

PERTH AND KINROSS COUNCIL

29 August 2018

PROPOSED LOCAL DEVELOPMENT PLAN REPRESENTATION AND PROPOSED RESPONSES

Report by Depute Chief Executive (Chief Operating Officer) (Report No. 18/263)

This report outlines the representations received in response to the publication of the Proposed Local Development Plan. Only the key issues arising from the representations are highlighted, with all representations being included within additional Schedule 4 documents. The report outlines the procedures towards the adoption of the Plan, and proposes responses to unresolved representation i.e. objections. The report recommends that the Council proceeds to submit the Plan and the unresolved issues, without notifiable modifications, to the Scottish Ministers to hold an Examination.

1. BACKGROUND

1.1 At the Special Council Meeting of 22 November 2017 (Article No 17/387), the Council approved the Proposed Local Development Plan and agreed to its publication on 1 December 2017, allowing a 9 week period for representations. The Council also instructed the Depute Chief Executive (Chief Operating Officer) to report the representations received on the Proposed Plan back to a future meeting of the Council.

1.1.1 The Status of the Proposed Local Development Plan

1.1.2 At the Council meeting of 22 November 2017, the Depute Chief Executive made it clear (as did the Report in paragraph 1.3) that the Proposed Plan is an expression of the Council's "**settled view in relation to the appropriate use of land within the Council area**". As such, its production represents a major stage in the Development Plan process, setting out the Council's view as to the content of the final adopted Local Development Plan, and that this was Members' opportunity to amend the content of the Proposed Plan. The Depute Chief Executive's comments are consistent with guidance from Scottish Government in Planning Circular 6/13: Development Planning. This states "Scottish Ministers expect the proposed plan to represent the planning authority's settled view as to what the final adopted content of the plan should be. This stage should not be used to 'test the water': new or controversial elements of plan content should already have been aired at the main issues report stage (at least as reasonable alternatives)".

1.1.3 This is given further weight by Sections 18(3) to 18(9) of the Town and Country Planning (Scotland) Act 1997 as amended. Section 15 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (which deals with pre-examination modifications) advises that, following the close of the period for representations on the proposed plan, planning authorities may make modifications, but only so far as to take account of

representations, consultation responses or minor drafting and technical matters. This clearly rules out the opportunity to reconsider areas of the Plan which have not attracted any representations seeking change. In line with this, the report and the associated appendices deal only with those aspects of the Plan which were the subject of representation seeking a change to the Plan.

1.2 Statement of Conformity and Overview of Publicity and Representations

- 1.2.1 In line with the Planning etc. (Scotland) Act 2006 Part 2 Section 18 (4)(a)(i), the Council is required to submit a report to Scottish Ministers “as to the extent to which the authority’s acting with regard to consultation and the involvement of the public at large have conformed with (or have gone beyond the requirements of) the authority’s current participation statement”. This report called the “Statement of Conformity” is to be submitted prior to the Examination to ensure the Reporter is satisfied with the Consultation the Council has undertaken throughout the preparation of the Local Development Plan. The Statement of Conformity is attached as Appendix 1 of this report. Elected Members are asked to agree its content for submission to Scottish Ministers.
- 1.2.2 To raise awareness of the publication of the Proposed Plan and the opportunity to make representations, a number of methods were employed. These included: statutory advert in local press and on internet; letter/email to all interested parties; articles in Community Newsletters; neighbour notification; public information events and workshops with Community Councils. The public information events were a significant success and gave the public an opportunity to view exhibition material relevant to their area as well as an opportunity to discuss the Proposed Plan with Officers. These were not only concerns and issues, but opportunities for clarification and guidance on how to make an effective representation to the Proposed Plan. These events were very well received and attended by 463 members of the community.
- 1.2.3 In accordance with the service improvements identified in the Planning Performance Framework, more emphasis was placed on online engagement through our dedicated webpage and online Story Map. The Story Map presented the Proposed Plan in an engaging way that was easy to access by computer, tablet or mobile phone, and simple to digest and comment on. A video was also available on YouTube to assist with using the Story Map and to provide a general introduction to the development planning process. The Story Map was, in the main, well received and was viewed 2996 times during the consultation period. In addition, over 80% of representations were submitted in an electronic format providing a large saving in staff resources. Further details of the publicity and general public awareness measures are contained in the “Statement of Conformity” contained in Appendix 1, and on the Council website at this link <http://www.pkc.gov.uk/ProposedLDP2>
- 1.2.4 A total of 742 representations, making in excess of 2000 comments, were received, evidencing the success of the overall awareness raising exercise. It is also worth noting that just over 400 (20%) of these comments were in

support of the Plan. Recommendation ii) of this report asks Members to note the representations received to the Proposed Local Development Plan. The representations are available on the Council website at this link <http://www.pkc.gov.uk/ProposedLDP2>

2. THE NEXT STEPS

2.1 Having received representations, the Council has three options to progress the Plan towards Adoption. These are outlined below:-

- i) Where there are unresolved representations (objections), but the Council as planning authority decides to make no notifiable modifications, they are to publish the Plan and submit it to Scottish Ministers. Non notifiable modifications are minor drafting and technical matters e.g. amending the various strategy maps to take account of the Council boundary change in 2017.
- ii) Where the authority decides to make notifiable modifications, they are to publish the modified Plan and specify a date (at least 6 weeks ahead) by which time further representations may be made. The authority may then further modify the plan or submit it to Ministers. (Notifiable modifications are modifications which (a) remove or significantly alter any policies or any proposals set out in the Proposed Local Development Plan; or (b) introduce new policies or proposals into the Proposed Local Development Plan.)
- iii) Where the authority makes modifications that change the underlying aims or strategy of the proposed Plan, they are required to prepare and publish a new Proposed Local Development Plan.

2.2 This report recommends that the Council proceeds with option i) and does not make any notifiable modifications. This recommendation echoes the Government's expectations as set out in Circular 6/13: Development Planning Paragraph 87, which indicates:-

"From the Proposed Plan stage, Scottish Ministers expect an authority's priority to be to progress to adoption as quickly as possible. Pre-Examination negotiations and notifiable modifications can cause significant delay and so should not be undertaken as a matter of course, but only where the authority is minded to make significant changes to the plan. However, if authorities do wish to support a significant change to the plan, this should be done by pre-Examination modification, as set out in paragraph 86 (3) above. The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations."

2.3 It should be noted that in the event of notifiable modifications, the target date for the adoption of the Local Development Plan will slip from July 2019 to April 2020 at the earliest. This revised date would only be achieved if the Directorate of Planning & Environmental Appeals (DPEA) can deliver within its 6 month target. Indications are that there is a high risk this may not be possible if the Council does not submit in September 2018, due to the number

of other plans being submitted for examination around the same time. This could lead to a further 6 month delay to final adoption in October 2020. Appendix 2 identifies the timeline for the adoption of the Plan under both scenarios.

- 2.4 The ability to indicate to the Reporter areas where the Council sees merit in the submitted representations clearly gives the Council the ability to influence the Reporter's final recommendation and the final content of the Plan. This approach avoids the time delay inherent with a modified Plan. It is also unlikely that a modified Plan would result in an issue being resolved without an examination, as objections would likely be made to the modifications. In relation to the adopted Plan, in over 90% of cases where the Council indicated to the Reporter that they saw merit in a representation, the Reporter took this into account.

2.5 Procedures for Submission to Ministers

- 2.5.1 The submission of the Plan to Ministers is the trigger for the Plan to be passed to DPEA (Directorate of Planning & Environmental Appeals) to hold an Examination into any unresolved issues (objections). The DPEA Reporters appointed to carry out the Examination will decide which issues they want further information on and whether they wish to hold any Hearing Sessions or a formal Inquiry into specific issues. It is likely that the vast majority of issues will be decided on the basis of written representation i.e. the representation and the Council's responses, which are the subject of this report.

- 2.5.2 The Council is required to submit to the DEPA the following:-

- The Proposed Local Development Plan together with the associated environmental reports
- All representations submitted prior to the close of the period of representations
- The Council's response to unresolved issues, in a prescribed format known as a Schedule 4 (A list of Schedule 4s is contained in Appendix 3 attached, and full copies are available on the Council website at this link <http://www.pkc.gov.uk/ProposedLDP2>)
- The Council's Participation Statement and The Statement of Conformity
- The Proposed Action Programme
- Core productions i.e. any evidence backing up either the representations or the Council's responses

2.6 Schedule 4s

- 2.6.1 Following discussion with the DPEA, the unresolved issues arising from the consultation have been provisionally grouped into 18 topic groups; however, as some have sub-divisions, the total number of topics is 50. The final number of topic groups will be agreed with the DPEA prior to submission. The list of topics is contained at Appendix 3.

Each Schedule 4 provides:-

- A list of those submitting representations
- A summary of the relevant points
- Changes sought to the Plan
- The Council's response to the representations

2.6.2 It must be acknowledged that the format of each Schedule 4 is set up to assist the Reporter, and does not make it a particularly readable document. It is not within the Council's discretion to amend this format. As the full set of Schedule 4s amounts to approximately 650 pages it is available on the Council website at this link <http://www.pkc.gov.uk/ProposedLDP2>

2.6.3 Following the Council's consideration of this report, it will be necessary to update any Schedule 4 where an amendment has been agreed and to make any consequential changes. Recommendation vii) seeks to delegate this to the Deputy Chief Executive (Chief Operating Officer).

2.6.4 The complex nature of the Schedule 4s, necessitates that a further round of checks is carried out to ensure that minor corrections and formatting changes are picked up prior to submission to Ministers. Recommendation viii) seeks to delegate this to the Deputy Chief Executive (Chief Operating Officer). It must be emphasised that this delegation seeks to ensure the accuracy of the document and the presentation of the Council's case, but does not extend to altering the agreed recommendation on each issue raised.

3. ENVIRONMENTAL ASSESSMENTS

3.1 Strategic Environmental Assessment

3.1.1 The findings of the Environmental Report will be of use to Members during their consideration of the comments received on the Proposed Local Development Plan. It will also help explain why a particular course of action was preferred over another. If Members wish to modify the Proposed Local Development Plan, then it will be necessary to determine whether these changes will have a significant environmental effect. If they are likely to have a significant environmental effect beyond that already assessed, then it will be necessary to undertake an environmental assessment of those changes. This in itself will add to the delay in submitting the Proposed Local Development Plan to Scottish Ministers for their consideration. Recommendation iii) asks Members to note the findings of the SEA and its subsequent Addendum in their deliberations on the content of this report.

3.2 Habitats Regulations Appraisal

3.2.1 Article 6(3) of the Habitats Directive¹ requires that any plan or project, which is not directly connected with, or necessary to the management of a Natura

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

2000 site², but would be likely to have a significant effect, either alone or in combination with other plans or projects, should be subject to an appropriate assessment. It should be noted that the legislation requires that the Plan can only be adopted in its final form once it has been determined, following an assessment, that it will not adversely affect the integrity of a Natura 2000 site. The Perth and Kinross Proposed Local Development Plan 2 (LDP2) was subject to such an assessment.

3.2.2 The Habitats Regulations Appraisal (HRA) has been a major project taking several months and undergoing several stages of review with the help of Scottish Natural Heritage. The time taken to complete the process was due to the range of Natura 2000 sites covering the area.

3.2.3 The Perth and Kinross area contains either wholly or partially 21 Special Areas of conservation (SACs) and 8 Special Protection Areas (SPAs). These equate to 13% of the Council's entire land area being covered by European site designations. The Proposed Local Development Plan contains:

- Individual vision statements for the Plan's four main themes: A Successful, Sustainable Place, A Low Carbon Place, A Natural Resilient Place, and A Connected Place
- Key objectives associated with each of the above themes
- 59 policies
- 14 pieces of supplementary guidance
- 104 site proposals, and
- 62 settlements with no specific allocations but where future infill opportunities exist within the settlement boundary.

3.2.4 These all had to be considered individually and cumulatively for potential likely significant effects on a designated European site.

3.3 The Appropriate Assessment and Mitigation Measures

3.3.1 Following a multi-part screening stage to identify likely significant effects, the final part of the HRA process is the undertaking of the Appropriate Assessment. This is the test undertaken to ensure that the Proposed Plan will not adversely affect the integrity of Natura 2000 sites. The assessment identifies the potential impacts of the Plan, and provides the information to allow the Council, as the competent authority, to put in place sufficient mitigation measures in order to avoid any adverse impacts.

3.3.2 There were 37 elements of the Proposed Plan taken forward to the Appropriate Assessment stage: 1 spatial strategy, 17 policies, 4 pieces of supplementary guidance and 14 site proposals, and the Cross Tay Link Road. The mitigation measures developed in response, when fully incorporated into the Plan following the Examination process, allow the Council to conclude that

² Special Areas of Conservation (SAC) and Special Protection Areas (SPA) which are also referred to as European sites

LDP2 will not adversely affect the integrity of European designated sites, either individually or in combination with other plans and projects.

- 3.3.3 In the interest of good practice, a screening exercise was also undertaken of the Plan's settlements where development potential is indicated through the Spatial Strategy and Policy Framework but no specific allocations are identified. The reason for doing so was to ensure that the interests of European designated sites are flagged up for consideration at any future planning application stage for infill developments at these locations.

3.4 Further Actions

- 3.4.1 No further actions are required in relation to the Habitats Regulations Appraisal (HRA); however, under recommendation iv) Council is asked to note the HRA and Appropriate Assessment as a supporting document to the Plan. (A copy of the HRA is available on the Council website at this link <http://www.pkc.gov.uk/ProposedLDP2>)

4 **UNRESOLVED ISSUES AND RESPONSES**

- 4.1 This report does not set out to cover all the issues raised in the 742 representations as these are covered in detail within the Schedule 4s available on the Council website at this link <http://www.pkc.gov.uk/ProposedLDP2> Rather, this section of the report focuses on some of the key strategic cross cutting areas which pull together issues and responses from a number of the Schedule 4s. Reference will be made to the Housing Background Paper and the Infrastructure Reports available on the Council website at this link <http://www.pkc.gov.uk/ProposedLDP2> Recommendation (v) asks the Council to approve the Housing Background Paper and Infrastructure Reports and for them to be submitted to the Scottish Ministers as part of the evidence base supporting the Plan.
- 4.2 The report seeks to give Members an overview of some of the key policy or local issues raised by the representations. This is presented in the following order:-
- Strategy and Policies
 - Perth area
 - Highland area
 - Kinross-shire area
 - Strathearn area
 - Strathmore & the Glens area
- 4.3 It should be noted that, where representations indicated support, or made only a comment on an issue, then these are not defined as unresolved issues and are not referred to in a Schedule 4.

4.4 **Housing Land Strategy (Schedule 01A)**

- 4.4.1 A significant number of representations have been submitted on the housing land strategy. However, only a small number of these relate to the overall housing land requirement for Perth & Kinross, primarily from those who consider the requirement to be too high. The housing land requirement is set by TAYplan <https://www.tayplan-sdpa.gov.uk/> and as such cannot be changed.
- 4.4.2 The housebuilding industry consider there to be a substantial undersupply of housing land. Representations are also made for additional sites in specific housing market areas. The Housing Background Paper, however, demonstrates that sufficient land has been identified in each housing market area to meet the housing land requirement. An allowance is also built into the calculation to ensure that there is an adequate supply of land in the event that some sites fail to come forward or take longer than expected to deliver.
- 4.4.3 The majority of the remaining comments relate to the way in which the housing land supply has been allocated within individual Housing Market Areas, and why more land has not been allocated in the smaller settlements. In accordance with TAYplan the majority of development is directed to the principal settlements.

