with Standing Order 43, a roll call vote was taken.

4 Members voted for Amendment 4 as follows:

Councillors Barnacle, Cuthbert, Jack and Robertson.

35 Members voted for the Motion as follows:

Provost E Grant, Councillors H Anderson, R Band, P Barrett, R Brock, I Campbell, J Coburn, A Cowan, D Doogan, B Ellis, J Flynn, A Gaunt, J Giacobazzi, A Grant, T Gray, K Howie, J Kellas, G Laing, A Livingstone, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts, C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson, W Wilson, and A Younger.

**Resolved:**

In accordance with the Motion.

Amendment 5 – Schedule 25c – Perth Area (within core) South Settlements – Bridge of Earn Settlement Boundary (Councillors Jack and Cuthbert)

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**Introduction**

*The amendment is requesting a change in the southern village boundary to remove land at Kintillo.*

**Amendment text**

*Amend the proposed Council response in Schedule 4 no. 25c as follows: In relation to the section entitled Bridge of Earn and Oudenarde New Sites, the first and second paragraphs should be deleted and replaced with "The site is not considered to be appropriate for housing development for reasons relating to traffic safety as the entry/exit is only served off Poplar Crescent which would be a cul-de-sac and create loss of amenity. It would do nothing to improve the southern boundary and create more traffic on Kintillo Road and into the village of Bridge of Earn. It also backs onto the poor road access at Dunbarney Avenue and creates road safety difficulties and restricted access. If the Reporter was so minded the Council would have no objection to the settlement boundary being redrawn to exclude the area"*

In accordance with Standing Order 43, a roll call vote was taken.

2 Members voted for the Amendment as follows:

Councillors Cuthbert and Jack

37 Members voted for the Motion as follows:

Provost E Grant, Councillors H Anderson, R Band, M Barnacle, P Barrett, R Brock, I Campbell, J Coburn, A Cowan, D Doogan, B Ellis, J Flynn, A Gaunt, J Giacobazzi, A Grant, T Gray, K Howie, J Kellas, G Laing, A Livingstone, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts, W Robertson, C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson, W Wilson, and A Younger.

**Resolved:**

In accordance with the Motion.

*THERE FOLLOWED A 15 MINUTE RECESS*

**Perth Outwith Core Area Schedules 26 and 27**

**Motion (Councillors Miller and Kellas)**

**The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.**

Amendment 6 – Schedule 4 – No 26c – Perth Area (Outwith Core) South Settlements – Site H22 – County Place, Forgandenny (Councillors Jack and Cuthbert)

**Amendment text**

*Amend the proposed Council response in Schedule 4 no. 26c as follows: the last sentence in relation to H22 should be deleted and replaced with "The development of the site will detract from the amenity of the village part of*

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*which is a conservation area and the access would be onto the busy B935 road which would be hazardous to road safety. For these reasons if the Reporter was so minded the Council would have no objection to the site being deleted as it would have no impact on any other policies and proposals in the Plan”.*

**THERE FOLLOWED A 5 MINUTE RECESS**

In accordance with Standing Order 43, a roll call vote was taken.

15 Members voted for the Amendment as follows:

Councillors Anderson, Barnacle, Brock, Campbell, Cowan, Cuthbert, Flynn, Jack, Livingstone, Lyle, MacLellan, Melloy, Munro, Robertson and H Stewart.

24 Members voted for the Motion as follows:

Councillors Band, Barrett, Doogan, Ellis, Gaunt, Giacomazzi, A Grant, Provost Grant, Gray, Howie, Kellas, Laing, Maclachlan, Miller, Pover, Roberts, Shiers, Simpson, A Stewart, Vaughan, Walker, Williamson, Wilson and Younger.

**Resolved:**

In accordance with the Motion.

**Highland Area Schedules 28-30**

**Motion (Councillors Miller and Kellas)**

**The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.**

Amendment 7 – Schedule 4 – No 29b – Highland Perthshire Area – West Settlements with Proposals – Site H41 – Fearnan North (Councillors Campbell and Williamson)

***Amendment text***

*Amend the proposed Council response in Schedule 4 no. 29b as follows: the last four sentences in relation to Fearnan H41 should be deleted (from “This site is not constrained...” onwards) and replaced with “This site is not constrained by flooding although it is acknowledged a flood risk assessment would be required as part of the site may be affected. The landowners have submitted a proposal for an eco village on a larger and alternative site which is dealt with below. It is however unclear whether this site would be released for development. Accordingly there is little evidence this site would be effective. The need for a new housing site in Fearnan has been reduced with the recent planning approval for 'residential' 18 units at Tigh Na Loan (Core document).*