4.5 **Policies (Schedules 01B-04A)**

- 4.5.1 **Policy 1 Placemaking (Schedule 01B)** A number of representations have been received about Policy 1D, including from Homes for Scotland. They consider there is a need to remove capacity ranges, and replace them with indicative site capacities. They state that site capacity can only be addressed through the planning application process in full consideration of the place-making expectations, as well as any relevant implications for infrastructure needed to support the development. Furthermore, concerns have been raised regarding the difference between rural and urban settings and the term “exceptional circumstances”. However, the capacity range is a necessary prerequisite of the LDP process because the Council has an obligation to identify a number of units for each site. These calculations are a requirement for the Housing Land Audit, as well as supporting the Council’s housing land strategy, and the identification of necessary infrastructure upgrades, such as new roads and schools. There is a clear methodology set out in the Housing Background Paper that has been used to determine the capacity ranges. Capacity ranges provide flexibility in terms of the timing, economic climate and changing requirements of house buyers. The maximum density provides a clear guide as to what the Council considers acceptable on any individual site, based on the surrounding area, the infrastructure capacity of the specific settlement and on site environmental constraints. No modification is therefore proposed to the Plan.
- 4.5.2 **Perth Transport and Policy 4 (Schedule 01C)** A number of representations requested that the proposed A93/A94 development embargo was kept in place until the Cross Tay Link Road (CTLR) is constructed and not just a committed project, and/or suggested the embargo should apply for Alyth,

Blairgowrie, Coupar Angus, Meigle and Glebe School, Scone. The proposed response notes that the timing of both the CTRLR being a committed project and the embargo being lifted is critical to the delivery of housing within Perth, as a number of sites identified are currently constrained. It is considered that when the CTRLR becomes a committed project, it will provide enough certainty that the development will happen and allow the embargo to be lifted and any planning decisions to be released. This is a proportionate response. With regard to the A93/A94 embargo, this specifically relates to areas outwith the Perth City boundary but within the area designated in the LDP as the Perth Housing Market Area. The settlements listed above are outwith this area. The Council commissioned an assessment to determine the impact of development within various settlements on the Perth Transport Network study. This shows there would be a limited impact on the Perth Transport Network from developments in these settlements. Therefore, the embargo does not need amended.

- 4.5.3 A number of representations suggested that the CTRLR was incorrectly shown in the Proposed LDP2. There is some confusion caused, as an earlier design stage did not show the Highfield junction. The current design layout shows a Highfield junction as well as junctions with the A93 and A94, and at Stormontfield Road, and this layout is reflected in the Proposed LDP2. The junction provision proposed through the detailed design stage takes account of the sites in the Proposed Plan, and is not based on future development potential within the greenbelt. The approved masterplan (schedule 4 document) for Scone North includes the Highfield junction, which will be delivered by the Council at the Scone North developer's expense.
- 4.5.4 Another suggestion made by objectors was that LDP2 should provide more detail through an allocation for the CTRLR with site requirements. However, the policy provisions of the Proposed LDP2 are considered to be sufficient and appropriate to inform the detailed design stages.
- 4.5.5 **Policy 23 Delivery of Development Sites (Schedule 01K), Policy 24 Effective Housing Land Supply (Schedule 01L) and Policy 25 Housing Mix (Schedule 01J)** The following policies are about ensuring there is an effective supply of housing land and that the houses delivered meet the needs of the Perth and Kinross population.
- Policy 23: Delivery of Development Sites
 - Policy 24: Maintaining an Effective Housing Land Supply
 - Policy 25: Housing Mix
- 4.5.6 While Policy 24 has generally attracted support with objections focusing on the detailed wording, it is noted that Homes for Scotland and a number of developers active locally have submitted more fundamental objections to Policies 23 and 25.
- 4.5.7 Policy 23 seeks delivery statements from developers and the aim of this policy supports the thrust of the planning reform process currently underway. One of the key recommendations of the planning reform, asks planning authorities to take a more active role in site delivery rather than just identify sites through

the LDP process. Part of this process is a joint approach to ensuring blockages to development are addressed by both the Planning Authority and Developers. This may include identifying where the public sector may need to step in to assist in infrastructure delivery, or where the Councils' Compulsory Purchase powers may be required to facilitate land assembly.

- 4.5.8 To assist this, the policy asks developers to provide a Delivery Strategy, thus allowing the Council to identify the timetable and key milestones where delays may occur. As an example, a developer may wish to start on site in 2020. However, this is dependant of Scottish Water upgrading the wastewater treatment. The Council may support the acceleration of the required works in its regular liaison meeting with Scottish Water; or where infrastructure funding by the developer is the issue, support could be given for an application to the Scottish Government's infrastructure loan fund.
- 4.5.9 The development industry appears to view this as an additional burden. However, any developer who is seriously intent on bringing forward a site should already have a delivery strategy. This may expose some developers who wish to "land bank" rather progress a site. If the planning system is to take a more active role in ensuring delivery, the sharing of delivery strategies is essential. The Councils' response, therefore, resists any change to Policy 23.
- 4.5.10 Policy 25 seeks to ensure that sites of 20 or more houses should meet the needs of smaller households including older people and lower income households, by providing at least 20% of their homes as one or two bedroom homes.
- 4.5.11 At the time of preparing the current adopted LDP, a specific need for smaller and low cost market housing was identified in the Local Housing Strategy (2011-2016). Leaving it to the market to address this need had, in the past, met with limited success. Understandably, developers had responded to market demand and provided the product which delivered the highest returns. Historically, this has been for larger houses at the higher end of the market.
- 4.5.12 The latest household projections for Scotland (2016-based) reinforce this. In Perth & Kinross the percentage of single person households by 2041 is projected to increase by 26%. Single adult households with children are projected to increase by 33% while two adult households without children are to increase by 18%. The increase in single and two adult households without children is partly due to an ageing population. By 2041 nearly half of all households (47%) in Perth & Kinross will be headed by someone aged 60+; there is an expected increase of 80% of those households headed by someone aged 75+. It is reasonable to assume that many of these households will wish to downsize to smaller properties.
- 4.5.13 A number of Scottish Councils have tackled this issue in their LDP through a density policy. A disadvantage of a minimum density policy is that it is unlikely to be applicable to every site, due to on-site constraints and the need to be compatible with the surrounding density / pattern of development. In

comparison, a housing mix policy could be applied to every site above a certain size, ensuring a proportion of smaller units on these sites. This has met with resistance from the housebuilding industry as it is considered overly prescriptive, and could result in further delays to the delivery of housing sites. Some respondents would wish that the policy instead just sought an 'appropriate' mix, while others consider that the policy should be deleted in its entirety.

4.5.14 It is acknowledged that the proposed requirement for 1 and 2 bedroom houses is in addition to the requirement for 25% affordable housing sought under Policy 20: Affordable Housing. It is envisaged that these 1 and 2 bedroom houses will meet a need simply due to their smaller size. For example, under Policy 25, a developer could choose to build a percentage of small luxury houses aimed at older people wishing to downsize. Such houses would not necessarily be affordable in terms of price but would still help to meet an identified need for smaller houses.

4.5.15 The emerging demographic profile in the area, and the previous failure of the development industry to deliver the houses required to serve the local population, provides ample justification for the Council's policy approach. As a result, the Council's response defends the policy while acknowledging that there are extenuating circumstances which mean that if meeting the policy requirement will render a development economically unviable this requirement may be varied.

4.5.16 The policy also requires where there is an identified deficit in housing specific needs i.e. wheelchair accessible houses, there may be a requirement for up to 10% of the development to be designed to meet these needs, or to demonstrate how the houses are easily adaptable.

4.5.17 increasingly, households which contain a person or people with specific housing needs wish to live within the community rather than being segregated simply because of their need for a specific type or design of house. It will not always be the case that such households are in need of an affordable house; rather they are in need of an appropriate house. It is, therefore, considered valid for planning policy to seek to help enable such households to live within the community by ensuring that, where appropriate, their needs can be accommodated within mainstream housing developments. Policy 25 is seeking to ensure a small percentage of a development to provide houses to meet specific needs but only in those areas where there are identified clusters of households with such needs. The onus would be on the Council to demonstrate that such a cluster of households exist. Only two individual housebuilders objected to this part of Policy 25. No representation on this issue was received from Homes for Scotland. The move towards care in the community clearly justifies this policy approach and the Council's response defends this position.

4.5.18 **Policy 28 Conservation Areas (Schedule 01M)** There are a number of areas that have been highlighted for potential conservation appraisals: Ballindean, Kinnaird, Keltybridge, Maryburgh and Milnathort. Revisions to

Cleish, Errol, Perth City and Perth Kinoull Conservation Areas have also been proposed. As set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the statutory definition of a conservation area is an area of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.

4.5.19 There are 35 existing conservation areas within the Perth & Kinross Council area and only two conservation officers to cover them. Their main priority is to operate the day-to-day management of these areas through planning applications and listed building consents. The capacity of these staff to undertake the revision of conservation areas as well as the identification of new areas is extremely limited.

4.5.20 The conservation areas are reviewed systematically. The Council has a ranking system that orders the review according to community pressure, date of previous appraisal, synergy of funds/initiatives and development pressure. The principles of selection for designation include:

- Areas of significant architectural or historic interest in terms of specific buildings and/ or scheduled monuments
- Areas of interest in terms of building groupings, which may or may not include listed buildings and/ or scheduled monuments, and open spaces they abut
- Features of interest e.g. street pattern, planned towns or villages and gardens/ designed landscapes
- The requirement to protect an area due to its uniqueness or value and distinct character should also be considered

4.5.21 In terms of identifying new conservation areas, Milnathort was recently appraised. This Assessment did not consider Milnathort to meet the requirements. The Milnathort Assessment Report states that although there is a high concentration of historic buildings in the settlement, there is no clear boundary for a conservation area. Ballindean, Kinnaird, Keltybridge and Maryburgh are all small settlements that are unlikely to meet these criteria and have very limited development pressure focused on them. With the resource issue already highlighted, it is extremely unlikely that these would be considered a priority to conduct a detailed appraisal work carried out.

4.5.22 **Low Carbon Place (Schedule 02A)** The Low Carbon Place Strategy is a new section in the Proposed Plan setting the overall policy framework for considering development proposals against the low carbon ambitions for the Perth & Kinross area. The Low Carbon Place Strategy incorporates specific Visions and Objectives as well as detailed planning policies on Renewable and Low Carbon Energy (Policy 31), Sustainable Heating and Cooling (Policy 32) and Electricity Transmission Infrastructure (Policy 33).

4.5.23 In the current adopted LDP, Policy EP1 (Climate Change, Carbon Reduction and Sustainable Construction) details the requirements of new developments in relation to the installation of low and zero carbon generating technologies (as required under Section 3F of the Town and Country Planning (Scotland)

Act). As experienced by other Councils across Scotland, the implementation and enforcement of this policy has been found to be ineffective and largely duplicates the requirements of Building Regulations. Therefore the Council has opted to exclude this Policy from the Proposed Plan and address issues of climate change mitigation and adaptation across a range of other policies in the Proposed Plan such as Placemaking, Renewable and Low Carbon Energy, and Sustainable Heating and Cooling.

4.5.24 Despite the Minister acknowledging, in the Ministerial statement on the planning review, that the legislation was ineffectual, the Scottish Government has objected to the removal of this Policy and seeks the addition of a new policy within the Proposed Plan to cover the requirements of Section 3F. The proposed response in Schedule 02A suggests no change to Plan. However, if the Reporter is minded to accept the Scottish Government's suggested modification to include a new policy, the proposed response suggests the new Policy should use specific wording used in a recent Scottish Government Ministerial Direction to West Lothian Council on this issue.

4.5.25 Other issues raised in relation to the Low Carbon Place Strategy are considered to be minor in relation to the impact on the Proposed Plan.

4.5.26 Binn Eco Park (Schedule 02B)

4.5.27 The Binn Ecopark was allocated a settlement boundary in the 2014 Local Development Plan to reflect existing planning consents for the range of uses and types of processes that take place at the site, all related to energy, resource and waste management. The Reporter at the last LDP examination recommended that to facilitate an expansion, a masterplan by way of supplementary guidance could be developed for the site.

4.5.28 In the intervening period, consideration has been given to the range of uses and technologies that could be accommodated at the site, and some work has been done by the operators as to their potential impacts on the environment.

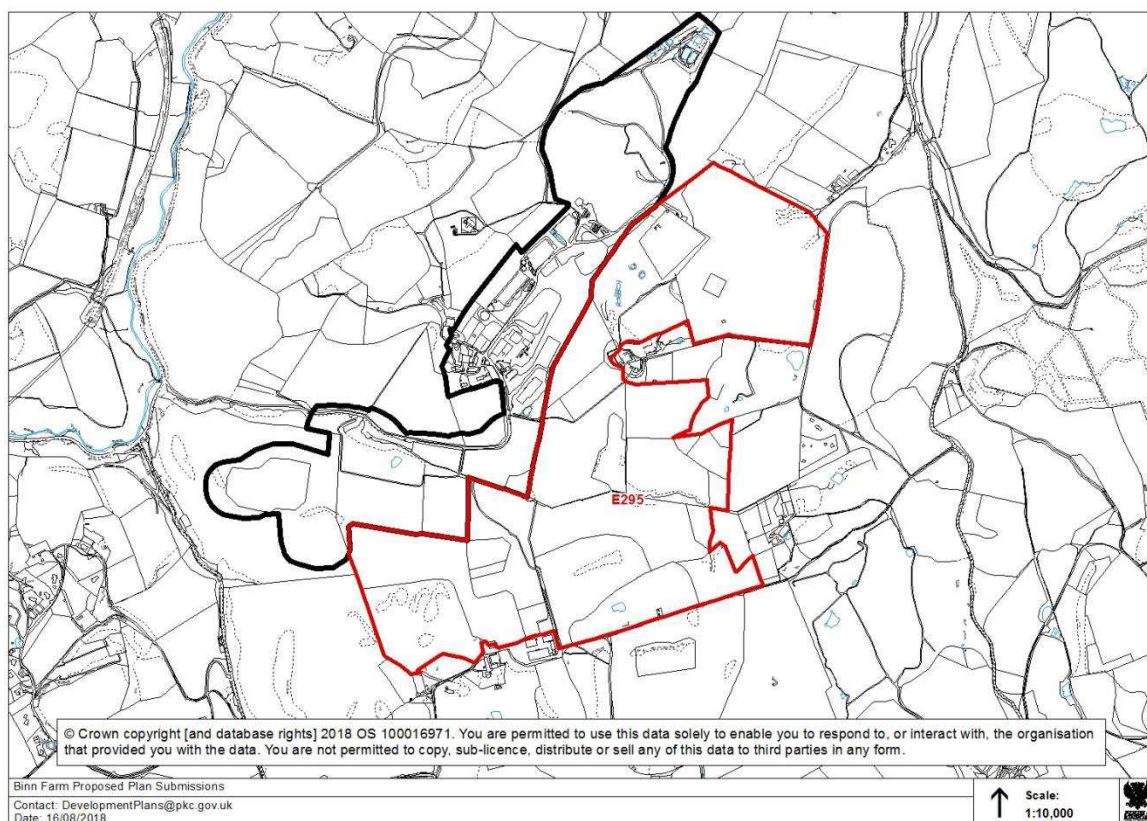
4.5.29 The suggested expansion was discussed in the Main Issues Report because the principle of supporting the provision of low carbon and zero waste infrastructure and the principles of a circular economy have policy support from TAYplan. Binn Ecopark is developing demonstrator projects that supports Tay Eco Valley, which is a partnership in the Tay Cities economic region of four local authorities, Scottish Enterprise, universities, colleges, Zero Waste Scotland and industry and features in the Tay Cities Deal. The Council set out its preferred option at Main Issues Report stage, which was for a masterplan to be prepared to be consistent with the reporter's findings.

4.5.30 In response to the Proposed Plan, a representation was received from Binn Group requesting a change to the settlement boundary to expand the physical size of the site and the range of uses and types of processes undertaken at the Ecopark. A brief masterplan was submitted that sets out the suggested development of the Ecopark and identifies some likely environmental effects

of the expansion including an assessment of the likely scale of the impact and necessary mitigation.

- 4.5.31 The Council now acknowledges that the preparation of a fully comprehensive masterplan is not an easy task to achieve at this stage because it is likely that new processes would take advantage of opportunities in emerging technologies and the precise range of uses and types of processes that would take place in the expansion area is not yet known.
- 4.5.32 The Proposed Plan would support Binn Group's suggestion, subject to the assessment of environmental information as to the likely impact of expanding the site and the range of uses and processes proposed. The issue for examination is whether a masterplan with detailed environmental information about the expansion is required at this stage, or whether this information would be better submitted at each planning application stage for consideration. In the absence of a detailed masterplan it has not been possible to include the suggested expansion of the site and the range of processes to be carried out in the Strategic Environmental Assessment of the Proposed Plan.
- 4.5.33 The proposed response sets out that the Council already has a lot of environmental information available about the site that has been considered in respect of various planning applications to date at the site. This information needs to be updated each time a planning application is submitted. The response also acknowledges that the precise range of uses and types of processes that would take place in the expansion area is not yet known to Binn Ecopark, instead support is sought for the principle of expansion at the site.
- 4.5.34 For these reasons, the Council's proposed response suggests no change to the Proposed Plan. However the Council acknowledges that there is value in beginning the preparation of a masterplan to shape future development, both within the settlement boundary and the suggested expansion area.
- 4.5.35 The masterplan could commence the process of environmental assessment of the site including its landscape setting and capacity for development, its accessibility, and other environmental aspects independent of the future uses and technologies. The remaining full environmental assessment for finalised site boundaries; new uses, technologies and processes; and the impacts on the environment and appropriate mitigation measures may then be carried out at planning application stage as appropriate.

Binn Ecopark map



4.5.36 Policy 36 Environment and Conservation (Schedule 03A) The Council's current policy on the Environment and Conservation (Policy NE1) includes Policy NE1C (Local Designations) which requires the Council to identify and designate local conservation or geological sites of interest. These would then be used as part of the decision-making process to consider the impact of development proposals on any sites of local interest. The Council has removed this sub-policy from the Proposed Plan due to a lack of appropriate staff resources to be able to identify and designate sites of local interest. SNH has objected to the removal of the sub-policy in relation to sites of local interest and seek that this is reinstated. The proposed response in Schedule 03B identifies that the Council currently does not have a permanent staff resource to be able to take this work forward but has secured a potential temporary staff resource to assist with the early stages of the site identification work. The proposed response suggests no change to the Proposed Plan, however acknowledges SNH's position on this issue.

4.5.37 SNH, Scottish Government and RSPB have suggested some modifications to Policy 36 which will add clarity to the Plan in relation to Natura 2000 sites and the role of landscape designations. The proposed response indicates a number of minor changes which the Council would not be opposed to should the Reporter wish to suggest modifying the Plan. In addition, other minor changes are sought but these are not supported in the proposed response.

4.5.38 Policy 41 Green Belt (Schedule 03B) A small number of representations were received falling into two main categories.

4.5.39 The first seeks further expansion of the policy to allow more of the categories of the Housing in the Countryside policy to apply within the Green Belt. Making this change would mean that the Green Belt could become almost indistinguishable in housing policy terms from all other rural areas in Perth & Kinross. This would bring into question the value of having a Green Belt at all and, as such, the LDP could be considered inconsistent with TAYplan. The Examination Reporter for the current Plan also ruled out allowing more housing in the Green Belt on the basis that this is not supported by Scottish Planning Policy.

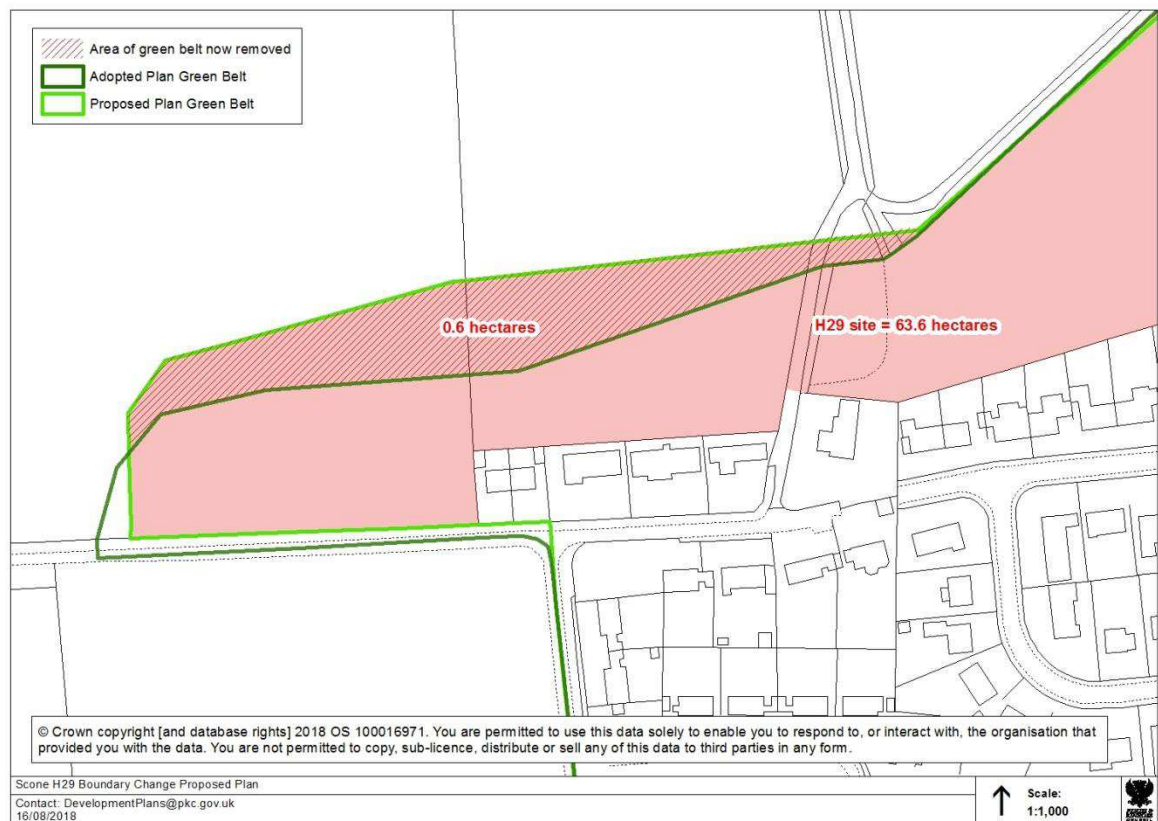
4.5.40 The second seeks further expansion of the renewable energy criterion; suggesting that the existing criterion (f) does not adequately encompass ground mounted solar developments, and insufficient clarity is provided regarding the scope and extent of the required search area outwith the Green Belt. It is acknowledged that solar energy schemes will often have less adverse impact, and be less controversial, than some other forms of renewable energy. Scottish Planning Policy, however, offers no specific support for any form of renewable energy within the Green Belt. Policy 41, therefore, already allows more flexibility than that suggested in SPP. There is not considered to be any justification as to why proposals for renewable energy developments should not continue to be treated in the same way as any other essential infrastructure. In all cases, applicants must be able to demonstrate that the infrastructure itself is essential, and that a Green Belt location is also essential.

4.5.41 The extent of the areas which applicants will be required to search outwith the Green Belt will be a matter for agreement between the applicant and the Council taking a proportionate approach. Only minor clarification is proposed to Policy 41.

4.5.42 A considerable number of representations have also been received to the proposed green belt boundary changes, primarily that proposed at the H29 Scone North site to the west of the site. The revised site boundary was approved planning permission in May 2017 with the consequential changes to the green belt boundary and settlement boundary being a knock on effect. It was identified as acceptable as it was less than a 1% change to the overall site area. As this has already been through the development mangment process and cannot be challenged at this point. The LDP is simply reflecting this update.

The proposed response is that no change is made to the Plan.

Scone North Boundary change map



4.5.43 Policy 50 New Development and Flooding (Schedule 03F) SEPA seeks policy commitment and also site specific commitments to not allow residential development on undeveloped land protected by the Perth Flood Protection Schemes (FPS). SEPA seek removal of H1, Scott Street/Charles Street, and seek a developer requirement for both H319 Ruthvenfield and MU73 Almond Valley that highly vulnerable uses (which includes residential) avoid the 0.5% probability (1 in 200 year) flood plain. SEPA are concerned because their view is that flood protection schemes can fail.

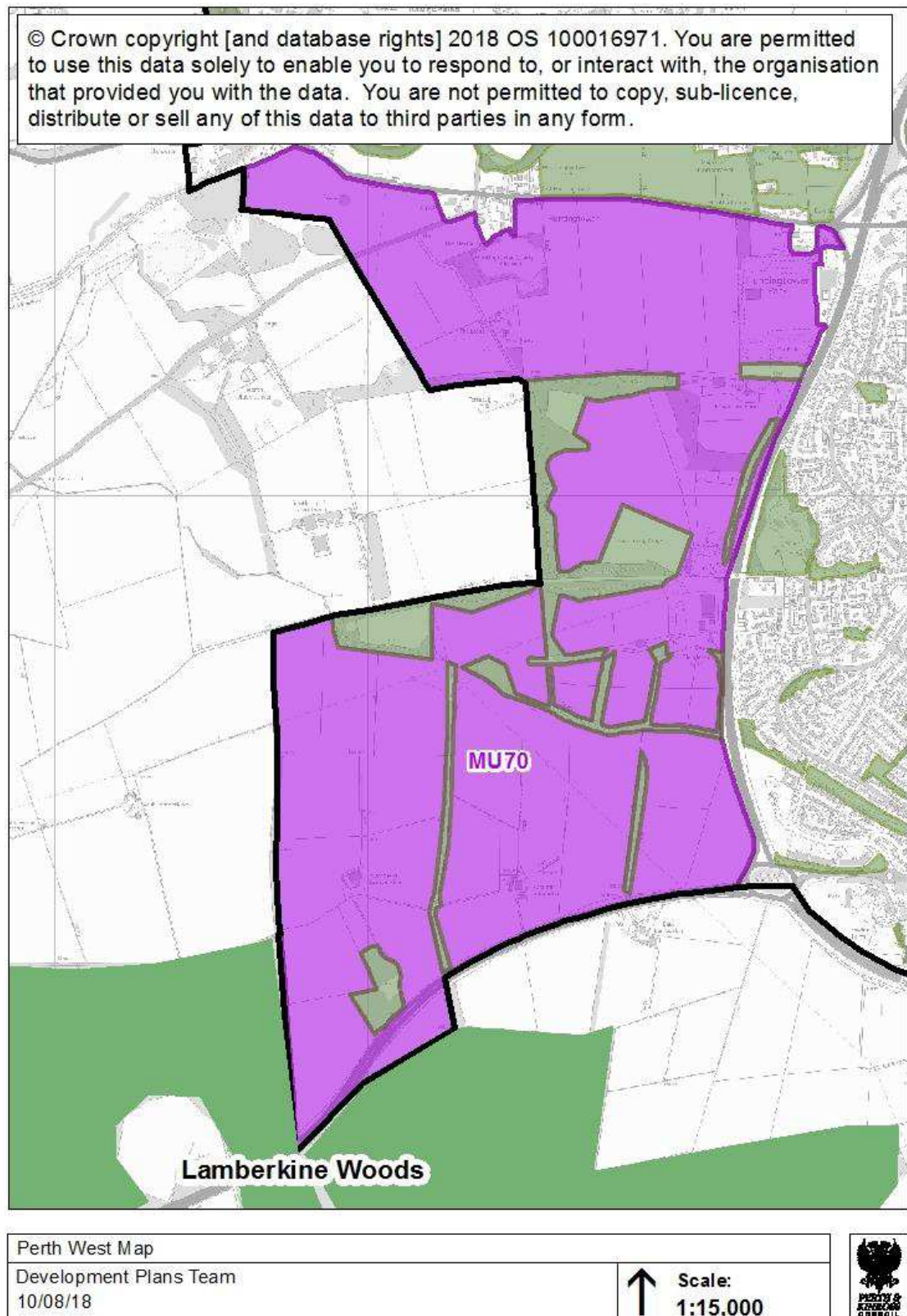
4.5.44 SEPA's position is different to Scottish Planning Policy (SPP). The SPP para 263 refers to land within the built up area behind appropriate flood defences as "may be suitable for residential, institutional, commercial and industrial development" rather than proposing different approaches for these uses (as SEPA do). Also SEPA's definition of the SPP appropriate standard for flood defences is more onerous and they have not provided a satisfactory justification. The Council's position is that climate change could be more appropriately addressed in other ways such as the design and construction of new development e.g. raised finished floor levels.

4.5.45 The Development Plan should provide sufficient certainty to developers, and SEPA's revised approach would undermine the certainty provided in LDP1 and the current SPP. Overall, the SPP and LDP approach to considering vulnerability is more responsive and reflective of the risks involved in Perth.

4.6 **Perth Area** (Schedules 05-09)

- 4.6.1 **Perth West (Schedule 05)** Considering the scale of the Perth West site (MU70) there are limited public objections to it, with SNH seeking some minor modifications. While representations raised various concerns, the key ones include: loss of agricultural land, lack of need for additional housing land, the landscape impact/greenbelt boundary change, impact on the inventoried battlefield of Tippermuir, and the ability of infrastructure/transport network to cope.
- 4.6.2 While there is no outright housing land requirement to identify this extended Perth West MU70 allocation, this housing market area is dominated by reliance on larger strategic sites and if one or more of these stall, there is a need for the flexibility MU70 would provide. The majority of MU70 is already white land within the settlement boundary and is, in part, already allocated for housing and identified as H70 in the current LDP. In light of this, it is reasonable to expect that a planning application would be forthcoming even if this wider site is not allocated in LDP2.
- 4.6.3 There would be loss of farmland with MU70, however, suitable opportunities to extend Perth would necessarily impact on prime agricultural land. Currently, the LDP1 Green Belt follows a thin field boundary tree belt. The proposed LDP2 Green Belt amendment would serve to make a more rigorous long term boundary associated to the West Lamberkine woodland block. As part of MU70, it is proposed to soften this western urban edge of Perth, and create a new outer western edge which links shelterbelts and woodlands. With regard to the Inventoried Battlefield of Tippermuir there is a site specific developer requirement for 'A Battlefield Conservation Plan prior to detailed masterplan'. This provides a suitable context for any future masterplanning and planning applications and ensures the heritage interests can inform the layout and open spaces. The battle is relatively unknown to the general public, however, the preparation of a Battlefield Conservation Plan affords the opportunity to increase public awareness and potentially provide interpretive material. If the Reporter was minded to add to augment this requirement to say 'A Battlefield Conservation Plan prior to detailed masterplan including proposals for interpretation' then this would be appropriate.
- 4.6.4 With regard to the transport network, further traffic modelling work has been undertaken to assess the implications of the wider Perth West site. The modelling work indicates that the wider Perth West site could potentially cope with somewhere between 1,500 and 2,500 new houses before further physical/modal measures may be required. The Proposed LDP2, therefore, includes a pause and review at 1,500 houses, for monitoring before the rest of the wider site can potentially come forward.