*Should the Reporter be so minded the Council would not object to removal of this site from the Plan and the amendment to the settlement boundary to exclude this site.”*

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The Mover and Seconder of the Motion agreed that, following consideration of Amendment 7, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 8 – Schedule 29b – Highland Perthshire Area – West Settlements with Proposals – New Site, Tomdarroch Quarry, Fearnan (Councillors Campbell and Williamson)

**Amendment text**

*Amend the proposed Council response in Schedule 4 no. 29b as follows: in relation to Tomdarrach, Quarry Road, the sentence “For these reasons this site is not considered to be effective and it would be inappropriate to identify it as a housing proposal.” should be deleted; and the following two sentences should be deleted and replaced with “Should the site be the subject of a planning application the relevant LDP policies will apply PM1: Placemaking and RD1: Residential Areas to ensure a suitable development which makes a positive contribution to the surrounding built and natural environment.*

*Should the Reporter be so minded the Council would not object to this site being identified as a housing site however as both access and topography limit the site capacity no number of units should be identified.”*

Following clarification on the effect of the amendment, Councillors Campbell and Williamson withdrew Amendment 8.

**Kinross Area Schedules 31-36**

**Motion (Councillors Miller and Kellas)**

**The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.**

Amendment 9a on Schedule 4 – No 33a – Kinross-shire Area – Kinross/Milnathort Large Housing Sites – Site H46 – West Kinross (Councillors Robertson and Barnacle)

*This site is strongly opposed by the local community, Kinross Community Council, and the elected members for Kinross-shire.  
The main reason for this opposition is as follows;*

- (a) *Access to the site can only be gained by compromising the existing Davis Park*
- (b) *There is already serious traffic congestion in the Springfield Road/Station Road area*

**Amendment text**

*Modify the Plan to remove site H46 from the LDP.*

In accordance with Standing Order 43, a roll call vote was taken.

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11 Members voted for the Amendment as follows:

Councillors Barnacle, Brock, Cuthbert, Flynn, Gaunt, Jack, MacLellan, Munro, Robertson, Simpson and Wilson

27 Members voted for the Motion as follows:

Councillors Anderson, Band, Barrett, Campbell, Cowan, Doogan, Ellis, A Grant, Provost E Grant, Gray, Howie, Kellas, Laing, Livingstone, Lyle, Maclachlan, Melloy, Miller, Pover, Roberts, Shiers, A Stewart, H Stewart, Vaughan, Walker, Williamson and Younger.

There was one abstention from Councillor Giacobazzi.

**Resolved:**

In accordance with the Motion.

Amendment 9b – Schedule 33a – Kinross-shire Area – Kinross / Milnathort Large Housing Sites – Site H46 – West Kinross (Councillors Giacobazzi and Cuthbert)

*Amend Schedule 4 No 33a Kinross/Milnathort Large Housing Sites – Response to Representation under heading ‘H46’ to read as follows:*

**H46**

*The Main Issues Report identified this site as a preferred development option under reference E as one of five development sites within Kinross and Milnathort. The site is allocated for 125 units which is within the medium density range and reflects the neighbouring residential development. The site is bounded to the east by the ‘old railway line’ core path which does not form part of the development site but as part of the developer requirements its role as a core path and landscape buffer is to be enhanced and safeguarded. The land is currently in agricultural use (Agricultural quality land Map) with only a small area to the north being defined as prime agricultural land.*

*Access to the site is proposed from Springfield Road and could be achieved in road engineering terms, although the route of the access is not defined and will be determined through a detailed planning application. However it is acknowledged that the community have made it clear that a road through or isolating Davis Park would be unacceptable. At Property Sub Committee on 7 March 2012 the Council refused an option agreement on land owned by the Council to facilitate an access to this site due to insufficient information being available regarding the engineering viability of the access and the intention with regard to Davis Park.*

*It is also acknowledged that Springfield Road can experience congestion at peak times and the Council has agreed funding to construct a roundabout and pedestrian facilities at the junction of the A922 Station Road and Springfield Road which may help facilitate the site access.*

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*This allocation does not include Davis park within the site boundary. If planning permission would result in a deficit to the facilities at Davis Park in line with SPP Paragraph 153 replacement open space of appropriate type, quantity, accessibility and quality should be provided.*

*It is agreed that in terms of noise the sites position adjacent to the M90 could sterilize part of the site from development. A noise impact assessment has been submitted proposing noise mitigation measures which show the site could be effectively developed. The impact of these mitigation measures may impact on the visual edge of Kinross and will require to be considered through a planning application.*