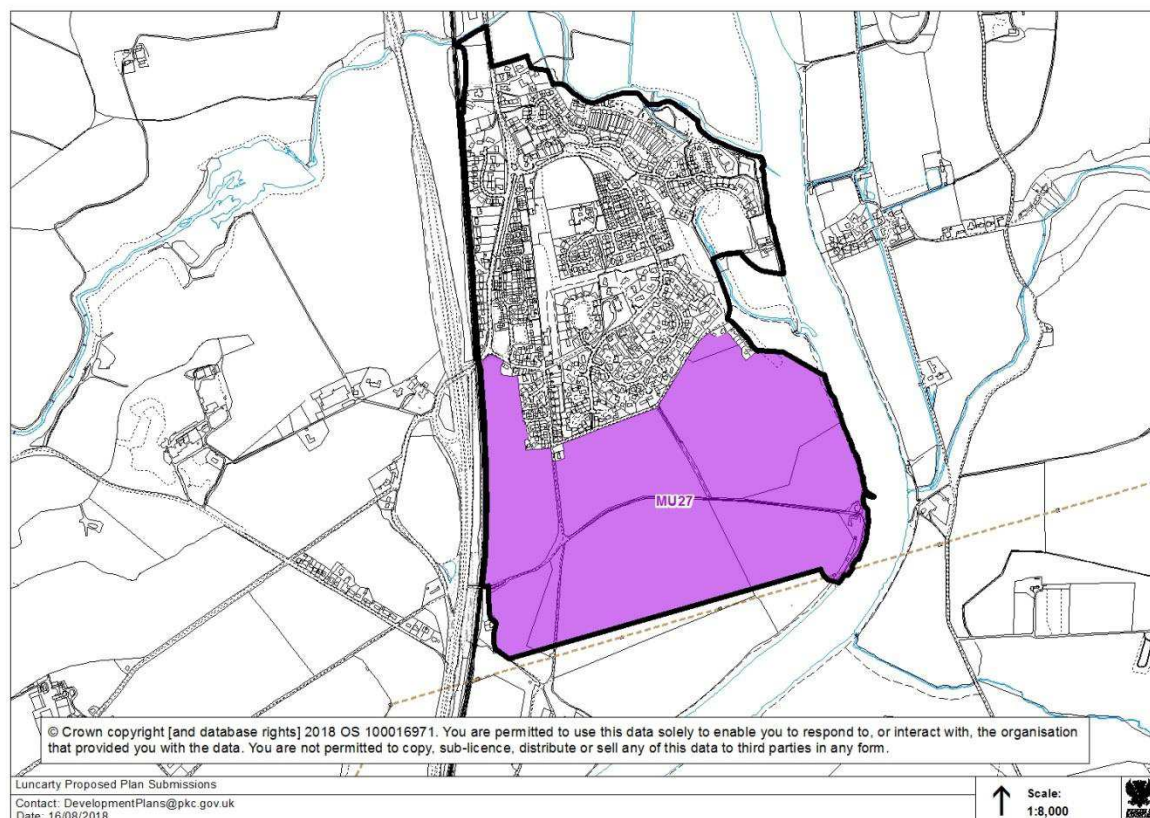
MU70 Perth West map



4.6.5 **Luncarty (Schedule 07A)** There have been a number of representations regarding the MU27 site at Luncarty South (18 in total). The key issues raised

are: accessibility to the site and traffic impact on the wider area; impact on services and facilities within the village and lack of employment locally; the loss of agricultural land, habitat and countryside; impact on historic character of the area. This site has been allocated for development since 2014 and is in the current adopted LDP. It has an approved planning in principle permission for residential and employment uses. The concerns raised through the representations have been identified and addressed through the planning conditions for this site and a Section 75 is currently being drafted to reflect this. As the principle of the site is no longer in question and the issues are addressed through the planning application process, no modification is proposed to the Plan.

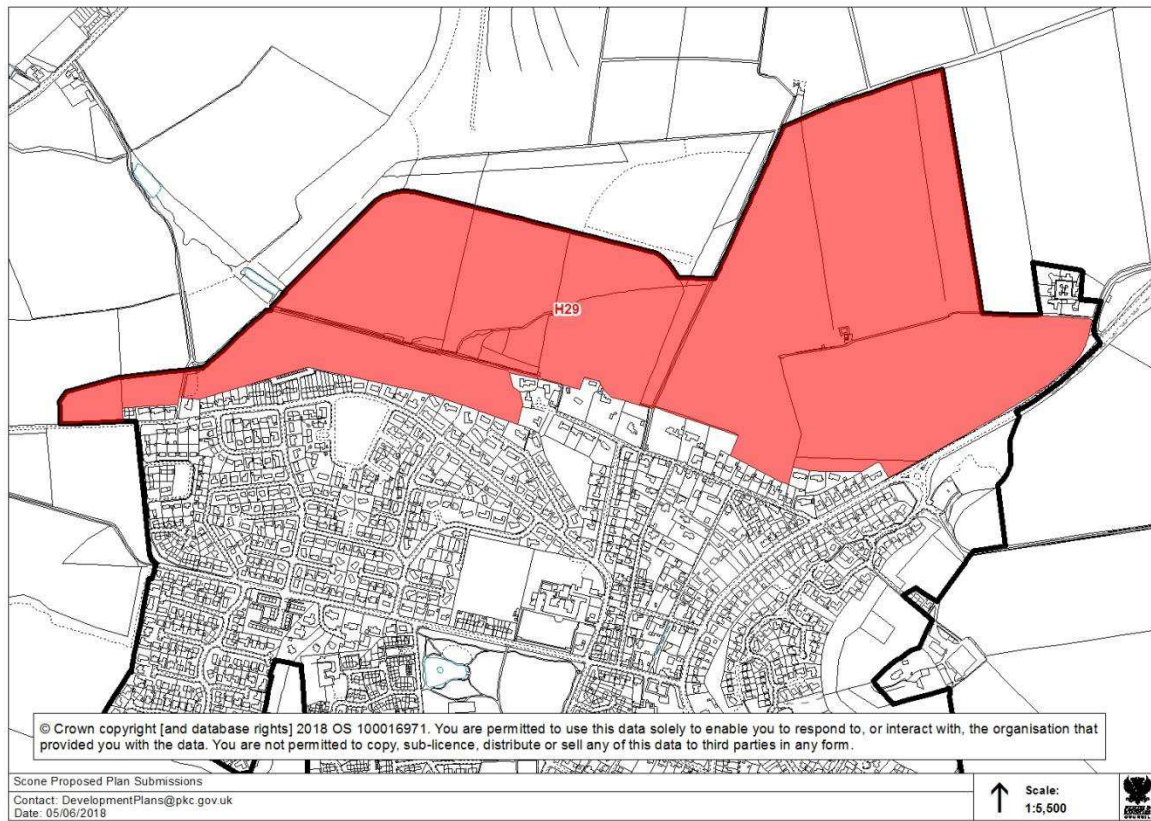
MU27 Luncarty South map



- 4.6.6 Scone (Schedule 07A)** There have been a considerable number of comments surrounding Site H29 in Scone, with concern raised in particular about the minor change of boundary determined by the planning application decision, this is discussed above at paragraph 4.5.42. Objections were also submitted to the deletion of some of the developer requirements from LDP1. This was due to certain issues already being covered by the planning consent and as a result considered superfluous. The Council's response indicates to the Reporter that they would not be opposed to the reintroduction of these requirements. Similarly concerns that the indicative drawing of the site could better reflect the approved masterplan, in respect of open space and woodland protection, are acknowledged and a revised plan will be made available for the Reporter's consideration.

4.6.7 The proposal by the Scone North developers to create an enhanced gateway to the village by extending H29 received some support, its inclusion is not considered appropriate at this stage of the plan, particularly as it has not been consulted on as part of the Proposed Plan.

H29 Scone North map



Revised Indicative Drawing



- 4.6.8 **Kinfauns (Schedule 08A)** Kinfauns (Schedule 08B) Felsham Planning and Development have submitted objections, on behalf of the Edrington Group, to the allocation of Site RT1 at Wester Kinfauns for a Park and Ride (P & R) facility. They consider that the Council has not demonstrated that this is the most suitable site for Park & Ride and it does not have the funding to operate a Park & Ride. A Compulsory Purchase Order (CPO) inquiry will be necessary because of the strong opposition of the landowner.
- 4.6.9 As an alternative, they propose, that the entire site of the former headquarters office and associated grounds, including the P & R site and the adjacent former bus depot is suitable for in excess of 200 houses. They do not, however, ask for it to be an allocated site believing this can be dealt with through the planning application process. This approach is contrary to the plan led Scottish planning system and would bypass a key stage in the public consultation process.
- 4.6.10 The question of need in terms of the Park and Ride in this location has already been through the Examination process. The Reporter stated: "Additional park and ride sites are one of a set of key infrastructure projects upon which the successful delivery of the Perth Area strategy is dependent. The principle of a park and ride facility east of Perth has been established and its location in vicinity of RT1 has likewise been established."
- 4.6.11 Over the past 6 years the Council has had extensive positive discussions with the owners of this site. Two concerns were raised:

- Firstly, that the design did not impinge on the views from their office building and this was addressed.
- Secondly, they were concerned about the local community views and did not wish to commit until local views had been canvassed.

The Council and their consultants, therefore, carried out a pre application consultation exercise hosted in the Edrington offices on 17 February 2015. The outcome of the consultation was positive and reported to the owners who did not object to the proposed allocation of a P & R site in LDP 1, nor did they object to the planning application 15/01808/FLM for the formation of a park and ride facility, access road, landscaping and associated works. This application was granted consent on 19 February 2016.

4.6.12 Early in 2016, the Edrington Group announced plans to relocate their office to the west of Scotland. Concerned about the ongoing discussion on the P & R proposal, the Council contacted the Edrington Group on 21 April 2016 to seek clarity on their position. Their response indicated that their Board, at that stage had no adverse comments and therefore the purchase process could start. The Council's Chief Executive, Depute Chief Executive and Head of Planning & Development, met with Edrington's Corporate Affairs Director on 22 April 2016. The meeting was positive and Edrington's continued support for the Park & Ride site was assured. Following this meeting the Council's Estates Team has been in dialogue with the owner's agent regarding the Council's interest in the site. There was no indication of opposition to the proposed Park & Ride site, in view of the history of discussions. This change in position, through the Edrington Group's objection was somewhat surprising. However, it is fair to say negotiations have stalled in recent months.

4.6.13 As mentioned in section 4.6.8, two issues are raised in the objection with regard to the CPO. Firstly, Edrington Group indicate that it has not been demonstrated that this is the most suitable site. Secondly, the objection relates to the claim that there is no funding in place to deliver the facility. It is contended that these are issues for a CPO examination rather than the LDP examination.

4.6.14 The area being proposed for a housing development comprises of two distinct sections. The first being the east most section comprising 2.7 acres, with consent for 37 houses, with 1.9 acres of additional land. The northern portion is identified in the Proposed Plan as white land and in effect is covered by the general Residential and Placemaking Policies (Policies 1 & 17). The site was not identified, in the Proposed Plan as a specific housing proposal over doubts about its effectiveness. This northern portion is largely a brownfield site being a former bus depot. Its use for housing is not disputed by the Council.

4.6.15 The second area is the former headquarters office. This site was granted consent in 1994 for a single user headquarters building.

4.6.16 Kinfauns is a small hamlet on the eastern approaches to Perth. It has no facilities, and, in the absence of a P & R, a relatively poor bus service to

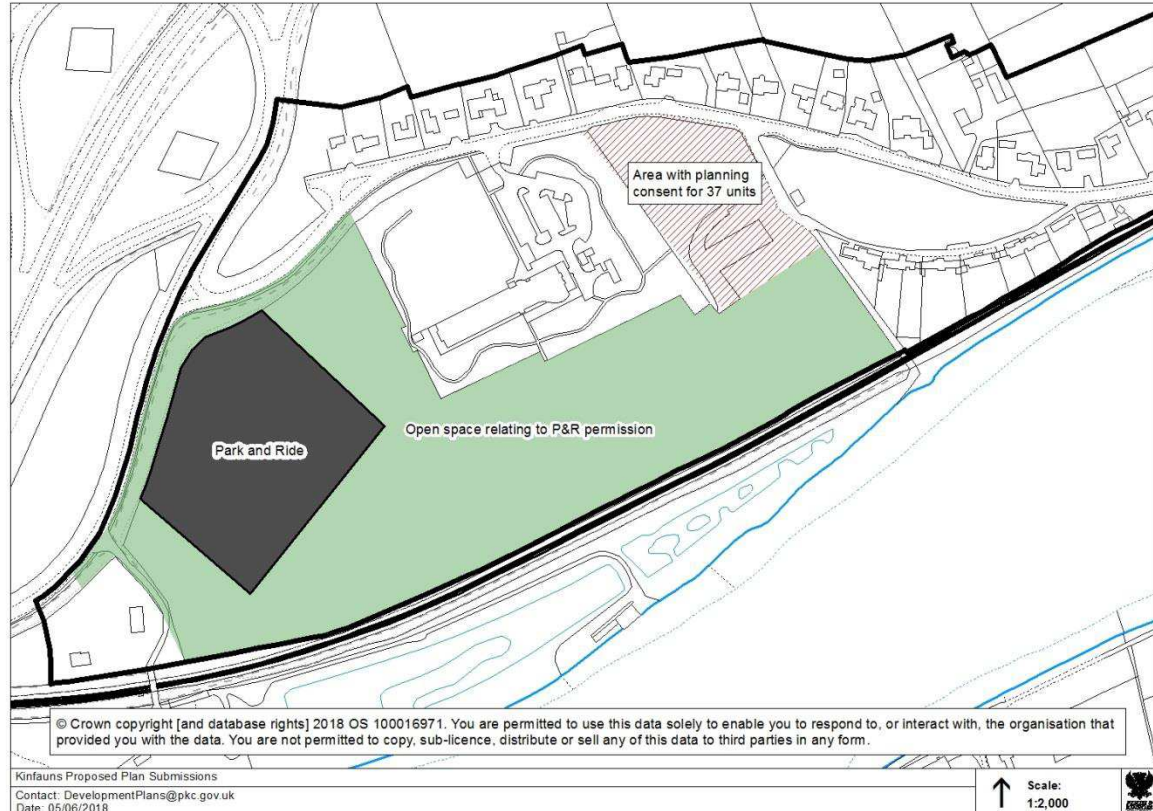
Perth. The sites accessibility cannot be described as good, other than by car. The development of this large 8.4ha site would be totally out of scale with the current settlement and would be contrary to the TAYplan settlement strategy. This directs the majority of housing land to the City of Perth and its core villages. Outside the core settlements, developments may be allocated where they can be accommodated and supported by the settlements. Kinfauns does not fit this category.

4.6.17 It is also contended that a large scale development in this location would have a significant landscape impact on views from, and to, both the Tay and the principal viewpoint from Kinnoull Hill.

4.6.18 To conclude, the objector's position on the P&R site directly contradicts their previous position and no evidence or rationale for this change has been presented. The site is inappropriate for large scale residential development and contrary to the TAYplan settlement strategy. The redevelopment of the former bus depot is compatible with the Proposed Plan framework but, with a lack of evidence of its viability, it is not considered necessary to identify it as a specific housing proposal.

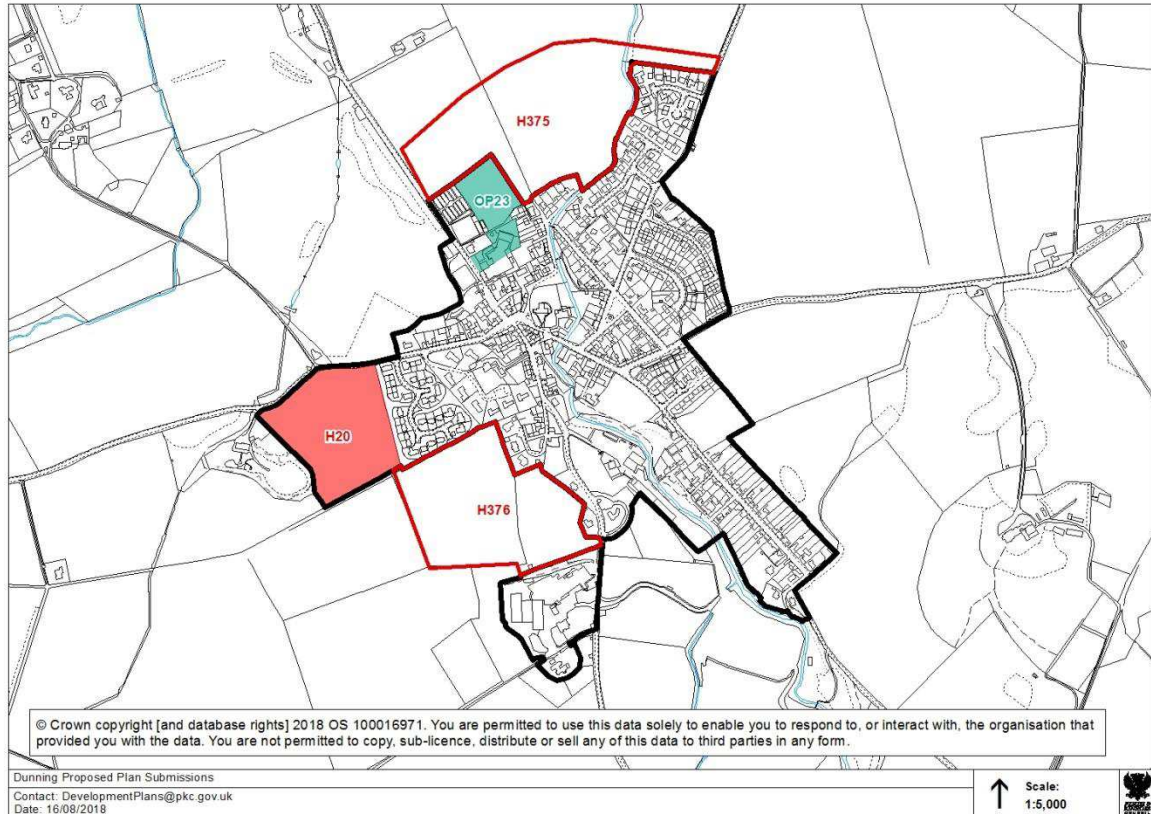
4.6.19 No modification is proposed to the Plan. However, if the Reporter is minded to identify a housing site on the former bus depot, the Council would not object.

Kinfauns map



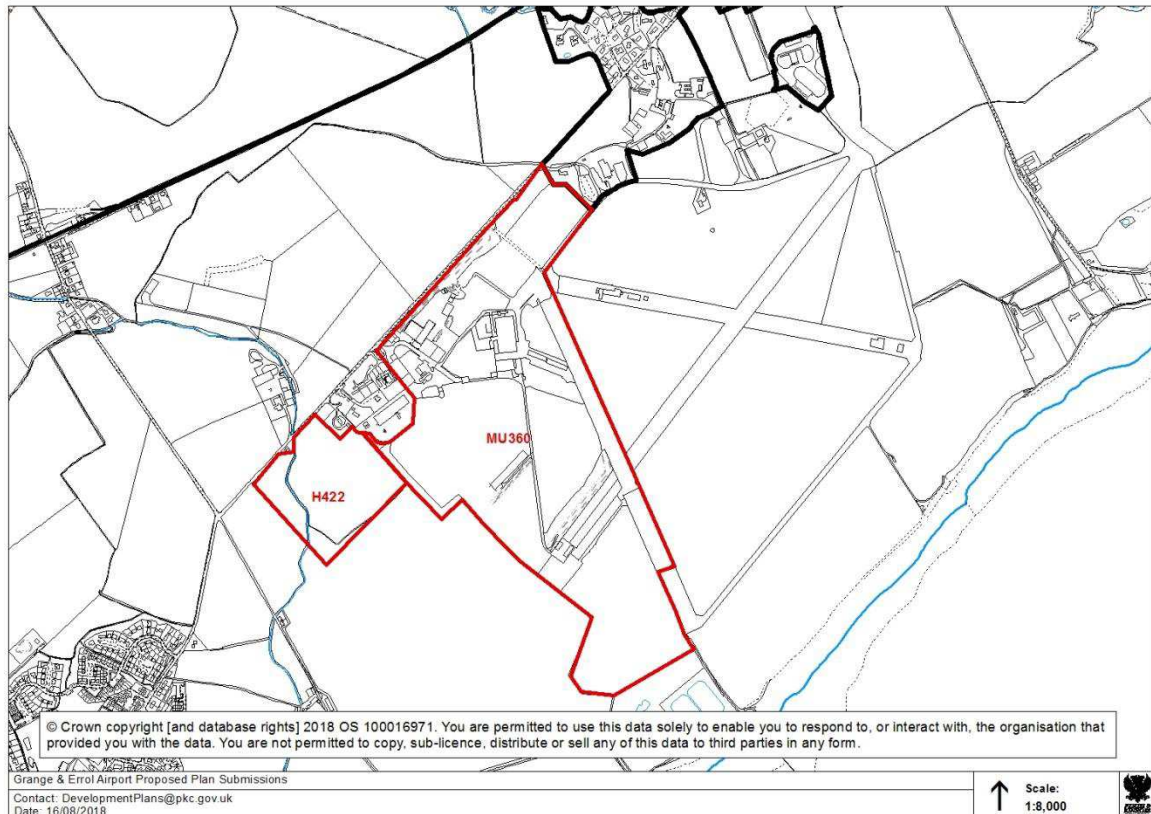
- 4.6.20 **Dunning (Schedule 08B)** There have been objections from local residents (over 15 in total), the Community Council and other site promoters to site H20 in Dunning on a range of issues such as potential impacts on: landscape and the setting of the village, road safety and traffic movement, natural heritage, flooding and drainage, and amenities/services and other preferable sites within the village. The proposed response in Schedule 08A identifies that any impacts from the site can be suitably addressed at the planning application stage. This includes a range of developer requirements that would be required to be considered by the developer; accordingly the proposed response recommends no change to the plan in relation to the objections to site H20.
- 4.6.21 The developer of site H20 has objected on the grounds that the stated site size and housing capacity in the Proposed Plan are incorrect. The proposed response has identified that the site size is larger than stated in the Proposed Plan, however not as large as that suggested by A & J Stephen; accordingly the proposed response suggests modifying the plan to correct the technical error and amend the housing capacity from 41-63 units to 43-68 units.
- 4.6.22 Two other sites in Dunning (H375 and H376) have been suggested for inclusion within the Plan. However, the Council is not seeking additional housing land to be identified within the village over and above the current H20 allocation. Site H375 is a large-scale site to the north of, and including, site OP23. That site is considered to detract from the historic form of the village as well as being located on a potential flood risk area and on prime agricultural land. Site H376 is being promoted for self-build plots which would be a welcome addition to the housing site choice in the Plan area. However, the site would be prominent when approached from the south and landscaping would unlikely prove suitable mitigation. Neither site has been publicly consulted upon and the proposed response therefore recommends no change to the Plan.

Dunning Map



4.6.23 Errol (Schedule 08A) The Morris Leslie Group would like the settlement boundary altered to include both the application site area of Ref: 13/0183/FLM, and planning permission Ref: 16/01491/FLL as a housing allocation for circa 240 dwellings. Errol Airfield has been the focus of development interest for a number of years. In 1998, a planning application was submitted and subsequently withdrawn, proposing 1350 housing, business and commercial uses (98/01646/OUT). A further application for a sustainable village of 240 units (05/02418/IPM) was given permission in principle in 2010. This permission was renewed in 2014 (13/01823/FLM) and is currently awaiting a decision (16/00999/AMM). The site is within the adopted LDP's settlement boundary. This settlement boundary was reviewed as part of the Main Issues Report (MIR). Following this review, it was decided that the site be removed from within the settlement boundary. As both the sites (Site references MU360 & H422) would be assessed under the adopted LDP, it is considered that this change to the boundary would not prevent the current proposal from going ahead. It would, however, prevent this site being retained in the long term if no development were to take place.

Errol map



4.6.24 Inchtute/Longforgan (Schedule 09) There are a small number of objections to Site H24 at Inchtute, specifically in terms of the housing numbers now proposed for the site. H24 is in the adopted LDP with an allocation of 16 units. This reflected the landowners aspirations and the market demand at the time. The Proposed Plan has raised the capacity of this site significantly with a density range of 52 and 80 units.

4.6.25 A reason for the change in density at H24 was partly due to a revision of all site capacities in LDP2. This was undertaken in response to the Housing Supply Targets identified for Perth & Kinross Council through TAYplan (2016-36). Inchtute, Longforgan and Invergowrie are all located within the Greater Dundee Housing Market Area. The Greater Dundee Housing Market Area covers the whole of the Dundee City Council area plus small parts of Perth & Kinross, Angus and Fife Council areas. TAYplan (2012-32) did not identify a shortfall when the site was originally adopted. Furthermore, there was a presumption against development in the Carse area as it was considered to compete with Dundee's Western Gateway expansion and the regeneration of Core Areas. TAYplan (2016-36) now identifies a shortfall of 39 units in the Perth & Kinross section of the Greater Dundee HMA.

4.6.26 A further reason for the change in density was triggered by pre-application discussions regarding the site with Hadden Group. The market has changed within the area and it is now recognised that smaller houses at a higher density would make the site considerably more viable. Through this

discussion, it was acknowledged by the Council that a site of this size could therefore accommodate more than the 16 units originally allocated. A PAN was undertaken on the site (17/00003/PAN) to reflect the raise in density to that of a major planning application. Following this, two planning applications have been received. The first was validated in May 2017 (17/00943/FLM) for 74 units. This was later withdrawn and a further application was made in December 2017 for 66 units (17/02159/FLM). However, on 15th March 2018, two weeks after the end of the Proposed Plan consultation, the planning application was refused, specifically on grounds of lack of noise attenuation from the adjacent A90 and the agricultural processing plant. This is currently being appealed (Reference: PPA-340-2117) and the outcome of this appeal could further assist in determining the capacity of this site.

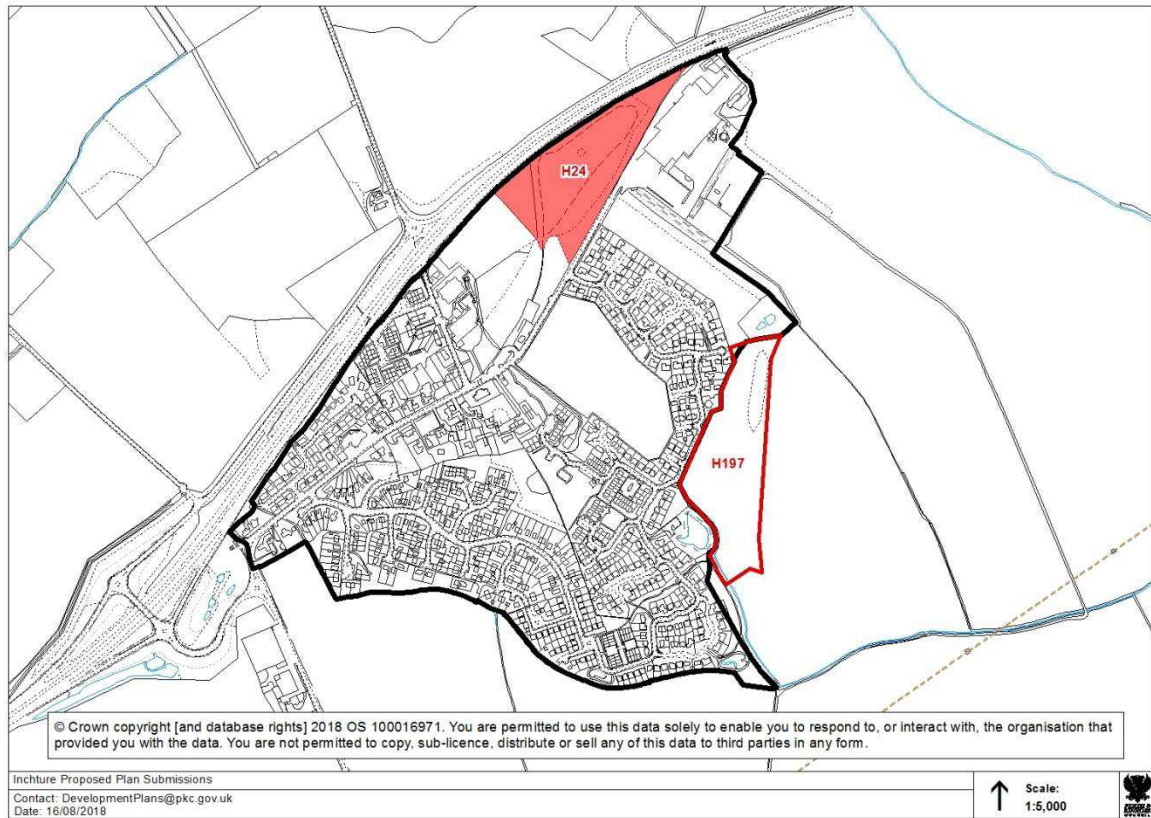
4.6.27 Two alternative sites have been proposed at Inchtute and Longforgan. These sites have both been identified as potential sites in the past. The site at Inchtute (H197) was suggested at MIR stage but the increase in density at H24 was considered a far better alternative and the proposal was dropped. The site at Longforgan (H199) was identified in the Proposed Plan for LDP 1 as H25 Housing Allocation. This was taken out at Examination, as the Reporter considered it was not required in terms of housing numbers and would compete with the Western Gateway at Dundee. The reasons this site was taken out of the previous Proposed Plan by the Reporter are no longer as pertinent. The site is much smaller than the original allocation in LDP1. There was no shortfall at that time in the Greater Dundee HMA. Furthermore, the site was not taken out due to site specific objections, but rather because it was seen as competing with Dundee's Western Gateway.

4.6.28 If the Appeal which is currently underway for the H24 site determines a reduced capacity, there may be a shortfall in the housing numbers in the Greater Dundee HMA. Although H197 site has been through the consultation process of this LDP, this site would not be appropriate for a small allocation as it is part of a much larger area and lacks containment. The small strip that was proposed in the MIR would not provide any other benefit than meeting the required housing numbers for this area. Furthermore, allocating a small area could potentially prohibit a longer term strategy for Inchtute. In contrast, the potential site at Longforgan (H199) could bring potential gain to the community in terms of supporting a school expansion and a recreational area. Although the Longforgan site has not been consulted upon in this Plan period, the site is preferable in terms of its location within the village and its containment.

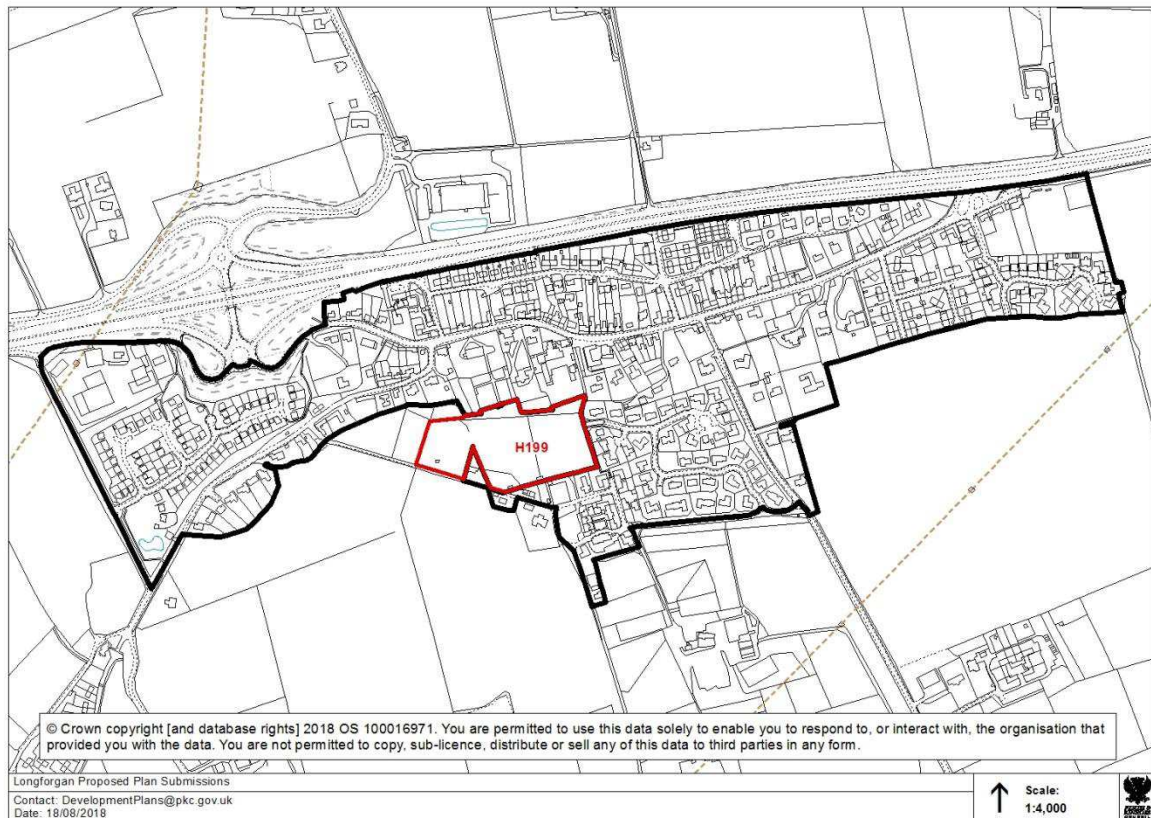
4.6.29 The preferential strategy for this area would be for the H24 site to be retained as it is in the Proposed Plan which would ensure the housing shortfall in the HMA is met. However, the determination of the housing range will be determined at the Planning Appeal and, based on the evidence being prepared for Appeal by the Council, it is likely to be reduced significantly. Should the capacity be reduced below the threshold of the HMA, an alternative site would be required to meet the numbers. The site at Longforgan is a small, well contained site that could bring community benefits whereas the allocation of a small site at Inchtute could prejudice any longer

term strategy for the area. The decision on this issue will be influenced by the outcome of the Planning Appeal.