*Alternative site uses have been proposed for this site and the Council would not be adverse to part of this site being designated for employment or non-residential use where it would be compatible with existing neighbouring uses. It is considered that many of the points which have been raised through representations in relation to impact on Davis park, loss of greenfield land and noise would still be a relevant consideration and access for heavy goods vehicles from Springfield Road may not be appropriate.*

*The Council acknowledges the volume of support for the removal of this site from the Plan and agrees that some unresolved issues in relation to noise and access exist. The Community are clear they want H46 deleted and while a Masterplan may be able to address all of the issues raised it is unclear that these could be resolved to the satisfaction to the Council.*

*Since the publication of the Proposed Plan it is apparent that the former Kinross High School (Op12) will be used for residential development as all of the shortlisted bids for its purchase are based upon residential use. The land adjacent to the New Primary School (Op15) may also be considered acceptable for residential development and subject to the Masterplan process H47 may support an increased level of development. This wide range of additional sites as well as the existing designations provides a more than sufficient effective housing land supply.*

*In comparison with paragraph 7.1.14 the following table shows how the proposed modifications would increase the overall land supply.*

Site Ref	Location	No of Units
H47	Lathro Farm	260 (140 up to 2024)
H48	Pitdownie	40
H49	Pace Hill	50
H50	Old Perth Road	7
Op12	Former High School	70
Op15	Lethangie	40
<b>Total</b>		<b>467</b>

*(This table will be included as a reference document in the final response to Ministers)*

*If the Reporter considers that H46 is not an appropriate site for residential development the Council considers that its removal would not leave a*

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*shortfall in the effective land supply. If the designation is removed the land should remain in the settlement boundary and identified as Open Space Policy CF1.*

**THERE FOLLOWED A 10 MINUTE RECESS**

The Council heard from I Innes, Head of Legal Services, who advised that due to significant differences between Amendments 9a and 9b, they were not competing Amendments.

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 9b, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 10 – Schedule 33a – Kinross-shire Area – Kinross / Milnathort Large Housing Sites – Site Op 12 – Former High School (Councillors Robertson and Cuthbert)

*Modify the Plan to Change Op12 from an Opportunity Allocation to a Housing Allocation.*

Following clarification on the effect of the amendment, Councillors Robertson and Cuthbert withdrew Amendment 10.

**THERE FOLLOWED A 1 HOUR RECESS**

Amendment 11 – Schedule 33a – Kinross-shire Area – Kinross / Milnathort Large Housing Site – New Site, Perth Road, Milnathort (Councillors Giacomazzi and Robertson)

*Amend Schedule 4 No 33a Kinross/Milnathort Large Housing Sites – Response to Representation under heading ‘New Site’ from Kinross Estate Company (09313/13/001) to read as proposed and not include this site in the Plan.*

**Amendment text**

***Kinross Estate Company (09313/13/001):*** *The Main Issues Report identified this site as a preferred development option under reference A as one of three development sites within Milnathort. Of the three sites this was the preferred option although it still received a greater proportion of negative comments with issues raised including increased traffic through the village, impact on the village setting and Burleigh Castle which is a Scheduled Ancient Monument, loss of agricultural land and the impact of flooding on the eastern part of the site. It is currently in agricultural use and the Burleigh Burn to the east of the site could pose flood problems. The submitted Flood Risk Assessment shows these to be minor, although this would require to be independently checked. Through a Masterplan issues such as the effective development area, transport, flooding and how development would respond to the setting of Burleigh Castle could be addressed. It is considered that the Plan identifies*

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*more than sufficient land to meet the housing land requirements during the Plan period so this site is not required.*

*No modification is proposed to the Plan.*

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 11, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 12 - Schedule 4 – No 35a – Kinross-shire Area – North and East Settlements with Proposals – Site H54 - Scotlandwell (Councillors Barnacle and Giacomazzi)

*Amend Schedule 4 No 35a Kinross-shire Area North and East Settlements with Proposals – Response to Representation under heading ‘H54’ from John Beales Esq. (09092/1/001) to read as proposed to suggest the addition of the site.*

**Amendment text**

*John Beales Esq (09092/1/001): Sufficient land has been identified within Scotlandwell to support future development needs during the lifetime of the Plan. It is however acknowledged that the proposed extension of the site boundary may achieve a more satisfactory settlement layout and reduced site density which would support a desire that properties are limited to one and a half stories. It may also allow the provision of improved linkages to the existing settlement. It is considered that although the identification of additional land may be acceptable a higher number of houses are not required within the settlement.*