Inchture map



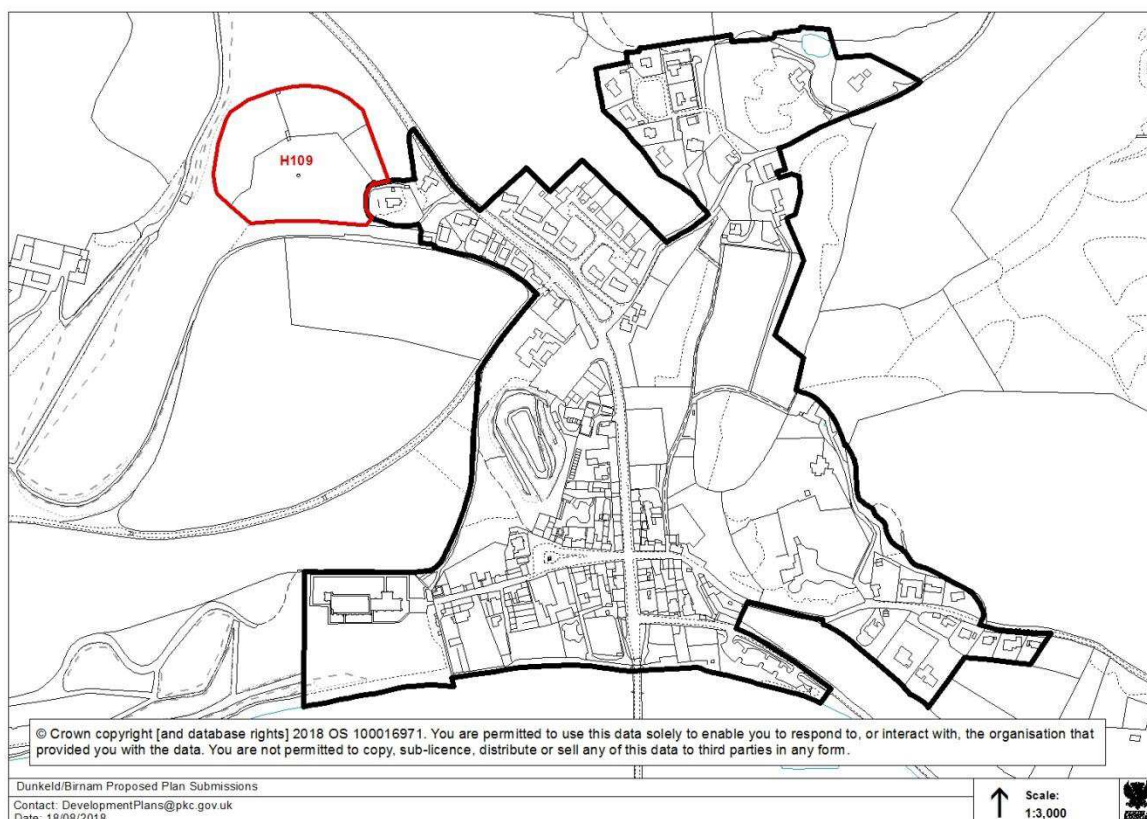
Longforgan map



4.7 **Highland Area** (Schedules 10-11)

- 4.7.1 **Dunkeld House Walled Garden (Schedule 10B)** Land to the North West of Dunkeld has been put forward for inclusion within the settlement boundary and either left undesignated or allocated as a housing site. The whole of the site is within the Dunkeld House Walled Garden. The site is also located within the Dunkeld battlefield, the Dunkeld House Garden and Designed Landscape, and the River Tay (Dunkeld) National Scenic Area. The Housing in the Countryside policy does allow for new houses within existing walled gardens. However, the scope for any development is likely to be constrained by the environmental and cultural heritage constraints on the site and in the wider area. The existing settlement boundary round Dunkeld has already been drawn to allow scope for some infill residential development. Any future proposals for housing development on this site would be more appropriately assessed against the existing policy framework. No amendment to the Plan is therefore proposed.

Dunkeld map



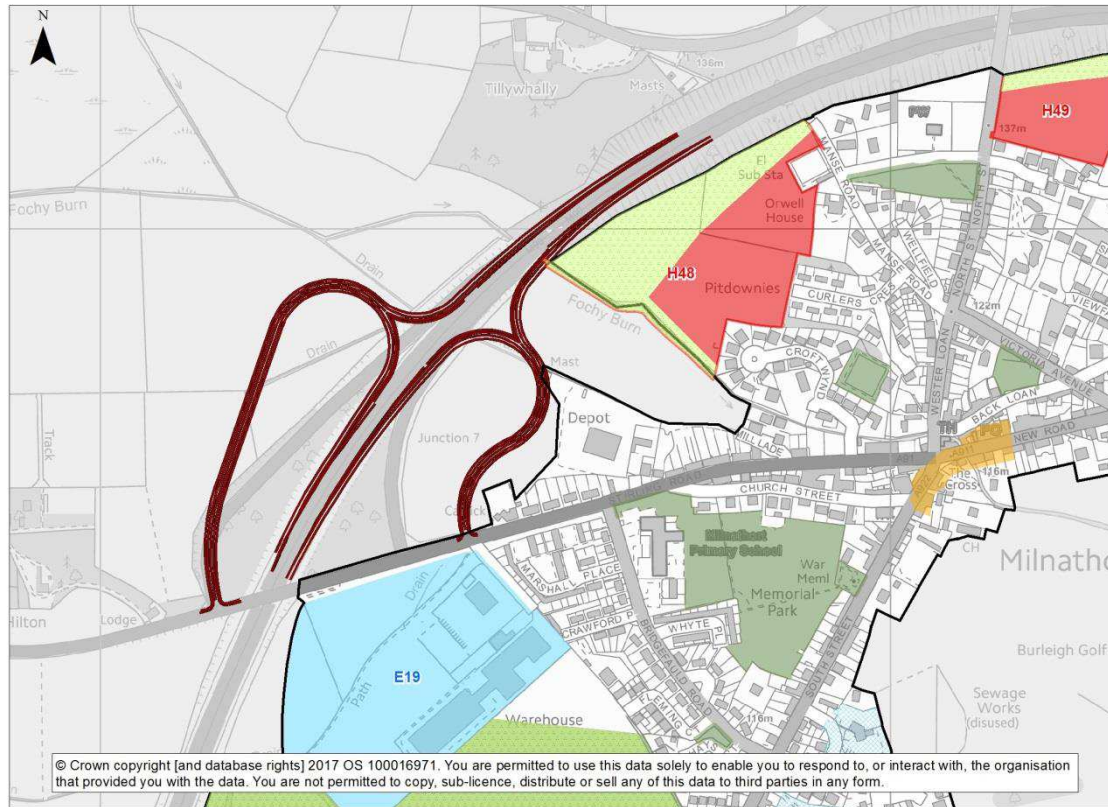
4.8 **Kinross-shire Area (Schedules 12-13)**

4.8.1 Junction 7 (Schedule 12A) The landowner affected by the designation of slip road safeguarding at Milnathort has objected to the change in designation of this land from open space in LDP1 to land outwith the settlement boundary, and has also objected to the designation of the slip roads themselves. The land here is constrained by noise, access and flooding issues and its exclusion from the settlement boundary is appropriate. No modification to the settlement boundary is proposed. However the safeguarding of the slip roads, where no proposal is foreseeable within the life of the plan, is likely to be looked at closely by the Reporter. The objection highlights that no review or viability assessment has taken place and it must be acknowledged that, based on the proposals in the Proposed Plan, there is little justification for requiring a junction upgrade. The Council does not have provision in its capital budget to facilitate such improvements. This is not to say such an upgrade might not deliver benefits or be required at some point in the future. LDP1 had given consideration to this issue and had taken the approach that if the likely extent of any junction proposal was outwith the settlement boundary, there was a limited risk that an application for development that would prejudice future junction improvements would be permitted. This position remains an option for LDP2.

4.8.2 It is proposed that the Council would not object to the removal of the indicative junction and the reference to it in infrastructure requirements. It should also be noted that the settlement summary suggests that a feasibility study confirmed

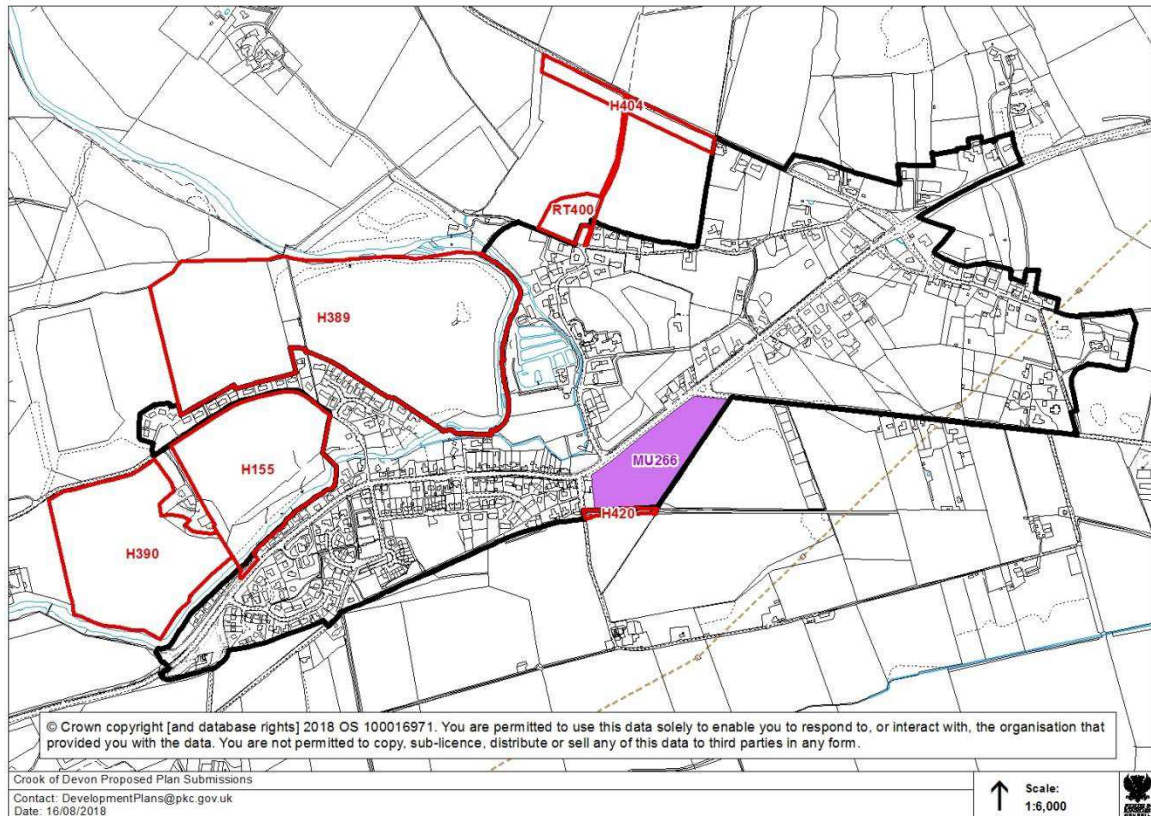
the need for the slip roads. This is incorrect and would need correcting if the slip roads are retained.

Junction 7 map



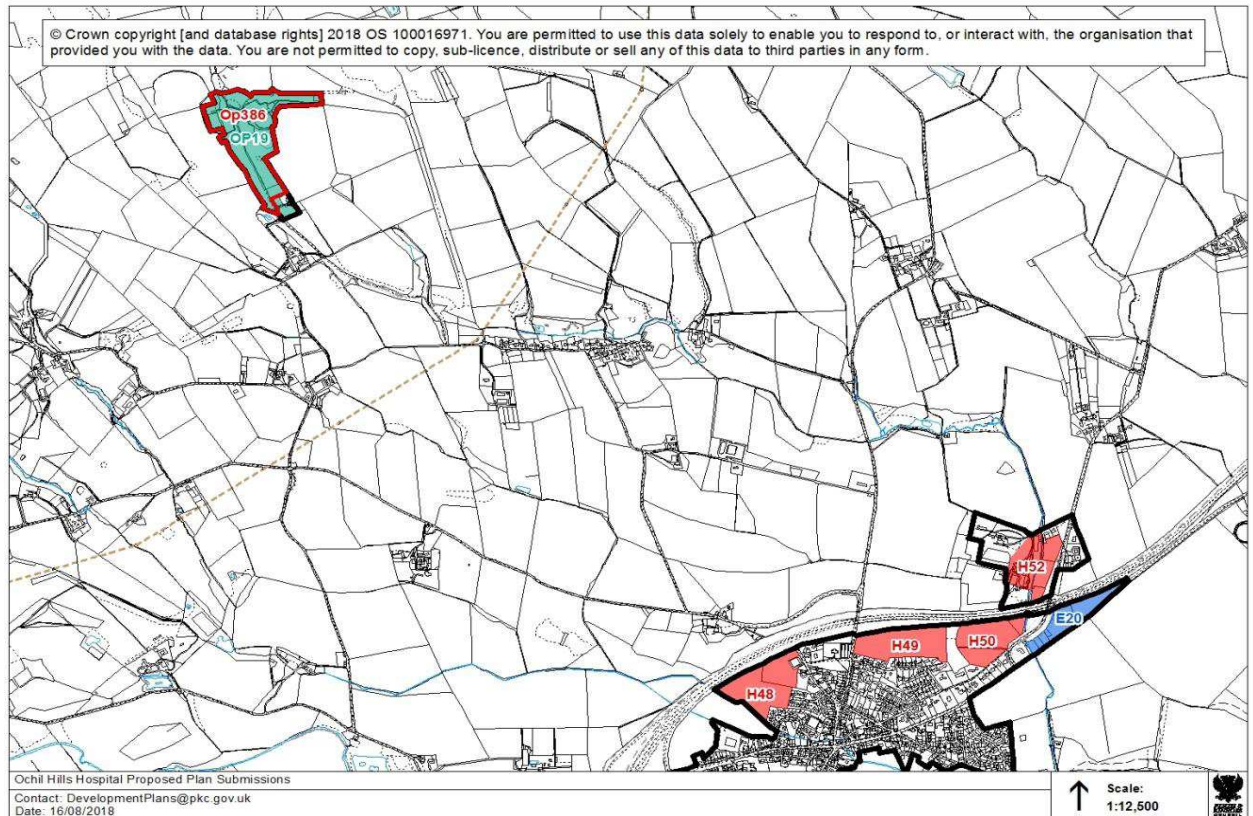
4.8.3 Crook of Devon (Schedule 13A) The Crook Moss development site (MU266) received objections from three individuals with mixed levels of support from four others including the landowner. The need for, and delivery of, affordable housing was highlighted by many, while many of the concerns raised are already addressed by developer requirements. Two large additional sites have been put forward to the north of Naemoor Road (H389) and Monarch Deer Farm to the south (H155 and 390). Both sites are of an inappropriate scale and constrained by access and landscape issues. A new school parking area and track upgrade connecting to Back Crook Road (H400) has also been suggested. The suggestion being that this would be paid for by either a developer requirement on MU266, or a settlement boundary adjustment to allow for housing (H404) to act as enabling development. No issues with parking for the school have been identified and it is not necessary to adjust the settlement boundary to allow for this. The suggested housing would be too separated from the main village to be appropriate. The Council's response defends the current position of the Proposed Plan.