*If the Reporter was so minded the Council would raise no objection to Site H54 being extended eastwards to reflect the attached plan and the site specific developer requirements to including the provision of a footpath link to Friar Place.*

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 12, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 13 – Schedule 4 – No 35b – Kinross-shire Area – West Settlements with Proposals – Blairingone By-Pass Line (Councillors Barnacle and Robertson)

*Amend Schedule 4 No 35b Kinross-shire Area West Settlements with Proposals – Response to Representations under heading ‘Blairingone’ from Councillor Michael Barnacle (02633/1/046) to read as proposed to reflect the need for traffic mitigation measures for the A977.*

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**Amendment text**

**Councillor Michael Barnacle (02633/1/046):** *A review of current traffic flows on the A977 does not provide a justification for the construction of a by-pass at Blairingone and no commitment is currently in place to upgrade any part of the A977. To support future projects along this route and ensure that future development does not sterilise a potential bypass at Blairingone the Council would have no issues with this being highlighted in the Plan.*

*If the Reporter was so minded the Council would have no issue with the inclusion of the following after Paragraph 7.1.17:*

*‘Transport Infrastructure*

*7.1.18 The A977 is an important strategic route through Kinross-shire and the Council will support further traffic mitigation schemes between Blairingone and Kinross.*

*7.1.19 The Council recognises the community aspirations for a bypass at Blairingone. To ensure the possible future route is protected from built development the indicative area of search has been identified on the Blairingone Map.’*

Following clarification on the effect of the Amendment, the Mover and Secunder of the Amendment agreed to remove the final paragraph 7.1.19, and amend paragraph 7.1.18 as follows:-

7.1.18 The A977 is an important strategic route through Kinross-shire and the Council will support further traffic mitigation schemes between Blairingone and Kinross, including examining the need for and preferred line of a by-pass at Blairingone.

The Mover and Secunder of the Motion agreed that, following consideration of Amendment 13, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 14 – Schedule 35b – Kinross-shire Area – West Settlements with Proposals – New Site – Blairingone (Councillors Robertson and Barnacle)

*Amend Schedule 4 No 35b Kinross-shire Area West Settlements with Proposals – Response to Representations under heading ‘Blairingone New Sites’ from Friends of Rural Kinross-shire (05105/1/001), JC Stewart (00409/1/001), Councillor William B Robertson (00923/1/006), Councillor Michael Barnacle (02633/1/045), Mr George Pease (10115/1/009), Fossoway and District Community Council (00830/1/005), Mr Kevin Borthwick (09777/1/001), Ms Eileen Thomas (10223/1/009), Matthew Pease Architect (09125/1/003) to read as proposed to give greater support for an additional housing site in Blairingone.*

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**Amendment text**

*Friends of Rural Kinross-shire (05105/1/001), JC Stewart (00409/1/001), Councillor William B Robertson (00923/1/006), Councillor Michael Barnacle (02633/1/045), Mr George Pease (10115/1/009), Fossoway and District Community Council (00830/1/005), Mr Kevin Borthwick (09777/1/001), Ms Eileen Thomas (10223/1/009), Matthew Pease Architect (09125/1/003): The Main Issues Report (MIR) identified two sites under Site A and Site B. 40 responses were received which were broadly in favour of further small scale development within the settlement. MIR Site B has previously been identified for residential development but was removed at the last Local Plan Inquiry due to concerns over ground conditions and the sterilisation of coal deposits. The primary school roll in recent years has been steady with the 7 year projected role showing this to continue with a number of permissions granted within the school catchment. The Council does not consider Site B in the MIR to be an effective site with concern that the ground conditions may make the site non viable. In order to promote development and provide confidence to the development industry and community it is considered that identifying a site for 30 dwellings may provide an opportunity to bring forward development.*

*If the Reporter was so minded the Council would have no issues with the identification of a site for 30 units within the settlement boundary but would not support these being identified as being part of the effective housing supply.*

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 14, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 15 – Schedule 35b – Kinross-shire Area – West Settlements with Proposals – Site H53, Gartwhinzean, Powmill (Councillors Barnacle and Cuthbert)

*Amend Schedule 4 No 35b Kinross-shire Area West Settlements with Proposals – Response to Representations under heading ‘Powmill H53’ from Councillor Michael Barnacle (02633/1/059), Mr George Pease (10115/1/011), Fossoway and District Community Council (00830/1/009), Mr Kevin Borthwick (09777/1/005), Mr Derek Kirk & Ms Donna McBain (00881/1/001) to change the recommendation to read as proposed.*