Crook of Devon map



- 4.8.4 Ochil Hills (Schedule 13A)** A small adjustment to the settlement boundary and indicative landscaping area in the south of the current allocation has been accepted to address landowner objection. The adjustment better reflects the extant planning permission. The developer has requested greater housing numbers on Op19 as changes in market conditions and the need to connect to the public water supply has challenged the feasibility of the development. In addition to the setting of the site not being appropriate for increased numbers, any new application for increased housing numbers would require phosphorus mitigation under Policy 44, additional to that in the previous application. There is no evidence this is achievable or financially viable. The Council's response resists an increase in number and suggests to the Reporter that due to a lack of evidence over viability, the option of removing the allocation could be considered.

Ochil Hills map



4.9 **Strathearn Area (Schedules 14-15)**

- 4.9.1 **Auchterarder (Schedule 14A)** Representations received in respect of Auchterarder focus on the town centre, and its ability to accommodate the level of new housing development proposed in the plan. In particular, there are calls for an increase to the capacity of off-street car parks. The proposed response sets out that the Council acknowledges the local concerns regarding parking and that a parking study was instructed and is looking at options for increasing the number of spaces, making better use of their configuration and examining the ways in which they may be managed.

The aim of this study is to ensure that as many parking spaces are made available in the locations and at the times at which they are needed. In addition, the study will also examine whether particular groups such as residents or people who work in the town centre/ community campus have specific parking needs and requirements, which can better be met outwith the core area, therefore freeing up space to and providing a higher turnaround in the main shopping core.

Whilst the parking study is a work in progress a copy may be made available to the reporter on request. The preliminary findings of the study indicate that occupancy of areas used for car parking is relatively high however, better use could be made of many areas through considering options for the needs of

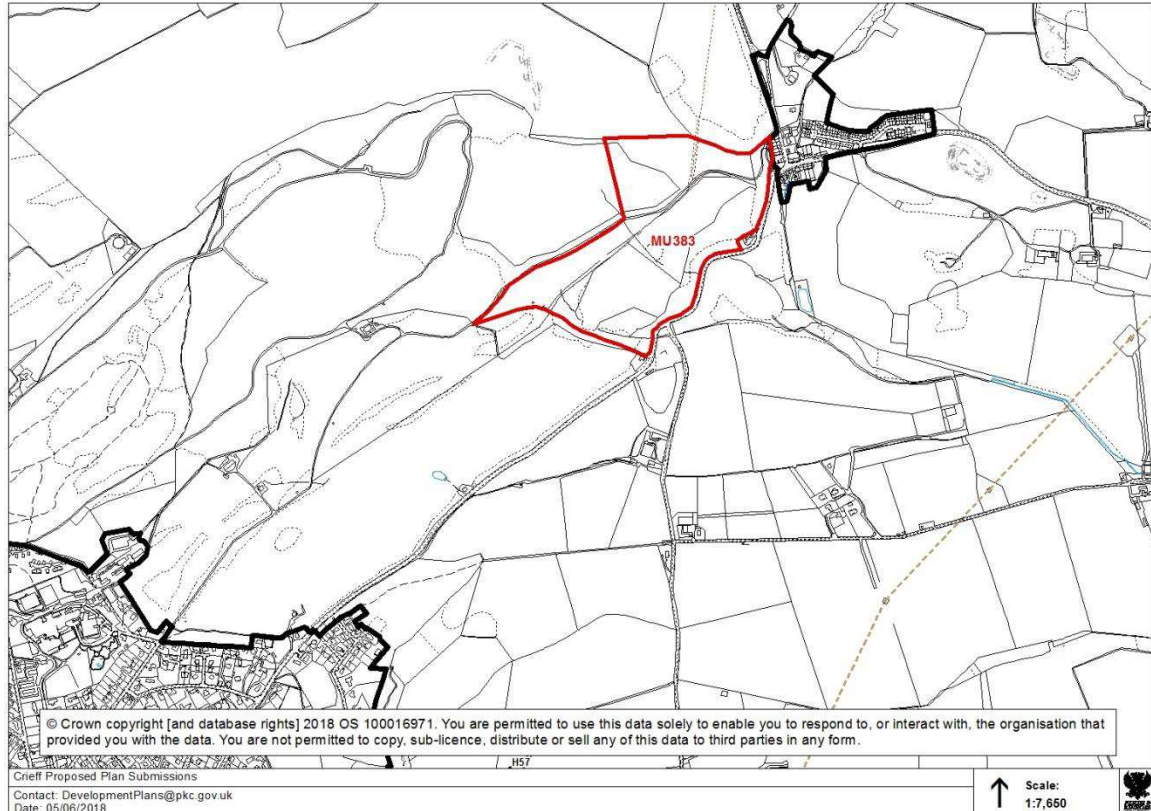
longer-term and resident parkers and of short-stay parkers. In addition, the Council is pursuing option to acquire land for additional off-street spaces in the areas where demand is highest.

To date at least one potential option has been identified whilst others are also being pursued. The identified option involves an extension to the Crown Inn Car Park with the potential to provide an additional 25 spaces. The Council is currently in negotiations with the landowner with a view to purchasing the site. Progress on this project is expected to be made independently of the LDP.

4.9.2 Concerns were also raised over access to the A9 trunk road from the town, both in respect of the location and timescale for provision of upgraded junctions. The proposed response sets out that although the Council has had a developer contributions policy in place for some time, the provision of the junctions is a matter for Transport Scotland to prepare proposals and consult.

4.9.3 **Crieff (Schedule 14B)** Crieff Hydro has suggested an extension to the town's settlement boundary to include land for a large mixed use development to include a care home, assisted living, and leisure and tourist facilities. The proposed response sets out that insufficient environmental information has been submitted to allow full consideration of this suggestion, and therefore recommends no change to the plan.

Crieff map (Crieff Hydro Proposed Site)

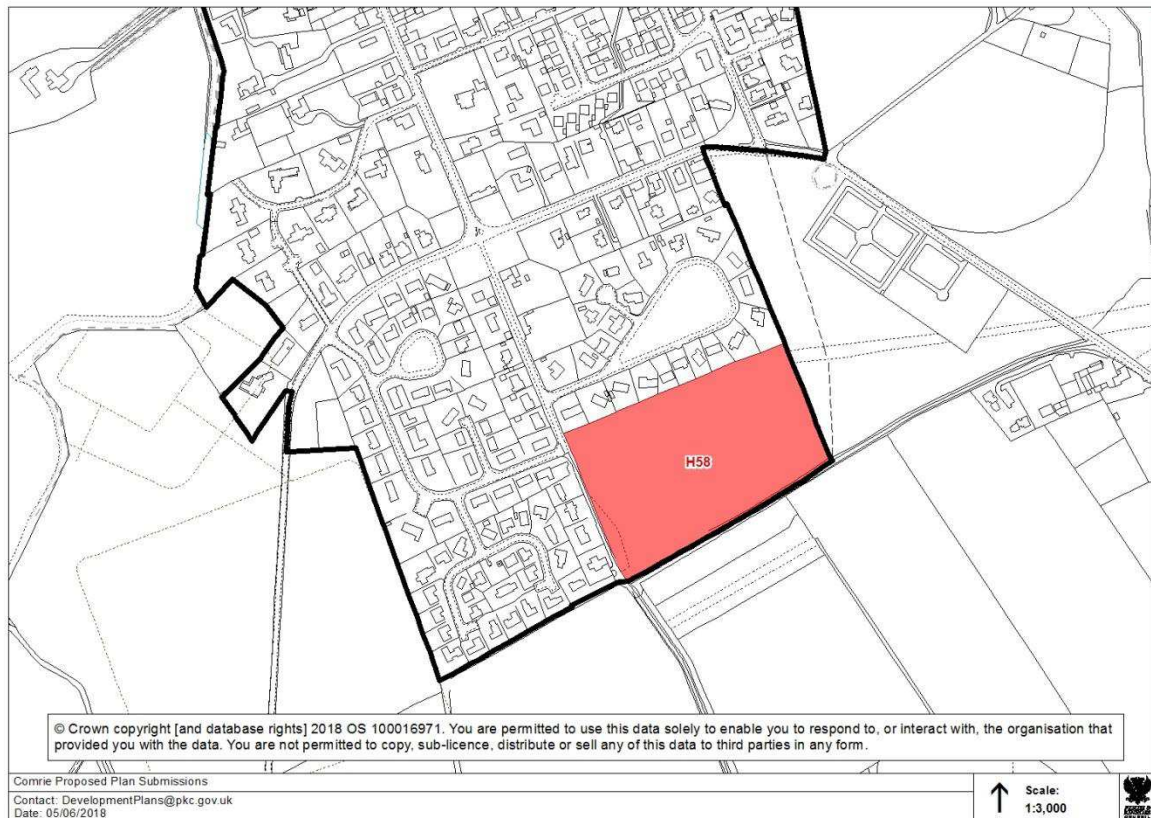


- 4.9.4 **Comrie (Schedule 15A)** The housing site H58 at Cowden Road, Comrie was first allocated in the 2014 Local Development Plan for a relatively low density of 30 houses. In the period since the plan's adoption no significant progress has been made towards developing the site however the prospective developer remains committed and the Proposed Plan carries forward the site as a housing allocation.
- 4.9.5 To better reflect local housing demand, the Council consulted on increasing the capacity of the site to between 33-52 units. This would accommodate a better mix of smaller (and cheaper) houses while maintaining an appropriate landscape setting.
- 4.9.6 A large number of comments were received seeking changes to Proposal H58. The most frequently highlighted issues were whether a satisfactory access to the site may be provided from Cowden Road and/or Langside Drive; what the environmental impact of the site's development would be; and whether the village could support the additional houses proposed at the site. Comments from A&J Stephen seek an increase to the site's proposed capacity to 65 units.
- 4.9.7 In addition, many representations were received seeking removal of the proposal from the plan, some suggesting that the additional housing is not needed and others suggesting alternative sites elsewhere in the village where the housing ought to be provided instead. Flood risk was raised in a number of representations.
- 4.9.8 The Council does not agree with suggestions to delete the proposal because it remains an effective and important component of the housing land supply. It should remain in the Plan as it has an important role in providing improved range and choice of sites in the housing market. At the 2011 census, the population of Comrie was 1,927 and there were 1,021 houses. In the seven years between April 2011 and March 2018 there have been only 11 house completions in the village. In addition it is clear that from the Council waiting list for affordable housing that there is a high level of need in the area. Comments that the housing should be provided elsewhere in the village tacitly acknowledge that additional housing is needed in the area, and the Council's assessment of the alternative sites show that no other site in the village is more suitable than H58.
- 4.9.9 The key issues for examination are to determine what would be an appropriate capacity for this housing site; whether the question of access needs to be resolved at this stage or at planning application stage; and to assess the other impacts the additional housing would have on community facilities and infrastructure. The Council sets out that it expects the site to be developed at a low to medium density with a requirement to provide protection and enhancement to woodland at the south and eastern boundaries. The suggested increase to 65 units is not accepted.
- 4.9.10 Turning to concerns raised about the access to the site, the Council is clear that the site must be accessed from the public road. Options for access via

Cowden Road and Langside Drive would both be acceptable, subject to agreement from the Council as Roads Authority. The Council is confident that through good design, satisfactory access may be achieved and that this issue should not prevent the site's inclusion in the Plan.

- 4.9.11 In terms of impact on community facilities, the Council sets out that Comrie is a relatively healthy and vibrant local centre and has a good range of community facilities including a shopping street, medical centre, post office, church, community centre, a primary school and hotels and restaurants. There is a good network of outdoor recreational facilities, core paths and informal paths around the village and good connections to a wider range of services at nearby Crieff. The Proposal for a modest amount of additional housing in the village would support the provision of these community facilities and help maintain their viability.
- 4.9.12 A handful of respondents raise concerns about flooding from nearby rivers however SEPA and the Council's own flooding officer confirm that they pose no flood risk to the site, and that the proposed development of the site poses no additional flood risk to the village, subject to submission of a flood risk assessment at planning application stage. The site will not increase flood risk elsewhere in the village and therefore there is no need to defer its development until the flood defence scheme is complete.
- 4.9.13 The proposed response identifies that the site has capacity for the proposed development of 33-52 units, impacts from the site's development can be addressed at the planning application stage, and therefore suggests no change to the Proposed Plan.

Comrie map

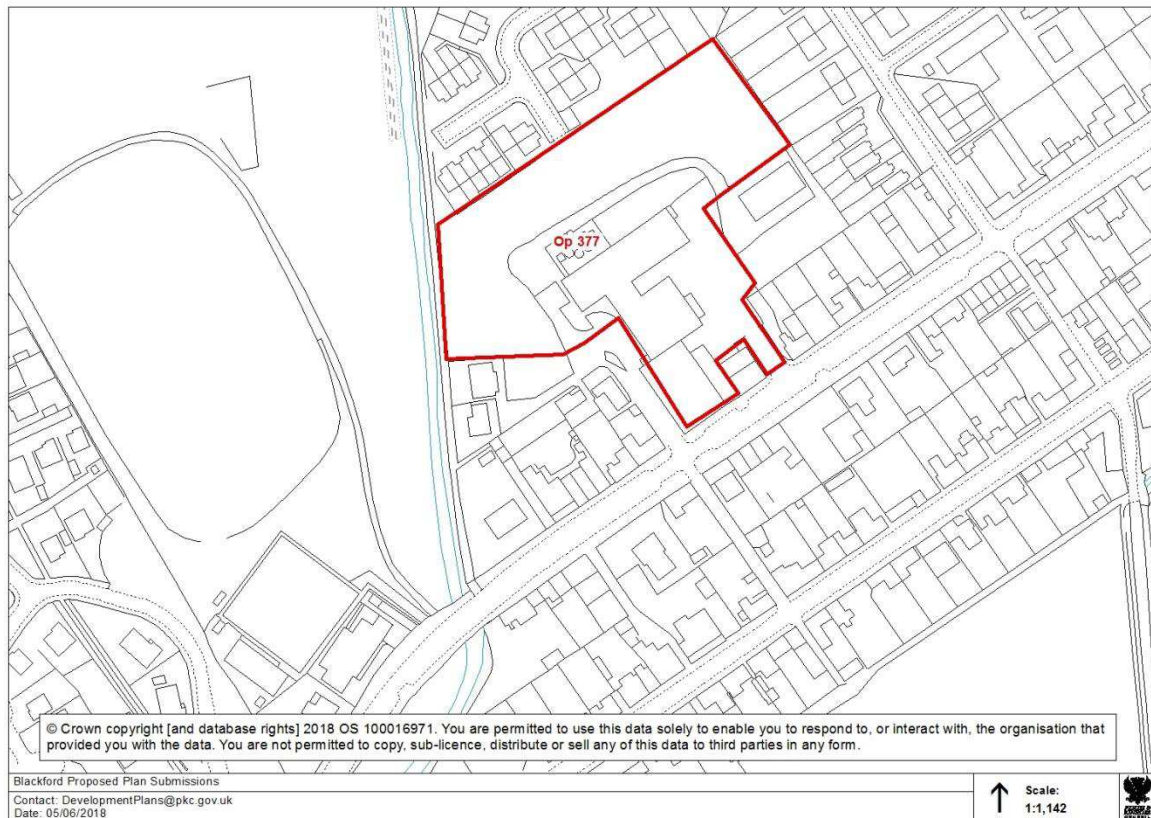


4.9.14 Blackford (Schedule 15B) A representation was received from the owner of the site containing the Gleneagles Maltings & Brewery and the Blackford Hotel seeking a change to the Plan to identify the former Maltings & Brewery building as headquarters offices, and to create a village square on the site of the Blackford Hotel.