**Amendment text**

*Councillor Michael Barnacle (02633/1/059), Mr George Pease (10115/1/011), Fossoway and District Community Council (00830/1/009), Mr Kevin Borthwick (09777/1/005), Mr Derek Kirk & Ms Donna McBain (00881/1/001): If the Reporter was so minded the Council would raise no issue with the Site Specific Developer Requirements being amended to state the following: ‘Masterplan submitted at the time of any planning application looking at the entire village to ensure built form and layout respond appropriately to the landscape and strengthen Powmill as a distinctive place.*

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*Contribution to the development of the core paths network through the site and encourage provision of an off road route between the site and Gartwhinzean Feus.'*

The Mover and Seconder of the Motion agreed that, following consideration of Amendment 15, the Motion be amended to include the above wording.

**Resolved:**

In accordance with the Motion as amended.

Amendment 16 – Schedule 15d – Managing Future Landscape Change  
(Councillors Barnacle and Robertson)

*Amend Schedule 4 No. 15d Managing Future Landscape Change Proposed – Response to Representations under heading 'Greater Protection for the Ochils & Loss of/Replacement for AGLVs' from Councillor Michael Barnacle (02633/1/059), Mr George Pease (10115/1/011), Fossoway and District Community Council (00830/1/009), Mr Kevin Borthwick (09777/1/005), Mr Derek Kirk and Ms Donna McBain (00881/1/001) to change the recommendation to read as proposed.*

**Amendment Text**

*'AGLVs to remain in force until Local Landscape Designations are in place.'*

THERE FOLLOWED A 5 MINUTE RECESS

Following clarification that the effect of the amendment could be achieved by a review of the priorities for Supplementary Guidance, Councillors Barnacle and Robertson withdrew Amendment 16.

COUNCILLOR ROBERTSON LEFT THE MEETING AT THIS POINT.

**Strathearn Area – Schedules 37-40**

**Motion (Councillors Miller and Kellas)**

**The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.**

**Resolved:**

In accordance with the Motion.

**Strathmore and the Glens – Schedules 41-45**

**Motion (Councillors Miller and Kellas)**

**The responses to the representations in this grouping of Schedule 4 documents as contained in Appendix 3 to Report 13/18 be approved.**

**Resolved:**

In accordance with the Motion.

**Recommendations (v) – (x)**

**Motion (Councillors Miller and Kellas)**

- (v) The topic paper on Housing Land Supply, as set out in Appendix 4 to Report 13/18, be approved for submission as evidence to the Scottish Ministers in support of the plan;
- (vi) The Executive Director (Environment) be delegated to make any consequential changes to the series of Schedule 4's as a result of any decisions of the Council
- (vii) The Executive Director (Environment) be delegated to make any minor corrections or formatting changes to the series of Schedule 4's, together with the provision of additional evidence to support the Council's response, which may be available prior to submission to the Scottish Ministers;
- (viii) The submission of the plan and associated documents, together with the unresolved issues to the Scottish Ministers for examination, be approved;
- (ix) The Executive Director (Environment) be instructed to update and publish the Development Plans Scheme;
- (x) The Executive Director (Environment) be delegated to report back on the findings of the examination in due course.

**Resolved:**

In accordance with the Motion.

*COUNCILLOR BARNACLE LEFT THE MEETING AT THIS POINT.*

**33. PROPOSED LOCAL DEVELOPMENT PLAN – DRAFT ACTION PROGRAMME 2012-2024**

There was submitted a report by the Executive Director (Environment) (13/26) seeking approval to update the Draft Action Programme for submission to the Scottish Ministers in support of the Local Development Plan. Approval was also sought for a topic paper on "Delivering Infrastructure" which provided greater details on key infrastructure projects listed in the Draft Action Programme and the Proposed Local Development Plan.

**Resolved:**

- (i) The Updated Draft Action Programme, as set out in Appendix 1 to Report 13/26 be approved for submission to Scottish Ministers in support of the Proposed Local Development Plan.
- (ii) The topic paper on "Delivering Infrastructure", as set out in Appendix 2 to Report 13/26, be approved for submission as evidence to Scottish Ministers in support of the Proposed Local Development Plan.
- (iii) The Executive Director (Environment) be instructed to update both the Draft Action Programme and the "Delivering Infrastructure" topic paper to reflect the decision of the Executive Sub-Committee of the Lifelong Learning Committee of 6 February 2013.

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