4.9.15 The key issue for examination is to assess whether the Plan's policy framework would support the owner's aspiration or whether the Plan should be amended to include a specific proposal. Both the former Maltings & Brewery and the Blackford Hotel are Category C(S) listed buildings.

4.9.16 The proposed response sets out that the Proposed Plan's policy framework would support their conversion to new uses and a specific site allocation is not necessary. Demolition of listed buildings would not, however, be supported by the Plan. Therefore the proposed response recommends no change to the Proposed Plan.

Blackford map

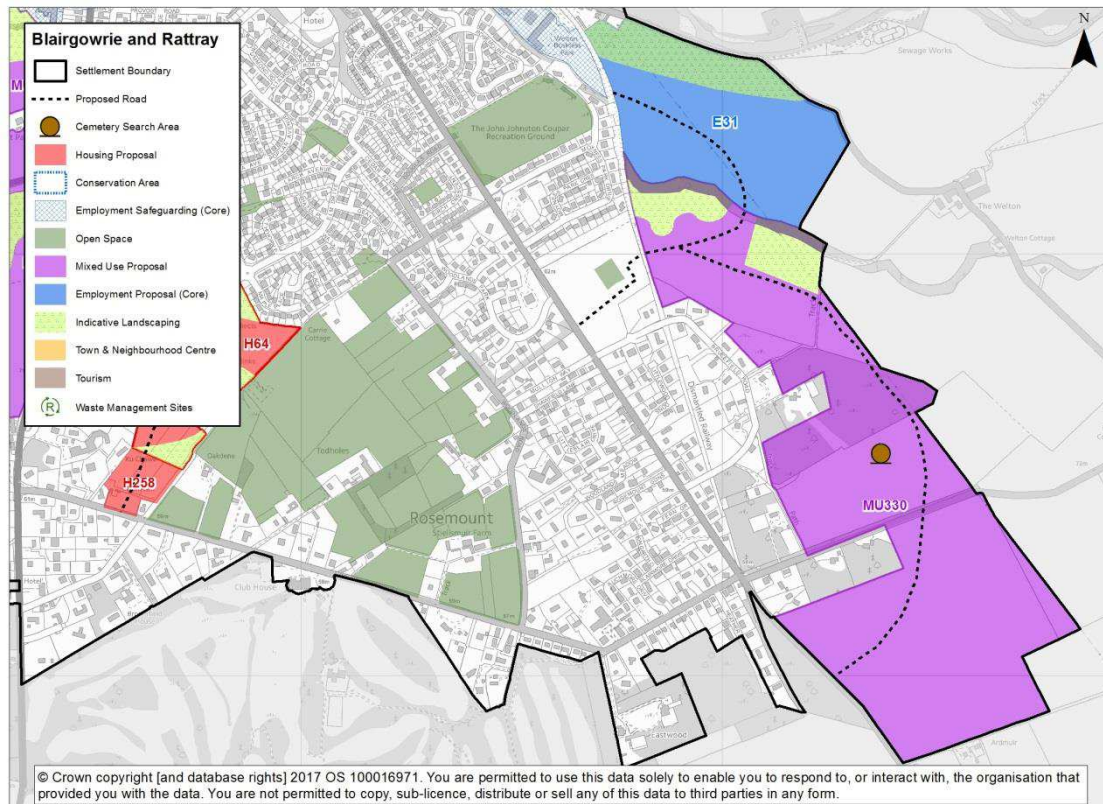


4.10 Strathmore (Schedules 16-17)

4.10.1 Blairgowrie/Rattray (Schedule 16B) Being the largest settlement in the area, the majority of housing and economic development land allocations are in Blairgowrie and Rattray. The majority of representations were received with regards to the impact of proposals on the local infrastructure. The proposed response reflects the conclusions of the Blairgowrie & Rattray Infrastructure Report which was presented to the Council alongside the Proposed Plan in 2017. The response highlights mitigation measures and the infrastructure improvements which can be delivered through development.

4.10.2 In terms of the allocations, the Blairgowrie East expansion (MU330), the extension of this site attracted the most objections. The representations were concerned with the proposal's density, environmental impact as well as the proposed link road and access arrangements. The proposed response highlights that the mixed use site ties together a large strategic area which should be developed under one masterplan in order to allow delivering greater benefits to local infrastructure (e.g. the new link road). The report acknowledges that the majority of the detailed concerns can be addressed through site specific developer requirements and at the masterplanning stage. The proposed response recommends that the allocation is retained as proposed, with a minor change to the site drawing to better represent the existing woodland and tree lines within the site.

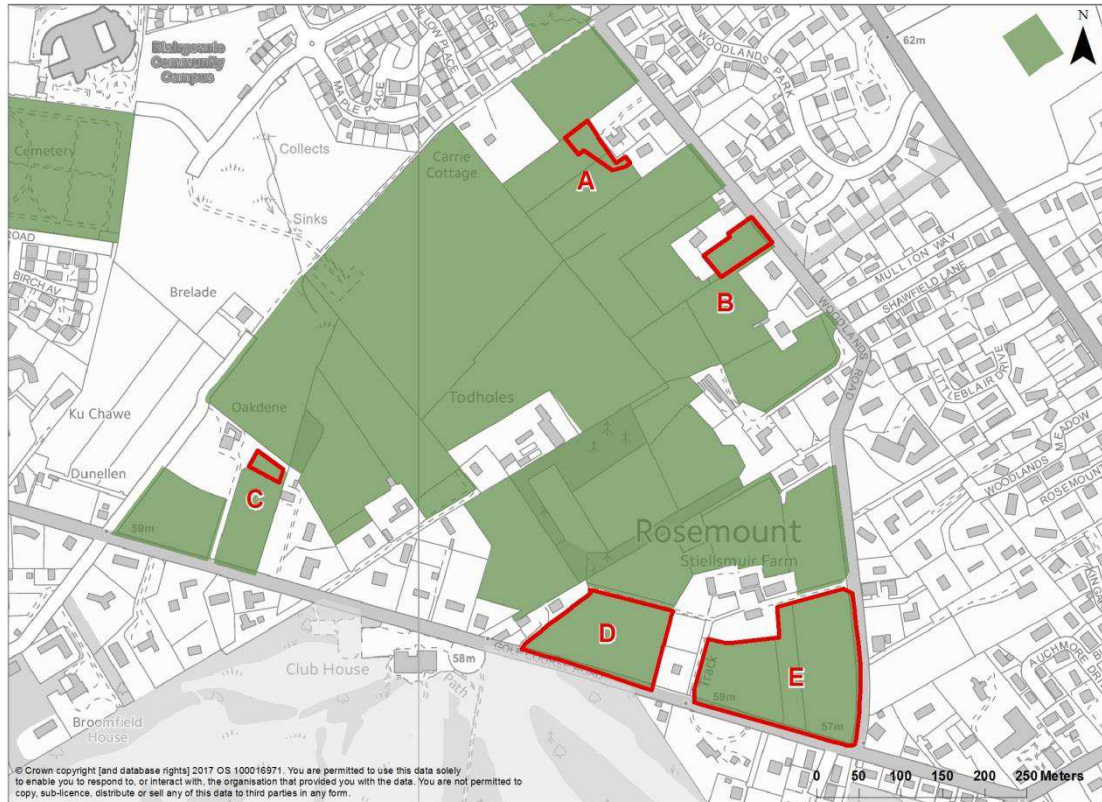
Blairgowrie East map



4.10.3 Rosemount Open Space (Schedule 16B) Five representations seek the alteration of the open space boundary in the Rosemount area to the south of Blairgowrie (see sites below.) Three of the modifications seek smaller changes to the boundary around houses and their curtilage. Such changes could enable individual houses or a small scale housing development. The other two representations seek the removal of the open space designation from larger areas which could potentially accommodate a sizeable residential development if left as white land within the settlement boundary. As explained below, the proposed response is not supportive of these modifications:

- Sites A; B; C – The modifications relate to smaller areas of open space which historically belonged or currently belong to the residential curtilage of the houses. Sites B & C have previously been subject to review and it has been concluded that the sites add a valuable contribution to the character of the area. Removing the designation would undermine the objective of the policy and by setting a precedent may encourage further piecemeal development at Rosemount. Site A has a complex planning history and part of the open space designation here overlaps with a planning permission (although no building was proposed on this area). Some of the highlighted site could constitute as the garden ground of the new property. However, removing the open space designation would not change the fact that this area is not considered appropriate for further development.

- Sites D; E - Removing the designation would result in areas of white land within the settlement boundary and open them up for development. Compared to proposed sites H64 and H258 which are in the Rosemount area, these sites are less centrally located and have not had the benefit of stakeholder engagement or public consultation. Considering that housing numbers could be met elsewhere in the Strathmore area, it is not a preferable option to remove the open space designation in either of these cases.



4.10.4 Development Plan Scheme

4.10.5 The Development Plan Scheme (DPS) sets out the programme for preparing and reviewing the LDP and requires to be updated annually.

4.10.6 It is proposed to publish a revised version in September 2018 reflecting the timetable for submission to the Scottish Ministers outlined in paragraph 2.3 above. Recommendation (x) asks the Council to delegate to the Executive Director Environment the updating and publication of the Development Plan Scheme.

4.11 Proposed Action Programme

4.11.1 As part of the LDP process, Section 21 of the Planning etc. (Scotland) Act 2006 requires Perth and Kinross Council to prepare an Action Programme to accompany LDP2. A Draft of the Action Programme was approved by the

Council at the Special Council Meeting of 22 November 2017 (Article No 17/387) for consultation with stakeholders. A handful of comments were received. These are summarised in Appendix 4 which recommends updating the Proposed Action Programme to take account of the comments received. In recommendation xi Elected Members are asked to approve these updates for inclusion within the Proposed Action Programme. Copies of the Proposed Action Programme are available online by using the following link <http://www.pkc.gov.uk/ldp2>

5. CONCLUSION AND RECOMMENDATION(S)

- 5.1 The period of representation on the Proposed Plan generated a healthy response, with a significant number of supporting comments as well as the expected level of objections being received. As the Local Development Plan is for the whole of Perth and Kinross (excluding the National Parks), and as it includes significant land allocations and a wide range of policies, it would be impossible to resolve all objections. The purpose of the period of representations was to ensure that the public had the opportunity to lodge representations that will be dealt with by independent Reporters through the Examination of the Proposed Plan.
- 5.2 In moving forward Scottish Ministers expect local authorities to progress Local Development Plans to adoption as quickly as possible from Proposed Plan, which is in the interests of maintaining an up-to-date Development Plan for Perth and Kinross, and facilitating the future sustainable growth of the area. The Proposed Plan, is the Council's settled view and has been based on a significant amount of consultation and technical assessment, and as such the responses presented in the Schedule 4 forms largely defend the current position of the Plan and provide justification as to why the decisions in the Proposed Plan have been taken. No modifications have therefore been recommended,. Tthere are however, a number of instances where there is some merit in the representations and in the Schedule 4 responses a clear indication has been given to the Reporter of potential modifications which the Council would not be opposed to.
- 5.3 If the recommendations of this report are approved, the Proposed Local Development Plan and supporting documentation will be submitted to Scottish Ministers in September 2018, and all indications are that the Plan could be adopted by mid-2019.
- 5.4 The Committee is asked to
 - i) agree the Statement of Conformity
 - ii) note the representations received to the Proposed Local Development Plan
 - iii) note the findings of the Strategic Environmental Assessment and its subsequent Addendum
 - iv) note the findings of the Habitats Regulations Appraisal and Appropriate Assessment

- v) approve the Housing Background Paper and Infrastructure Reports to be submitted as evidence to the Scottish Ministers in support of the Plan
- vi) approve the responses to the representations received as set out in the series of Schedule 4 documents
- vii) delegate to the Depute Chief Executive (Chief Operating Officer) the making of consequential changes to the series of Schedule 4s as a result of any decisions of the Council
- viii) delegate to the Depute Chief Executive (Chief Operating Officer) the making of minor correction or formatting changes to the series of Schedule 4s together with the provision of additional evidence to support the Council's response, which may be available prior to submission to the Scottish Ministers
- ix) approve the submission of the Plan and associated documents together with the unresolved issues to the Scottish Ministers for examination
- x) instruct the Depute Chief Executive (Chief Operating Officer) to update and publish the Development Plans Scheme
- xi) approve the updates to the Proposed Action Programme
- xii) delegate to the Depute Chief Executive (Chief Operating Officer) to report back on the findings of the Examination in due course

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Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	16 August 2018

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	No
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	No
Risk	No
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan

- 1.1 The Perth & Kinross LDP is the spatial representation of various Council plans and strategies. The Plan sets out policies and proposals to support and encourage positive change in Perth & Kinross. It details where new development should and should not take place. This represents the spatial land use planning framework to enable the delivery of the Perth and Kinross Community Plan in terms of the following priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

Corporate Plan

- 1.2 As for 1.1 above.

2. Resource Implications

Financial

- 2.1 All costs associated with the Examination can be contained within the Housing and Environment Service revenue budget allocation.

Workforce

- 2.2 Not applicable.

Asset Management (land, property, IT)

- 2.3 The Proposed Plan contains proposals to develop a number of Council Assets. Appendix 1 in the Plan, The Schedule of Land Ownership, as required by legislation, identifies land in which the Council has an interest. The Executive Director (Housing and Environment) has been consulted, and has indicated agreement with the proposals.

3. Assessments

- 3.1 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the Plan is likely to have a positive impact, in particular for Travelling People.

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.3 The determination was made that there were likely to be significant environmental effects and as a consequence an environmental assessment was necessary. The environmental report has been completed and the key findings have been incorporated into the Proposed Plan

Sustainability

- 3.4 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the report is likely to have positive future implications regarding the Council's corporate sustainable development principles. The report is also likely to have positive future implications in relation to the Council's duty under the Climate Change (Scotland) Act 2009, including:
- Development of CTRLR and policies to ensure reduced carbon footprint of new development;
 - Positive framework to support transition to low carbon economy; and
 - Flood protection policies.

Legal and Governance

- 3.5 Not applicable.

Risk

- 3.6 Not applicable.

4. Consultation

Internal

- 4.1 The preparation of the Proposed Plan is a multi-stage process. All Council Services have been consulted at various stages in the plan process as appropriate to their function. Members have been consulted through the process and in particular on the representations to the Proposed Plan through briefing sessions during April and August 2018.

External

- 4.2 The Local Development Plan is subject to a statutory consultation process involving all key stakeholders including statutory agencies, the development industry, Community Councils and the public.

5. Communication

- 5.1 The communications and consultation plan is set out in draft within the report and is contained in the statutory Development Plans Scheme.

2. BACKGROUND PAPERS

1. Environmental Assessment (Scotland) Act 2005
2. Local Development Plan Environmental Report December 2015
3. Local Development Plan Environmental Report – Addendum
4. EC Habitats Directive
5. Habitats Regulations Appraisal and Appropriate Assessment
6. Letters of Representation to the Proposed Plan
7. Housing Background Paper
8. Infrastructure Reports
9. Schedule 4s
10. Report to council on the Proposed Plan 22 November 2017
11. Planning Circular 6/13: Development Planning
12. Town and Country Planning (Scotland) Act 1997 as amended
13. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008
14. Scottish Planning Policy June 2014
15. Main Issues Report December 2015
16. Statement of Conformity
17. TAYplan 2016-36
18. Housing Need and Demand Assessment
19. Development Plan Scheme November 2017

3. APPENDICES

Appendix 1 Statement of Conformity

Appendix 2 LDP2 Timeline Towards Adoption

Appendix 3 List of Schedule 4s

Appendix 4 Summary of Comments on the Proposed Action Programme